

## **XENOPHOBIA, RADICAL NATIONALISM, AND HATE CRIME IN THE OSCE AREA: THE CASE OF THE UNITED STATES, 2021-2023**

### **Introduction**

Since the publication of our previous report<sup>1</sup> in 2021, xenophobia and the threat of violent extremism in the United States (U.S.) heightened. Such discriminatory realities as systemic racism, white supremacy, and socioeconomic inequality continue to define the period under review. A polarization between right-wing and left-wing politics and popular sentiments is underway. Opposing ideological camps now clash on most matters, and their views have become significantly more polarized. The war of ideas has been taking place not just in the streets but online, leading to further radicalization and drawing more converts. Propaganda, hate speech, and misinformation continue to fuel further violent extremist and xenophobic acts.

The COVID-19 pandemic, the war in Ukraine, and the continued resurgence of far-right violent extremism has defined the period under review. The presidency of Donald Trump Jr., which culminated in the January 6 insurrection at the State Capitol, induced the threat of domestic terrorism. The landscape could be described as what Adrienne LaFrance, the editor of *The Atlantic*, dubbed in her April 2023 issue cover story “the new anarchy.”<sup>2</sup> This state defines post-Trumpean America, where violence is increasingly used to attain political goals or to fulfill ideological fantasies fueled by misinformation and conspiracy theories.

While the so-called Islamist threat has subsided and international counterterrorism is no longer a priority for the U.S. national defense and security agendas, it remains present. The U.S. withdrawal from Afghanistan was fraught with error. Many Afghans who collaborated with the U.S. are now left in a legal limbo, their status unresolved in the U.S. and their security jeopardized in Afghanistan.

### **1) Changes in legislation (positive/anti-discriminatory and negative/discriminatory) affecting the interests of minorities including sexual minorities and migrants in the period under review**

While the U.S. has relatively well-developed *anti-discrimination legislation*, the previous right-wing Republican administration of Donald Trump (2017-2021) greatly restricted the rights of racial and ethnic minorities, migrants, refugees, asylum seekers, members of the LGBTQ+ community, and women. With the election of Joe Biden, there were some positive changes to the legislation. On his first day in office in January 2021, the new Democratic president issued Executive Order 13988 on *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*.<sup>3</sup> This Order reinstated what was already signed into federal law

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<sup>1</sup> *Xenophobia, Radicalism and Hate Crimes in the OSCE Area, 2018-2020*. Riga: 2021.

<sup>2</sup> <https://www.theatlantic.com/magazine/archive/2023/04/us-extremism-portland-george-floyd-protests-january-6/673088/>.

<sup>3</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/>.

by the Supreme Court precedent, *Bostock v Clayton County*.<sup>4</sup> Six months later, this order was followed by an *Executive Order on Advancing Equality for LGBTQI+ Individuals* (June, 2022),<sup>5</sup> which aimed to prevent “conversion therapy,” efforts to suppress or change individual’s sexual orientation, gender identity, or gender expression; to safeguard health care, and to protect youth in other ways.

Among the federal decisions that have relied on *Bostock*’s reasoning was a ruling in the American Civil Liberties Union’s (ACLU) long litigated *Grimm v. Gloucester County School Board* case (2020).<sup>6</sup> In the final appeal in that litigation, the federal U.S. Court of Appeals for the Fourth Circuit held that, after *Bostock*, there is no question that adverse, unequal treatment of transgender students — including barring them from using restrooms corresponding to their gender identity — discriminates based on sex in violation of Title IX of the Education Amendments of 1972, a May 2020 rule which amends this federal law by prohibiting sex discrimination by federally funded schools.<sup>7</sup> Similarly, in *Doe v. Snyder* (2022),<sup>8</sup> the U.S. Court of Appeals for the Ninth Circuit concluded that *Bostock*’s reasoning requires that the federal law prohibiting sex discrimination by federally funded health care providers be understood to prohibit unequal treatment of transgender patients.

The two orders have stirred a negative backlash from the Republicans, who accuse trans individuals of posing a threat to non-transgender women.<sup>9</sup> There are currently 492 anti-LGBTQI+ bills introduced in Republican-dominated state legislatures, with 36 of them passed.<sup>10</sup>

In reality, the legislation that was most detrimental for women’s rights was not the one that protects trans rights, but the overturning,<sup>11</sup> in June 2022, of *Roe v. Wade*<sup>12</sup> — the landmark U.S. Supreme Court ruling that recognized the right to abortion in 1973. The implications of this legislation on socioeconomically disenfranchised women, most notably, women of color, especially African American and Latinx<sup>13</sup> women, who will be most adversely affected by it, are immense.

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<sup>4</sup> *Bostock v. Clayton County*, 590 U.S. (2020) was one of the major civil rights case and legal decisions regarding LGBTQI+ rights held by the U.S. Supreme Court. In this case, the Court held that Title VII of the Civil Rights Act (1964) – which protects employees and job applicants from employment discrimination based on race, color, religion, sex and national origin – also protects employees who are gay and transgender. (Gerald Bostock was an employee who was fired from his job after expressing interest in a gay sports event). See [https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfci.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf).

<sup>5</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/15/executive-order-on-advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals/>.

<sup>6</sup> <https://law.justia.com/cases/federal/appellate-courts/ca4/19-1952/19-1952-2020-08-26.html>;

<https://www.aclu.org/cases/grimm-v-gloucester-county-school-board>.

<sup>7</sup> <https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>.

<sup>8</sup> <https://law.justia.com/cases/federal/appellate-courts/ca9/21-15668/21-15668-2022-03-10.html>.

<sup>9</sup> <https://www.pbs.org/newshour/politics/why-is-the-gop-escalating-attacks-on-trans-rights-experts-say-the-goal-is-to-make-sure-evangelicals-vote>; <https://www.nytimes.com/2023/03/02/opinion/trans-gender-attacks-republican-party.html>.

<sup>10</sup> <https://translegislation.com>.

<sup>11</sup> <https://reproductiverights.org/supreme-court-takes-away-right-to-abortion/>.

<sup>12</sup> <https://supreme.justia.com/cases/federal/us/410/113/>.

<sup>13</sup> The term “Latinx” is increasingly used, since 2018, as a gender-neutral, pan-ethnic alternative to “Hispanic” and “Latino” labels.

This new legislation undid fifty years of legal protection and enabled individual state legislatures to limit and ban abortion rights. Abortion is now outlawed in many states automatically or through state action following the decision. This law will have ramifications for generations to come, as the right to abortion is no longer protected as a constitutional right by the Supreme Court. The ruling in *Dobbs v. Jackson Women's Health Organization*<sup>14</sup> was the first time in history that the Supreme Court has taken away a fundamental right. This led to nearly half of the U.S. states to ban abortion and making people travel to states where abortion remains allowed. Thus., as of April 4, 2023, only six states (Alaska, Oregon, Colorado, New Mexico, Vermont, and New Jersey) place no restriction on the deadline when abortion is still legal; and in fourteen states abortion is now banned at any stage.<sup>15</sup>

Supreme Court Justice Samuel Alito temporarily extended access to abortion drug while Supreme Court considers the case.<sup>16</sup> This gives justices more time to consider the issue. The case is the most fundamental disagreement related to abortion that went into the Supreme Court since the justices overturned *Roe v. Wade*. It relates to the authority of the U.S. Food and Drug Administration (FDA) to regulate<sup>17</sup> the availability of the drug (mifepristone) used in abortions in those states that still allow the procedure. The court decision came after Texas suspended the FDA's approval of the drug.<sup>18</sup>

Several changes in immigration policy and legislation improved migrant rights under Biden. The new administration's first goal was to undo the radically harmful decisions implemented by their predecessor. A series of Trump's executive orders were revoked on Biden's first day in office. These included halting deportations during the first 100 days of his new presidency;<sup>19</sup> ending the travel ban that restricted travel to the U.S. from fourteen countries (most of them Muslim);<sup>20</sup> stopping, on January 20, 2021, the construction of the border wall between Mexico and the U.S.;<sup>21</sup> reinstating the protection for the recipients of the Deferred Action for Childhood Arrivals (DACA);<sup>22</sup> and halting deportations by the Immigration and Customs Enforcement (ICE) that put security over human rights.<sup>23</sup>

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<sup>14</sup> [https://www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf).

<sup>15</sup> <https://www.usnews.com/news/best-states/articles/a-guide-to-abortion-laws-by-state>.

<sup>16</sup> <https://www.theguardian.com/law/2023/apr/19/us-supreme-court-abortion-pill-ruling-mifepristone>.

<sup>17</sup> <https://edition.cnn.com/2023/04/14/health/medication-ruling-jeopardy/index.html>.

<sup>18</sup> <https://www.politico.com/news/2023/04/07/texas-judge-halts-fda-approval-of-abortion-pill-00091096>.

<sup>19</sup> [https://www.dhs.gov/sites/default/files/publications/21\\_0120\\_enforcement-memo\\_signed.pdf?fbclid=IwAR1\\_3OJIuWv0GzmC2sgRNqjscrFRMn65skMo1OI88xgT0zlxalGXqP6\\_Gus](https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf?fbclid=IwAR1_3OJIuWv0GzmC2sgRNqjscrFRMn65skMo1OI88xgT0zlxalGXqP6_Gus).

<sup>20</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-ending-discriminatory-bans-on-entry-to-the-united-states/>.

<sup>21</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/>.

<sup>22</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/>.

<sup>23</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-the-revision-of-civil-immigration-enforcement-policies-and-priorities/>.

Biden, however, could not implement all of the promised changes. In April 2021, the NO BAN Act (National Origin-Based Anti-discrimination for Non-immigrants)<sup>24</sup> was passed by the U.S. House of Representatives<sup>25</sup> but did not pass the Senate. As a result, the Immigration and Nationality Act (The McCarran-Walter Act)<sup>26</sup> - that was enacted in 1952 - remains un-amended, and does not contain any protections on the basis of religious affiliation. At this point, Section 212(f)<sup>27</sup> of the Act, which authorizes the president to restrict entry to the U.S. of “any aliens or of any class of aliens” whose entry would be “detrimental to the interest of the United States”<sup>28</sup> remains in place. Not just Trump but Biden relied on it in his own travel bans (including against European Union [E.U.] nationals)<sup>29</sup> without having to get approval by Congress. Moreover, in response to the Omicron strain of the coronavirus, the current administration imposed travel restrictions on eight Southern African nations, including South Africa, in November 2021.<sup>30</sup>

In January 2021, Biden also introduced a “U.S. Citizenship Act of 2021”<sup>31</sup> that would replace the word “alien” with “noncitizen” in the U.S. immigration system and would open the possibility of obtaining citizenship to undocumented immigrants currently living in the U.S.<sup>32</sup> The bill died at the end of the 117<sup>th</sup> Congress as it did not pass the Senate vote. Currently, record high number of migrants reach the southern border (U.S.-Mexico).<sup>33</sup> An acute immigration backlog exacerbates the problem.<sup>34</sup> Nevertheless, there are acute labor shortages in the U.S. that can be filled by migrant labor.<sup>35</sup>

In February 2021, several restrictions were imposed on ICE: its agents were forbidden to deport individuals on minor offenses (drug-related; simple assault; driving under influence; money laundering; property crimes; fraud tax crimes; solicitation, etc.). ICE is now focusing on serious crimes including gang violence and affiliation, child abuse, murder, rape, and major drug crimes.<sup>36</sup> The same month, several measures were also introduced to better accommodate unaccompanied minors crossing the border.<sup>37</sup> In August 2021, Obama’s policy that allowed migrants fleeing

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<sup>24</sup> <https://chu.house.gov/media-center/press-releases/rep-chu-reintroduces-no-ban-act-prevent-future-muslim-bans>;  
<https://www.congress.gov/bill/117th-congress/house-bill/1333>.

<sup>25</sup> <https://omar.house.gov/media/press-releases/house-passes-no-ban-act-prevent-future-muslim-bans>.

<sup>26</sup> <https://www.uscis.gov/laws-and-policy/legislation/immigration-and-nationality-act>.

<sup>27</sup> <https://www.refworld.org/pdfid/3df4be4fe.pdf>

<sup>28</sup> <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1182&num=0&edition=prelim>.

<sup>29</sup> <https://www.reuters.com/world/americas/biden-block-trumps-plan-lift-covid-19-european-travel-restrictions-2021-01-18/>.

<sup>30</sup> <https://www.politico.com/news/2021/11/26/biden-admin-announces-travel-ban-for-south-africa-and-7-other-countries-citing-new-variant-523394>.

<sup>31</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>.

<sup>32</sup> <https://www.congress.gov/bill/117th-congress/house-bill/1177/text>; for a summary, see [https://cdn.vox-cdn.com/uploads/chorus\\_asset/file/22246670/Fact\\_Sheet\\_\\_America\\_s\\_Citizenship\\_Act\\_of\\_2021.pdf](https://cdn.vox-cdn.com/uploads/chorus_asset/file/22246670/Fact_Sheet__America_s_Citizenship_Act_of_2021.pdf).

<sup>33</sup> <https://www.pewresearch.org/fact-tank/2023/01/13/monthly-encounters-with-migrants-at-u-s-mexico-border-remain-near-record-highs/>.

<sup>34</sup> <https://bipartisanpolicy.org/explainer/immigration-backlogs/>.

<sup>35</sup> <https://www.uschamber.com/workforce/understanding-americas-labor-shortage-the-most-impacted-industries>.

<sup>36</sup> <https://www.npr.org/2021/02/18/969083367/biden-tells-ice-to-chill-new-rules-limit-who-immigration-agents-target-for-arrest>.

<sup>37</sup> <https://www.reuters.com/world/us/us-moves-speed-up-releases-unaccompanied-migrant-children-2021-02-25/>.

domestic or gang violence to stay in the U.S. while their asylum case is under consideration was reintroduced by another executive order.<sup>38</sup>

It is important to note that Biden was not able to rescind the use<sup>39</sup> of the abusive Title 42<sup>40</sup> imposed by Trump under the umbrella of health restrictions stemming from the COVID-19 pandemic. This measure allows to swiftly expel migrants apprehended at U.S.-Mexico border crossings, including some asylum seekers, and oversees all other measures at the borders. In 2021 there were over 1.7 million arrests of migrants along the U.S.-Mexico border (of people who arrived to the U.S. via Mexico by crossing the border illegally),<sup>41</sup> or four times more than in 2020,<sup>42</sup> and the largest total in any other previous year. In 2022, Venezuelans who entered the U.S. from Mexico were deported to Colombia under Biden's new border plan and stripped of their right to seek asylum in the U.S.<sup>43</sup>

Biden also introduced a simplified parole process that is affecting migrants from Ukraine and allowing them to bypass Title 42 and to get humanitarian parole and work permits.<sup>44</sup> A similar process was also introduced for persons who arrive from Venezuela,<sup>45</sup> Haiti, Nicaragua, and Cuba.<sup>46</sup> This policy, however, comes with the introduction of stricter approaches to asylum at the border for those individuals who arrived illegally, not by air, and through Panama or Mexico, which have drastically reduced encounters with Venezuelan asylum seekers at the border (according to some estimates, by 60%).<sup>47</sup> Title 42 has been criticized by several human rights organizations for violating the right to asylum.

Biden initially aimed to raise refugee admissions to 125,000 per year.<sup>48</sup> The administration reiterated these intentions for 2023.<sup>49</sup> However, as of today, only 12,307 refugees have been resettled, and 29,537 in total are expected to be resettled this year, which is much less than Biden's proclaimed target.<sup>50</sup>

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<sup>38</sup> <https://crsreports.congress.gov/product/pdf/LSB/LSB10617>.

<sup>39</sup> <https://www.politico.com/news/2023/02/06/public-health-emergency-title-42-00081390>.

<sup>40</sup> <https://www.govinfo.gov/content/pkg/USCODE-2011-title42/html/USCODE-2011-title42-chap6A-subchapII-partG.htm>.

<sup>41</sup> <https://www.reuters.com/world/us/biden-under-pressure-us-mexico-border-arrests-reach-record-highs-2021-10-20/>.

<sup>42</sup> <https://www.pewresearch.org/short-reads/2020/11/04/after-surgings-in-2019-migrant-apprehensions-at-u-s-mexico-border-fell-sharply-in-fiscal-2020-2/>.

<sup>43</sup> <https://www.washingtonpost.com/national-security/2022/01/31/biden-border-venezuelan-migrants-colombia/>; <https://apnews.com/article/biden-health-venezuela-donald-trump-mexico-409a67bb33d547bc5438a4d7160576f6>.

<sup>44</sup> <https://www.uscis.gov/ukraine>.

<sup>45</sup> <https://www.federalregister.gov/documents/2022/10/19/2022-22739/implementation-of-a-parole-process-for-venezuelans>.

<sup>46</sup> <https://www.presidentsalliance.org/wp-content/uploads/2023/01/2023-01-17-Parole-FAQ.pdf>.

<sup>47</sup> <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

<sup>48</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/03/statement-by-president-joe-biden-on-refugee-admissions/>; <https://www.nytimes.com/2021/09/20/us/politics/biden-refugee-cap.html>;

<https://www.state.gov/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2022/>.

<sup>49</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/09/27/memorandum-on-presidential-determination-on-refugee-admissions-for-fiscal-year-2023/#:~:text=The%20admission%20of%20up%20to,otherwise%20in%20the%20national%20interest.&text=The%205%2C000%20unallocated%20refugee%20numbers,to%20regional%20ceilings%2C%20as%20needed>.

<sup>50</sup> <https://immigrationforum.org/article/statement-for-the-record-u-s-senate-committee-on-the-judiciary-hearing-on-living-up-to-americas-promise-the-need-to-bolster-the-u-s-refugee-admissions-program-march-22-2023/>.

Some Republican-dominated state legislatures introduced discriminatory laws including Texas Governor Greg Abbott and Florida Governor Ron DeSantis cutting certain diversity, equity and inclusion (DEI) initiatives, including banning teaching Critical Race Theory in schools (a measure that has been implemented, at the moment of writing this report, by sixteen states<sup>51</sup>), and removing certain “progressive” books from libraries.<sup>52</sup> These measures will inevitably lead to further discrimination. According to conservatives, the DEI initiatives “[have] been manipulated to push policies that expressly favor some demographic groups to the detriment of others.”<sup>53</sup> The anti-DEI legislation is an outcome of the “woke” vs. “anti-woke” culture wars that started during the Trump presidency and that culminated under Biden. The increasingly polarized confrontation between the increased awareness and sensibilization of progressive proponents of the American Left to the prevalence of social inequalities and injustices, including racism, sexism, and discrimination of certain identities, and the increasingly extreme rejection of the existence of such injustices and inequalities by the American Right. The former has been branded “wokeness” and the latter – “anti-wokeness”, the terms that have become increasingly used during and after Black Lives Matter (BLM) protests. In April 2021, DeSantis signed the Stop W.O.K.E Act<sup>54</sup> into law. It is now forbidden in Florida to teach that members of one identity group are morally superior, or, alternately, inherently racist, sexist and oppressive; or either privileged or oppressed because of their identity. While a Florida judge struck down the “Stop W.O.K.E.” law, deeming it in violation of the First Amendment and “dystopian”, some institutions and teaching staff have already embarked on self-censorship. Thus, the University of Central Florida (UCF), removed all

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<sup>51</sup> <https://wisevoter.com/state-rankings/states-that-have-banned-critical-race-theory/>.

<sup>52</sup> [https://www.wfla.com/news/florida/florida-school-district-removes-book-about-anne-frank-from-libraries/?fbclid=IwAR2IrtwnyuHtBbUtCbzXDHgXQOeUxQeQeCPC7dcCBvMZAIDj0kgUDidcg\\_c](https://www.wfla.com/news/florida/florida-school-district-removes-book-about-anne-frank-from-libraries/?fbclid=IwAR2IrtwnyuHtBbUtCbzXDHgXQOeUxQeQeCPC7dcCBvMZAIDj0kgUDidcg_c).

<sup>53</sup> <https://www.texastribune.org/2023/02/07/greg-abbott-diversity-equity-inclusion-illegal/>.

<sup>54</sup>The acronym “W.O.K.E.” stands for “Wrong to our Kids and Employees. This – very vague – legislation prohibits teaching of classic racism (which postulates that racial discrimination is the product of racism by some individuals), and of institutional or structural racism (which postulates that racial discrimination is not just the outcome of these individuals’ racism) but that it is structural, or a part of the fabric of the U.S.’s main institutions, including law enforcement and election legislation. The bill prohibits teaching that “espouses, promotes, advances, inculcates, or compels” students or employees to believe any of the following concepts: 1)members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex; 2) a person by virtue of his or her race, color, national origin, or sex is inherently racist, sexist, or oppressive, whether consciously or unconsciously; 3) person’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex; 4) embers of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex; 5) a person, by virtue of his or her race, color, national origin, or sex bears responsibility for, or should be discriminated against or receive adverse treatment because of actions committed in the past by other members of the same race, color, national origin, or sex; 6) a person, by virtue of his or her race, color, national origin, or sex should be discriminated against or received adverse treatment to achieve diversity, equity, or inclusion; 7) s person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex; and 8) such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex. .” The bill is also known as the Individual Freedom Act (IFA). The main outcome of the bill is that it leads to many teachers and education administrators to self-censor, out of fear of retribution/loss of employment, etc. See <https://www.flsenate.gov/Committees/BillSummaries/2022/html/2809>; <https://www.flgov.com/2022/04/22/governor-ron-desantis-signs-legislation-to-protect-floridians-from-discrimination-and-woke-indoctrination/>.



statements that could be perceived as anti-racist from their website,<sup>55</sup> and several courses on race were cancelled from the curriculum as a precautionary measure.

Despite this bleak picture, there have been some improvements in discriminatory legislation affecting minorities. On February 22, 2023, Biden signed an executive order on “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,”<sup>56</sup> which calls for each federal agency to create a DEI department. The order mentions ethnic and religious minorities, women and girls, people in the LGBTQI+ community, people with disabilities, people who live in rural areas as well as U.S. territories, and “persons otherwise adversely affected by persistent poverty or inequality.”<sup>57</sup> Executive orders mandate federal government agencies but not local ones. This order will affect employees of the Department of Labor, Health and Human Services and Education.

The U.S. Federal Bureau of Investigations (FBI) defines hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.”<sup>58</sup> While this federal definition places an emphasis on the perpetrator’s motive, many state law definitions focus instead on the intention in the selection of victims (on the basis of the latter’s identity). These state definitions rest on the requirement that the target person or (a) group was/were member(s) of a legally protected minority.<sup>59</sup>

In response to the increase in hate crimes against Asian Americans during the Covid-19 pandemic, President Biden signed a COVID-19 Hate Crimes Act (2021).<sup>60</sup> However, since states disagree on what hate crime is, and three states (Arkansas, Wyoming, and South Carolina) do not have a definition of hate crime in their local legislation, the efficacy of these measures is in question.<sup>61</sup>

After a century of blocked attempts,<sup>62</sup> the President also signed the Emmett Till Antilynching Act (2022).<sup>63</sup> The Act is an expansion on the U.S. federal hate crime law already in place, so as to also include lynching in this category. “Lynching” refers to an act of two or more people in a conspiracy

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<sup>55</sup> <https://www.diverseeducation.com/institutions/article/15294218/university-of-central-florida-removes-statements-condemning-racism-from-department-websites>.

<sup>56</sup> <https://public-inspection.federalregister.gov/2023-03779.pdf>.

<sup>57</sup> Ibid.

<sup>58</sup> *What We Investigate: Hate Crimes*, Fed. Bureau of Investigation, Jan. 3, 2022, <https://www.fbi.gov/investigate/civil-rights/hate-crimes> [<https://perma.cc/4VF8-2J4Z>]. The FBI issues an annual report on hate crime statistics reported by state and local law enforcement agencies through the Uniform Crime Reporting program. See Fed. Bureau of Investigation, U.S. Dept. of Just., *Hate Crime Statistics, 2019 (2020)* [hereinafter *FBI Hate Crime Statistics*], <https://ucr.fbi.gov/hate-crime/2019/resource-pages/methodology.pdf> [<https://perma.cc/7WNV-5SNK>].

<sup>59</sup> See Avlana Eisenberg, *Expressive Enforcement*, 61 *UCLA L. Rev.* 858, 861, 868, 870–71 (2014). Note that the FBI’s hate crime definition used for statistical collection does not specify that a victim must be targeted because of a protected characteristic, instead requiring only that such a bias must influence the defendant’s actions (against any target, including “society”). Thus, the statistics include certain “drug or narcotic offenses, gambling offenses, [and] weapon law violations” classified as “crimes against society” with a bias motive. See *FBI Hate Crime Statistics*, *supra* note 65, at 3–4.

<sup>60</sup> <https://www.congress.gov/bill/117th-congress/senate-bill/937/text>.

<sup>61</sup> <https://www.justice.gov/hatecrimes/laws-and-policies>.

<sup>62</sup> <https://www.npr.org/2022/03/29/1086720579/lynching-is-now-a-federal-hate-crime-after-a-century-of-blocked-efforts>.

<sup>63</sup> <https://www.congress.gov/bill/117th-congress/house-bill/55/text>.

to maim or kill a person based on real or perceived traits of a victim as protected under federal law.”<sup>64</sup> This is a major win for Biden since it is the first antilynching bill that passed through Congress out of more than 200 that have been filed since the Reconstruction era.

In January 2023, legislation was reintroduced<sup>65</sup> in the Senate calling for the establishment of a Commission to Study and Develop Reparation Proposals for African Americans Act.<sup>66</sup> San Francisco backs reparations proposals, and even proposes to go as far as paying a lump sum of \$5 million to eligible Black adults.<sup>67</sup> If adopted, San Francisco would become the first city to pay reparations. In 2020, California was already the first U.S. state that created a reparations taskforce.<sup>68</sup> Evanston, Chicago, was the first U.S. city that funded reparations from tax money in 2021.<sup>69</sup> The same year, Boston, also created a taskforce.<sup>70</sup>

Biden also signed the Juneteenth National Independence Day Act into law,<sup>71</sup> which made June 19<sup>th</sup> a national holiday. Juneteenth, also known as Freedom Day, Liberation Day and Jubilee Day celebrates the day in 1865 when Texan slaves attained their freedom and the abolition of slavery.

## **2) Law enforcement practices affecting minorities – examples in the period under review**

### ***a) Discriminatory practices:***

Below are some of the newly introduced discriminatory measures and practices that infringe upon the rights of certain social groups. Several of these measures are the result of the shortcomings in the activities of state bodies, i.e., (the groups are not protected by the appropriate legislation), and/or are a result from mistakes made by civil servants.

Over 600 people are killed by the police in the U.S. a year.<sup>72</sup> On January 7, 2023, a 29-year old Black man, Tyre Nichols, was beaten in Memphis, Tennessee by police officers when he was stopped for what the police initially said was reckless driving. The stop escalated into a violent confrontation. Nichols died three days later in hospital. While at first sight this case does not qualify as racial profiling, since all of the five police officers involved in the incident were also Black, it has been determined, nevertheless, that the incident was a case of racial injustice in the police.<sup>73</sup> All of the law enforcement officers were fired and charged with various felonies including second-degree murder (punishable by up to 60 years in prison and fines up to \$50,000; they

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<sup>64</sup> <https://www.congress.gov/bill/117th-congress/house-bill/55/text>.

<sup>65</sup> <https://www.booker.senate.gov/news/press/booker-reintroduces-legislation-to-form-commission-for-study-of-reparation-proposals-for-african-americans>.

<sup>66</sup> <https://www.congress.gov/bill/118th-congress/house-bill/40>.

<sup>67</sup> <https://edition.cnn.com/2023/01/19/us/san-francisco-reparations-proposal-reaj/index.html>.

<sup>68</sup> <https://www.latimes.com/california/story/2020-09-30/california-task-force-reparations-slavery-gavin-newsom-shirley-weber>.

<sup>69</sup> <https://www.nbcnews.com/news/us-news/evanston-illinois-becomes-first-u-s-city-pay-reparations-blacks-n1261791>.

<sup>70</sup> <https://www.boston.gov/news/members-reparations-task-force-announced>.

<sup>71</sup> <https://www.congress.gov/bill/117th-congress/senate-bill/475/text>.

<sup>72</sup> <https://policeepi.uic.edu/u-s-data-on-police-shootings-and-violence/>.

<sup>73</sup> <https://www.americanprogress.org/article/the-killing-of-tyre-nichols-must-serve-as-a-catalyst-to-root-out-racial-injustice-in-policing/>; <https://www.newyorker.com/news/daily-comment/the-killing-of-tyre-nichols-and-the-issue-of-race>.



pleaded non-guilty in February 2023<sup>74</sup>) and decertified as policemen. Four more police officers involved in the case were also fired, suspended, and taken off duty; three Fire Department employees who were on the scene were fired. Several of the involved police officers belonged to the now deactivated SCORPION unit.<sup>75</sup> The footage of the incident was released to the public. President Biden mentioned the incident in his State of the Union address on February 7, 2023, calling for more police accountability.<sup>76</sup> Nichols' death brought a renewal of calls for police reform, as well as for additional investments in housing, as well as drug addiction and mental health treatment in communities of color.

Similarly to the NO BAN Act, both 2020<sup>77</sup> and 2021<sup>78</sup> versions of the criminal justice reform - the George Floyd Justice and Policing Act - died in the Republican-controlled Senate. This law would address the use of excessive force by the police as well as other misconduct, most importantly, racial profiling, as was the case in the murders of George Floyd<sup>79</sup> and Breonna Taylor<sup>80</sup> in 2020. The magnitude of police misconduct is hard to assess since over 50% of police departments failed to provide data on their use of force. People of color continue being over-represented in U.S. prisons, which, at almost 2 million people,<sup>81</sup> represents the world's largest number of incarcerated persons worldwide. Nearly another million people are on parole,<sup>82</sup> and over 3 million on probation.<sup>83</sup> During the COVID-19 pandemic, jails did not provide protection, including vaccines, against the outbreak. Over 600,000 inmates contracted COVID as of April, 2023, and 2,932 inmates died.<sup>84</sup> The paucity of mental health services continues, as does an excessive use of police force to deal with situations which call for intervention of mental health professionals. Despite calls for defunding the police, police budgets have stayed at almost the same levels.

The word "defund" is a misnomer that gets more response during the BLM and the Movement for Black Lives Matter (BLM) demonstrations. What in reality defunding the police means is "reallocation" of some funds away from law enforcement and into other, non-policing, forms of public safety and community support, such as social and youth services, education (including pre-K, or pre-Kindergarten programs and afterschool programs, housing, mental healthcare, etc. Those supporting defunding the police do so because they believe that community programs are able to offer a better crime deterrent for disadvantaged communities of color. While the idea of defunding the police is not new,<sup>85</sup> it has received new life during the BLM protests, because, according to the proponents of this idea, efforts to reform the police have not been successful and, therefore, the time has come to minimize the role of the police in American society. The U.S. spends a

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<sup>74</sup> <https://www.npr.org/2023/02/17/1157756023/memphis-tyre-nichols-police-officers-court-charges>.

<sup>75</sup> <https://www.pbs.org/newshour/nation/memphis-police-chief-deactivates-scorpion-unit-after-death-of-tyre-nichols>.

<sup>76</sup> <https://thehill.com/homenews/administration/3846594-white-house-state-of-the-union-guests-include-tyre-nicholss-parents-paul-pelosi-bono/>.

<sup>77</sup> <https://www.congress.gov/bill/116th-congress/house-bill/7120>.

<sup>78</sup> <https://www.congress.gov/bill/117th-congress/house-bill/1280>.

<sup>79</sup> <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

<sup>80</sup> <https://www.vox.com/2020/5/13/21257457/breonna-taylor-louisville-shooting-ahmaud-arbery-justiceforbreonna>.

<sup>81</sup> <https://www.prisonpolicy.org/reports/pie2023.html>.

<sup>82</sup> <https://www.statista.com/statistics/253388/us-residents-on-parole/>.

<sup>83</sup> <https://www.statista.com/statistics/253386/us-residents-on-probation/>.

<sup>84</sup> <https://covidprisonproject.com>.

<sup>85</sup> The idea of defunding the police was already mentioned as early as 1935, in *Black Reconstruction in America*, the well-known book by one of the most well-known Black civil rights activists W.E.B. Du Bois; and by such 1960s activists as Angela Davis. Today, the idea is most notably advocated by sociologist Alex. S. Vitale.

gargantuan amount on law enforcement per year (over % 100 billion per year).<sup>86</sup> It has been rightly noted that this is a disproportionate amount as compared to other community programs,<sup>87</sup> which have been subject to recent budget reductions.<sup>88</sup> This in light of the fact that the law enforcement officers are not trained to address such healthcare crises in the U.S. as the opioid<sup>89</sup> and mental health epidemics. In a poll performed by the Kaiser Family Foundation and CNN, 90% of adults responded that mental health is a crisis in the U.S.<sup>90</sup> according to the critics of defunding the police, who come from both Democratic and Republican camps. The argument for defunding the police is supported by the minority (only 5% in 2021, and 25% in 2020).<sup>91</sup>

While the Justice and Policing Act failed to pass in Congress and therefore was not enacted into law, Biden was nevertheless able to advance more accountability in policing by signing an Executive Order “Advancing Effective, Accountable Policing, and Criminal Justice Practices to Enhance Public Trust and Public Safety,” in May 2022.<sup>92</sup> It requires federal (but not local) police to introduce measures including banning chokeholds, restricting no-knock warrants, wearing body cameras by police officers, duty to intervene and render medical aid, providing de-escalation training, submitting officer misconduct records into a new national database, restricting transfer of military equipment to police agencies, and other activities. While these changes cannot be enforced in the absence of federal legislation, they are now being incentivized through grants, accreditation standards, investigations of problematic police departments, and other measures.

While during the Trump presidency the Department of Justice rarely intervened in cases of abuse by local police departments, the Biden administration is more proactively pursuing civil rights investigations into the state police force that have violated rights of Black citizens. Some progress has been made in several reformist District Attorney offices around the country, including in New Orleans, where there has been intervention in over 240 cases of abuses in the criminal legal system in two years. Some of these led to releases from jail. Biden also issued thousands of pardons to people convicted under federal law for simple marijuana possession in October, 2022.<sup>93</sup>

Many LGBTQI+ individuals in the U.S. also continue to face violence, threat or sexual harassment.<sup>94</sup>

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<sup>86</sup> <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities>.

<sup>87</sup> <https://www.gq.com/story/cops-cost-billions>.

<sup>88</sup> <https://theintercept.com/2020/05/22/la-budget-nyc-police/>.

<sup>89</sup> <https://www.cfr.org/background/fentanyl-and-us-opioid-epidemic>.

<sup>90</sup> <https://files.kff.org/attachment/TOPLINE-KFF-CNN-Mental-Health-in-America.pdf>.

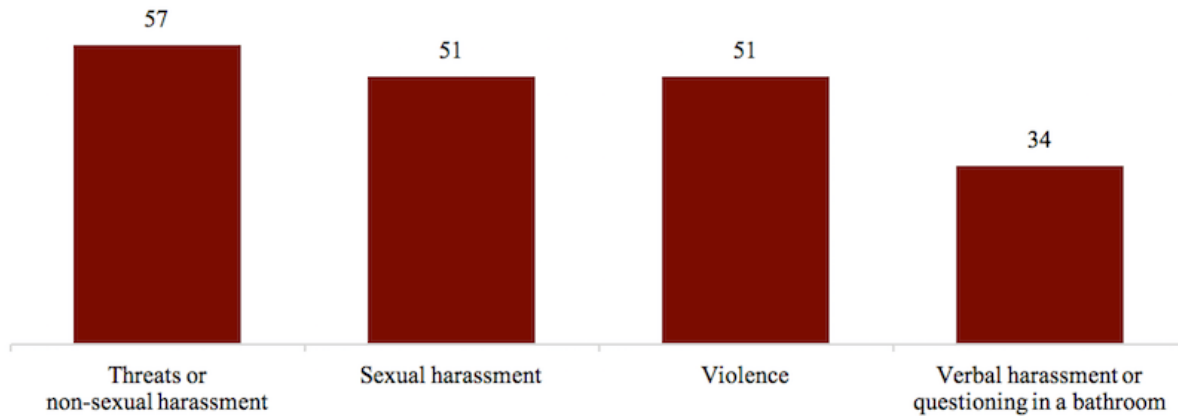
<sup>91</sup> <https://www.pewresearch.org/short-reads/2021/10/26/growing-share-of-americans-say-they-want-more-spending-on-police-in-their-area/>.

<sup>92</sup> Executive Order 14074—Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety, <https://www.govinfo.gov/content/pkg/DCPD-202200454/html/DCPD-202200454.htm>.

<sup>93</sup> <https://www.justice.gov/pardon/presidential-proclamation-marijuana-possession>.

<sup>94</sup> <https://www.americanprogress.org/article/discrimination-and-barriers-to-well-being-the-state-of-the-lgbtqi-community-in-2022/>.

Chart 1:  
Percent of LGBTQ Americans Saying They or an LGBTQ Friend or Family Member Have Experienced Various Forms of Individual Discrimination Because They Are LGBTQ



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Several new discriminatory measures introduced or that have a potential of being introduced target access to healthcare for transgender individuals. These include criminal penalties for providing such care; blocking funding to hospitals offering gender-affirming care and limiting the ability to update gender information on IDs and records, among other discriminatory measures. All this leads to transgender people still losing jobs, having limited education and freedom of speech protections. For example, as of April, 2023, it is illegal to hold drag performances in public spaces and anywhere in the presence of someone under 18 years old in Tennessee.<sup>96</sup> It is illegal for transgender children to participate in sports consistent with their gender identity in twenty states with Republican-controlled legislature (these include Florida, Texas, Oklahoma, West Virginia, etc.);<sup>97</sup> thirteen states banned medication and surgical care for transgender youth;<sup>98</sup> eight states censor discussion of LGBTQI+ people and issues in school (the so-called “Don’t Say Gay or Trans” laws which banned LGBTQI+-themed books, etc.);<sup>99</sup> and other cases. Some of these bans, which have been labeled “gag orders,” spiked, according to PEN America, by 250% in 2022.<sup>100</sup> Some of these not gone into effect yet since they are on hold due to temporary injunctions that apply only to bans in higher education.<sup>101</sup> According to an OHCHR’s Independent Expert on Protection from Violence and Discrimination based on Sexual Orientation and Gender Identity, Victor Madrigal-

<sup>95</sup> <https://www.hsph.harvard.edu/news/press-releases/poll-lgbtq-americans-discrimination/>.

<sup>96</sup> [https://www.tnep.org/tennessee\\_slate\\_of\\_hate\\_2023](https://www.tnep.org/tennessee_slate_of_hate_2023).

<sup>97</sup> [https://www.lgbtmap.org/equality-maps/sports\\_participation\\_bans](https://www.lgbtmap.org/equality-maps/sports_participation_bans).

<sup>98</sup> [https://www.lgbtmap.org/equality-maps/healthcare/youth\\_medical\\_care\\_bans](https://www.lgbtmap.org/equality-maps/healthcare/youth_medical_care_bans).

<sup>99</sup> [https://www.lgbtmap.org/equality\\_maps/curricular\\_laws](https://www.lgbtmap.org/equality_maps/curricular_laws).

<sup>100</sup> <https://pen.org/press-release/educational-gag-order-proposals-spike-by-250-in-2022-pen-america-reports/>.

<sup>101</sup> <https://19thnews.org/2023/04/florida-house-bill-999-higher-education-race-gender/>.

Borloz, who visited the U.S. in August 2022, “the United States equality is not within reach, and often not even within sight.”<sup>102</sup>

The situation is worse when considering inter-sectionality, in which individuals belonging to overlapping identity groups face multiple forms of discrimination (i.e., LGBTQI+ people of color; and women of color who belong to religious minorities). According to the 2021 U.S. Census, while non-Hispanic Whites had the lowest poverty rate (8.1%), among young adults aged 18-25, LGBTQI+ people have a 2.2 times greater risk of homelessness than non-LGBTQI+ people;<sup>103</sup> 20% of Black LGBTQI+ women do not have health insurance (as compared to 12% of Black non-LGBTQI women); 18% of both Black LGBTQI+ and non-LGBTQI+ men are uninsured.<sup>104</sup>

Immigrants, refugees, and asylum seekers also face discrimination at the hands of law enforcement officials. As of the end of March 2023 the fate of over 78,000 Afghans who worked in cooperation with the U.S. troops in Afghanistan before the Taliban takeover<sup>105</sup> and who were resettled in U.S. stalled in Congress, with many Afghans fearing deportation despite the risk of persecution for having cooperated with the previous U.S.-backed regime. The actual numbers of Afghans in this status might be as high as 200,000 to 300,000 (including family members).<sup>106</sup> According to the Department of Homeland Security (DHS), half of these cases will eventually qualify for the special immigrant visa (SIV), which grants permanent residency status.<sup>107</sup> According to some estimates,<sup>108</sup> there are now more than seven times as many applications than in the summer of 2021, the majority of which are stalled.<sup>109</sup> What could help these Afghans is the passing of the Afghan Adjustment Act<sup>110</sup> by Congress, which would allow the evacuees to apply for permanent residency after spending a year in the U.S..<sup>111</sup> Similar privilege was granted to arrivals from Iraq, Cuba, and Vietnam earlier based on U.S. involvement in those countries. Biden added this initiative to the Ukraine aid bill, but the Act was blocked in Congress in 2022 by Republicans.<sup>112</sup> As of September 2022, only about 4,500 Afghans received permanent residency status through the SIV program.<sup>113</sup>

While a series of executive orders at the beginning of 2021 reversed some major Trump policies, these were not enough and do not amount to a comprehensive immigration policy. Restrictive immigration policies and legislation continue to leave issues of racial justice unresolved. For

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<sup>102</sup> [https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/iesogi/2022-08-30/IE-SOGI-EOM-US.docx?utm\\_source=nationaltribune&utm\\_medium=nationaltribune&utm\\_campaign=news](https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/iesogi/2022-08-30/IE-SOGI-EOM-US.docx?utm_source=nationaltribune&utm_medium=nationaltribune&utm_campaign=news)

<sup>103</sup> <https://williamsinstitute.law.ucla.edu/press/lgbt-housing-press-release/>.

<sup>104</sup> <https://williamsinstitute.law.ucla.edu/publications/black-lgbt-adults-in-the-us/>.

<sup>105</sup> <https://www.military.com/daily-news/2022/08/09/year-later-afghan-refugees-remain-legal-limbo-vets-continue-evacuating-allies-left-behind.html>.

<sup>106</sup> <https://foreignpolicy.com/2022/08/09/afghanistan-evacuation-siv-visa-taliban-troops-immigration/>.

<sup>107</sup> [https://www.dhs.gov/sites/default/files/publications/21\\_1110-opa-dhs-resettlement-of-at-risk-afghans.pdf](https://www.dhs.gov/sites/default/files/publications/21_1110-opa-dhs-resettlement-of-at-risk-afghans.pdf).

<sup>108</sup> <https://foreignpolicy.com/2023/03/08/afghanistan-special-immigrant-visa-biden-taliban-crackdown/>.

<sup>109</sup> <https://www.migrationpolicy.org/article/us-immigration-backlogs-mounting-undermine-biden>.

<sup>110</sup> <https://www.congress.gov/bill/117th-congress/senate-bill/4787/text>.

<sup>111</sup> <https://www.klobuchar.senate.gov/public/index.cfm/2022/8/klobuchar-graham-coons-blunt-blumenthal-and-murkowski-introduce-bipartisan-legislation-allowing-afghans-allies-in-the-united-states-to-apply-for-permanent-legal-status>.

<sup>112</sup> <https://foreignpolicy.com/2022/12/20/afghanistan-refugees-afghan-adjustment-act-congress-omnibus-bill/>.

<sup>113</sup> <https://www.dhs.gov/news/2022/09/27/operation-allies-welcome-announces-departure-all-afghan-nationals-national>.

example, the 287(g) Program<sup>114</sup> is named after the Section 287(g) of the Immigration and Nationality Act (INA) and became law as part of the Illegal Immigration Reform and Immigration Responsibility Act (IIRAIRA) (1996). It deputizes local police to assist ICE in the deportation of immigrants through interviewing individuals on their immigration status; issuing immigration detainers to hold individuals until ICE takes custody; making recommendations for voluntary departure and detention, and other measures. Participating law enforcement entities have been known to exercise racial profiling. According to numerous assessments, including a 2022 report by the National Academy of Sciences<sup>115</sup> people of color are often victims of racial profiling when stopped by traffic police. These practices also affect migrants and have been found to be harmful for the relationship between police and local communities. According to an American Civil Liberties Union (ACLU) report,<sup>116</sup> civil rights violations including poor jail conditions are widespread in 142 state and local law enforcement agencies that take part in the program as of April 2022.

One of the main concerns when it comes to racial justice in the U.S. is over immigration practices, most notably, the aforementioned ICE's 287(g) program. Racial profiling by law enforcement officers taking part in this program continues. In such places as Davidson County, Tennessee, the arrest rates for Latinx people who drove without a license rose over twice after it joined the 287(g) program. In one of the cases, a pregnant woman was charged with driving without a license and shackled to her bed during labor. Many people who are arrested by deputized officers under this program are charged with minor traffic violations, which are used as a pre-text and are based on racial profiling of immigrants of color. In Gaston County, California, for example, such cases represented 83% of arrests. These arrests of undocumented migrants often lead to deportation.

Racial profiling affects both undocumented migrants as well as citizens and residents, and both Latinx and other persons of color (African Americans, Native Americans, Pacific Islander Americans, and multiracial Americans), as well as Muslims and people of Arab and South Asian descent.

**b) anti-discrimination practices, including government support, measures for minorities include law enforcement measures against extremist manifestations and hate crimes; and integration processes with regard to immigrants and refugees who have legally obtained the right to reside in a new place. Enforcement measures can be divided into work related to recording, detecting and prosecuting hate crimes, and work related to crime prevention.**

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<sup>114</sup> <https://www.ice.gov/identify-and-arrest/287g>; <https://crsreports.congress.gov/product/pdf/IF/IF11898>.

<sup>115</sup> <https://www.nationalacademies.org/news/2022/11/to-reduce-racial-inequality-in-the-criminal-justice-system-government-should-explore-ways-to-reduce-police-stops-detention-and-long-sentences-says-new-report>.

<sup>116</sup> [https://www.aclu.org/sites/default/files/field\\_document/2022-06-02-sheriffresearch\\_1.pdf](https://www.aclu.org/sites/default/files/field_document/2022-06-02-sheriffresearch_1.pdf).

As mentioned above, several initiatives aiming to protect the rights of LGBTQI+ community were adopted, including a first-ever National Strategy on Gender Equity and Equality (2021).<sup>117</sup> The White House Gender Policy Council was also established (March 2021).<sup>118</sup>

### c) combatting hate crime

As in other OSCE member states, hate crimes in the U.S. are not always documented or punished. In this regard, law enforcement often has limited legal tools at its disposal. Systemic racism also remains a challenge and acts are often deemed acceptable by a large percentage of the population, who demonstrate “tolerance of racism.”<sup>119</sup> This has become even more the case in the recent years, when white supremacist ideas entered the political and ideological mainstream and became normalized. Anti-Asian hate crimes increased by over 164% in the beginning of 2021 in 16 major cities since the same time in 2020.<sup>120</sup> Over 6,600 hate incidents took place since the beginning of the COVID-19 pandemic in the U.S. to March 2021.<sup>121</sup> In one of the most glaringly atrocious episodes, a woman was arrested in New York after attacking two Asian women because they were wearing masks, hitting one with a hammer in May 2021.<sup>122</sup>

In 2020, the number of police departments that reported their hate crime statistics decreased by 452 since 2019, the overall number of reported incidents increased by 949, contributing to a total of 8,263 hate crime incidents against 11,126 victims.<sup>123</sup> According to this data, 62% of victims were targeted because of the offenders’ bias toward race, ethnicity, and/or ancestry, which continues to be the largest bias motivation category. Anti-Black or African American hate crimes continued to be the largest victim category, with 2,871 incidents in 2020, a 49% increase since 2019. Additionally, there were 279 anti-Asian incidents reported in 2020, a 77% increase since 2019. The other largest categories of hate crimes include anti-Hispanic or Latino incidents, with 517, and anti-White incidents, with 869 in total.<sup>124</sup> There was an 18% decrease from the year before in incidents based on religious affiliation: there were 1,244 such incidents reported. There were 683 anti-Jewish incidents (down 28% from 2019); 110 anti-Muslim incidents (38% less than the year before); 115 anti-Buddhist incidents (a spike of 200% that was most likely due to anti-Asian sentiments that resulted from the COVID-19 pandemic); and 89 anti-Sikh incidents, which was also a very large increase of 82% from the year before.<sup>125</sup> There was also an increase in 2020 of incidents related to gender (by 9%) and gender identity (by 34%): there were 50 anti-female incidents (a 4% decrease from 2019); 25 anti-male incidents (a 47% increase); and a staggering number of anti-transgender incidents (231, which was a 41% increase from 2019); there were also

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<sup>117</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf>.

<sup>118</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/08/executive-order-on-establishment-of-the-white-house-gender-policy-council/>.

<sup>119</sup> <https://onlinelibrary.wiley.com/doi/abs/10.1002/ejsp.2759>.

<sup>120</sup> [https://www.csusb.edu/sites/default/files/Report%20to%20the%20Nation%20-%20Anti-Asian%20Hate%202020%20Final%20Draft%20-%20As%20of%20Apr%2028%202021%2010%20AM%20corrected\\_0.pdf](https://www.csusb.edu/sites/default/files/Report%20to%20the%20Nation%20-%20Anti-Asian%20Hate%202020%20Final%20Draft%20-%20As%20of%20Apr%2028%202021%2010%20AM%20corrected_0.pdf);

<https://edition.cnn.com/2021/05/05/us/anti-asian-hate-crimes-study/index.html>.

<sup>121</sup> <https://stopaapihate.org/national-report-through-march-2021/>.

<sup>122</sup> <https://abcnews.go.com/US/police-make-arrest-attack-asian-woman-hit-hammer/story?id=77665618>.

<sup>123</sup> <https://www.justice.gov/crs/highlights/2020-hate-crimes-statistics>.

<sup>124</sup> <https://www.justice.gov/crs/highlights/2020-hate-crimes-statistics>.

<sup>125</sup> <https://www.justice.gov/crs/highlights/2020-hate-crimes-statistics>.



53 anti-gender non-conforming incidents, which was a 13% increase from 2019.<sup>126</sup> Shockingly, about one-fourth of big cities and their police departments reported zero hate crime, which is not possible statistically.<sup>127</sup>

Researchers have long noted that the data the FBI gathers on hate crime has many problems. The initial 2021 report was even more inaccurate and problematic than usual.<sup>128</sup> It had incomplete data since 40% of agencies across the country failed to report data, with only 11,883 of 18,812 submitting any information.<sup>129</sup> By comparison, in 2020, FBI hate crime statistics for the nation included data received from 15,138 of 18,625 agencies. According to these incomplete statistics, there was a supposed drop in hate crime: there were 7,262 hate crimes that year (which involved 8,673 offenses) as compared to 8, 263 the year before.<sup>130</sup>

According to analysts, the lack of full participation by police departments made 2021 a year for which hate-crime statistics are unreliable. In response to this criticism, the FBI provided an updated report for 2021,<sup>131</sup> according to which the number of hate crimes jumped dramatically to a record high of nearly 11,000 incidents. There were 10,840 reported incidents (involving 12,411 victims), a 31% increase from the previous year. A percent distribution of victims by bias type shows that 64.5% of victims were targeted because of the offenders' race/ethnicity/ancestry bias; 15.9% were targeted because of the offenders' sexual-orientation bias; 14.1% were targeted because of the offenders' religious bias; 3.2% were targeted because of the offenders' gender identity bias; and 1.4% were targeted because of the offenders' disability bias. There were 310 multiple-bias hate crime incidents that involved 411 victims. Of the 8,327 hate crime offenses classified as crimes against persons in the updated 2021 dataset 43.2% were intimidation; 35.5% were simple assault; and 20.1% were aggravated assault. Nineteen rapes and 18 murders were reported as hate crimes. The remaining 70 hate crime offenses classified as crimes against persons were reported in the category of "other." Of the 3,817 hate crime offenses classified as crimes against property 71.2% were acts of destruction/damage/vandalism; and 267 additional offenses were classified as crimes against society. This crime category represents society's prohibition against engaging in certain types of activity such as gambling, prostitution, and drug violations. These are typically victimless crimes in which property is not the object.

The Center for the Study of Hate and Extremism at California State University at San Bernardino reported a significant rise in hate crimes across the U.S., with a 20% increase across a sample of major U.S. cities in 2021 and ongoing increases in 2022.<sup>132</sup> According to this database, there was an increase of 29% in hate crimes in 2021 (in comparison to the year before) in 52 of the most populous cities across the U.S.. Out of these, the 10 most populous cities had a 39% increase, which makes 2021 the year with the highest number of reported hate crimes since 1995.<sup>133</sup>

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<sup>126</sup> <https://www.justice.gov/crs/highlights/2020-hate-crimes-statistics>.

<sup>127</sup> <https://www.politico.com/interactives/2021/state-hate-crime-laws/>.

<sup>128</sup> <https://www.lawfareblog.com/fbis-2021-hate-crime-data-worse-meaningless>.

<sup>129</sup> <https://www.washingtonpost.com/national-security/2022/12/12/us-hate-crimes/>.

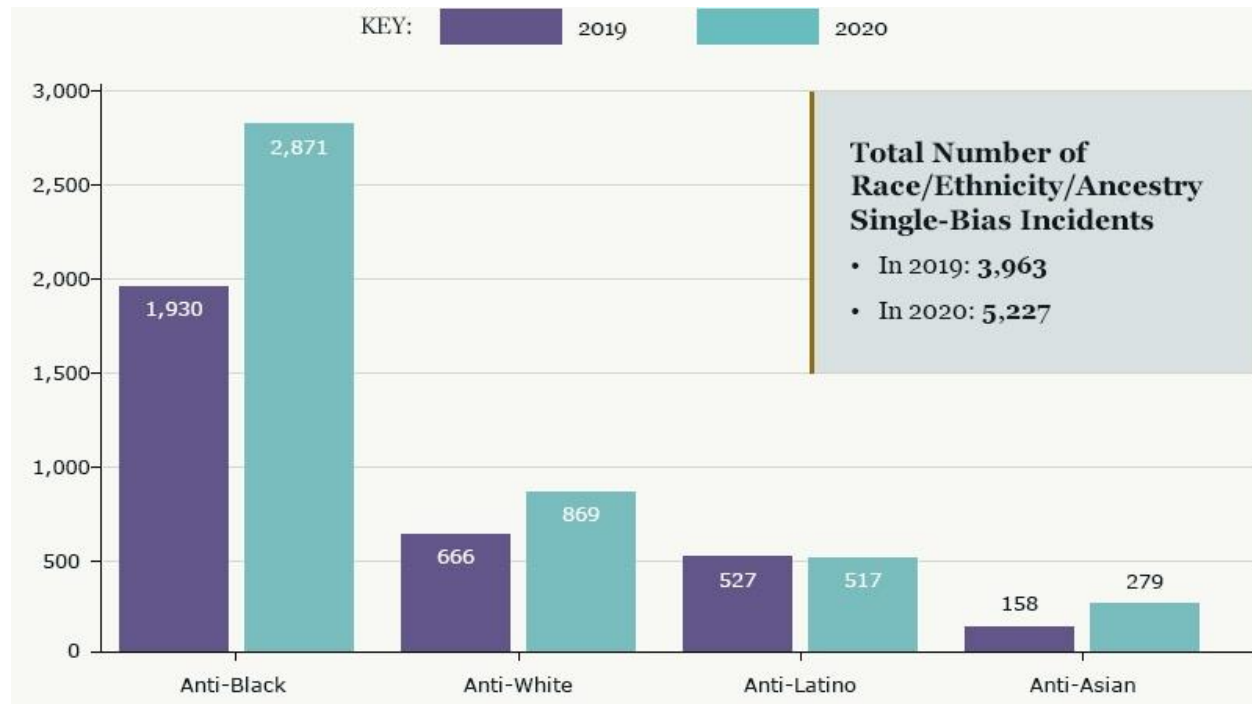
<sup>130</sup> <https://www.washingtonpost.com/national-security/2022/12/12/us-hate-crimes/>.

<sup>131</sup> <https://www.fbi.gov/news/press-releases/fbi-releases-supplemental-2021-hate-crime-statistics>.

<sup>132</sup> <https://www.csusb.edu/sites/default/files/2022-08/Report%20To%20The%20Nation8-4-22.pdf>.

<sup>133</sup> <https://www.csusb.edu/sites/default/files/2022-08/Report%20To%20The%20Nation8-4-22.pdf>.

Reported hate crimes are now at the highest level in twenty years in Los Angeles.<sup>134</sup> In New York City, hate crimes increased by 76% in the beginning of 2022 as compared to the beginning of 2021, according to the New York Police Department Task Force.<sup>135</sup>



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**c.1) preventive measures directed against the spread of extremist views in society, against terrorism, and related issues;**

The period under review also witnessed significant changes in preventing violent extremism-, counterterrorism, and hate crime-related policies and legislation. FBI Director Christopher A. Wray testified<sup>137</sup> in Senate hearings about the violent extremism that resulted in the January 6, 2021 insurrection, when crowds of right-wing Trump supporters stormed the United States Capitol.<sup>138</sup> Their actions were too grave to fall under the label of hate crime and were qualified as a **domestic terrorism (DT)**. Six months later, the FBI was carrying 2,700 active domestic terrorism investigations, (as compared to its usual 1,000), which created the need to increase the number of FBI agents by 260%.<sup>139</sup>

<sup>134</sup> <https://www.latimes.com/california/story/2022-12-07/hate-crimes-la-county>.

<sup>135</sup> <https://edition.cnn.com/2022/04/16/us/hate-crimes-rise-in-new-york-city/index.html>.

<sup>136</sup> <https://www.justice.gov/crs/highlights/2020-hate-crimes-statistics>.

<sup>137</sup> Nailor, Brian; Lucas, Ryan, “Watch: Wray Stresses Role of Right-Wing Extremism in Hearing about January 6 Riot”, NPR, March 2, 2021.

<sup>138</sup> <https://www.nytimes.com/2021/01/09/us/capitol-rioters.html>.

<sup>139</sup> <https://abcnews.go.com/Politics/fbi-doubles-domestic-terrorism-investigations-christopher-wray/story?id=80145125>.

In the very beginning of his presidency, Biden initiated a 100-day comprehensive review of U.S. Government efforts to address **domestic terrorism (DT)**. An unclassified summary of that assessment was released in March 2021.<sup>140</sup> A second assessment was published in June 2022;<sup>141</sup> and in October 2022.<sup>142</sup> According to these assessments,<sup>143</sup> the two most lethal elements of today’s domestic terrorism threat in the U.S. are a) racially- or ethnically- motivated violent extremist advocates for the **superiority of the white race**; and b) anti-government or anti-authority violent extremists, such as militia violent extremists. The review resulted in the pioneering **National Strategy for Countering Domestic Terrorism** that was issued by the Biden administration in 2021.<sup>144</sup> This new document officially acknowledged, for the first time, that it is the right-wing, racially motivated, anti-government violence that presents a bigger threat than so-called Islamist violent extremism and terrorism.

Under U.S. Federal law, domestic terrorism is defined as “activities that involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; appear to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States.”<sup>145</sup> It is important to note that, despite this federal definition, there is *no federal criminal provision* that explicitly identifies domestic terrorism as a criminal offense. Other federal statutes are used to charge violent domestic extremism that qualifies as domestic terrorism.

The FBI and DHS use the term “**domestic violent extremism**”(DVE) to refer to the individuals who pose domestic terrorist threats, which are now considered to be “the most urgent terrorism threat” in the U.S..<sup>146</sup> A DVE is defined as “an individual based and operating primarily within the United States or its territories without direction or inspiration from a foreign terrorist group or other foreign power who seeks to further political or social goals, wholly or in part, through unlawful acts of force or violence dangerous to human life.”<sup>147</sup> The word “violent” is important because mere advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics does not constitute violent extremism and is protected by the First Amendment to the U.S. Constitution.<sup>148</sup>

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<sup>140</sup> An unclassified summary of that assessment was released in March, 2021.

<sup>141</sup> Appendix C, “*Wide-Ranging Domestic Violent Extremist Threat to Persist*,” [https://www.dni.gov/files/NCTC/documents/news\\_documents/2022\\_10\\_FBI-DHS\\_Strategic\\_Intelligence\\_Assessment\\_and\\_Data\\_on\\_Domestic\\_Terrorism.pdf](https://www.dni.gov/files/NCTC/documents/news_documents/2022_10_FBI-DHS_Strategic_Intelligence_Assessment_and_Data_on_Domestic_Terrorism.pdf).

<sup>142</sup> [https://www.dni.gov/files/NCTC/documents/news\\_documents/2022\\_10\\_FBI-DHS\\_Strategic\\_Intelligence\\_Assessment\\_and\\_Data\\_on\\_Domestic\\_Terrorism.pdf](https://www.dni.gov/files/NCTC/documents/news_documents/2022_10_FBI-DHS_Strategic_Intelligence_Assessment_and_Data_on_Domestic_Terrorism.pdf).

<sup>143</sup> [https://www.dhs.gov/sites/default/files/2022-10/22\\_1025\\_strategic-intelligence-assessment-data-domestic-terrorism.pdf](https://www.dhs.gov/sites/default/files/2022-10/22_1025_strategic-intelligence-assessment-data-domestic-terrorism.pdf).

<sup>144</sup> <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.

<sup>145</sup> <https://www.thefederalcriminalattorneys.com/domestic-terrorism>; <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.

<sup>146</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/15/fact-sheet-national-strategy-for-countering-domestic-terrorism/>.

<sup>147</sup> P.4, [https://www.dhs.gov/sites/default/files/2022-10/22\\_1025\\_strategic-intelligence-assessment-data-domestic-terrorism.pdf](https://www.dhs.gov/sites/default/files/2022-10/22_1025_strategic-intelligence-assessment-data-domestic-terrorism.pdf).

<sup>148</sup> [https://www.dhs.gov/sites/default/files/2022-10/22\\_1025\\_strategic-intelligence-assessment-data-domestic-terrorism.pdf](https://www.dhs.gov/sites/default/files/2022-10/22_1025_strategic-intelligence-assessment-data-domestic-terrorism.pdf).

According to the Office of the Director of National Intelligence (ODNI)'s threat assessment (2021), DVE posed heightened threat in 2021.<sup>149</sup> Among DVEs who propagate various ideologies, it is for the first time that the **racially or ethnically motivated violent extremists (RMVEs)** and **militia violent extremists (MVEs)** were deemed to present the most lethal DVE threats, with RMVEs most likely to conduct mass-casualty attacks against civilians and MVEs typically targeting law enforcement and government personnel and facilities.<sup>150</sup> RMVEs' ideologies are "rooted in a perception of the superiority of the white race that calls for violence in furtherance of perverse and abhorrent notions of racial 'purity' or 'cleansing'."<sup>151</sup> The aforementioned developments are a significant departure from the earlier **United States National Counterterrorism Strategy** which was adopted in 2018, according to which "radical Islamist terrorists *remain a major transnational terrorist threat to the United States and its vital national interests.*"<sup>152</sup>

Finally, radical left, anarchist violent extremists (AVE)'s are also included under the umbrella of domestic terrorism. After being disregarded as a relatively lesser menace (in terms of lethality), it has been identified as an emerging heightened threat to democracy in 2021. AVEs "oppose all forms of capitalism, corporate globalization, and governing institutions, which are perceived as harmful to society."<sup>153</sup> AVE is a term used by the U.S. government to differentiate between anarchist violent extremists and anarchists whose views are protected by the First Amendment. AVEs conduct or threaten to conduct activities that are harmful to humans in violation of state or federal laws, and otherwise meet the definition of anti-government and anti-authority violent extremists (AGAAVE) and of domestic terrorism.

Some changes also took place in terms of addressing Salafi-jihadist violent extremism. In January 2021, because of civilian harm caused in the process of U.S. counterterrorism investigations abroad, which resulted in over 1,300 civilian casualties in the U.S.-led coalition air war against ISIS in the Middle East since 2014,<sup>154</sup> the Pentagon issued a plan (which remains classified). In October 2022, the U.S. secretly introduced restrictions on counterterrorism drone strikes in war zones.<sup>155</sup> The Biden administration signed a new classified policy memorandum (PPM)<sup>156</sup> with no public consultation or public access to, which outlines conduct of counterterrorism drone strikes outside conventional war zones. These strikes are now limited to known terrorists who are "near certainly" outside the vicinity of civilians. There are several problems with this document: first, it includes exceptions and loopholes; second, it was not approved by Congress but is based on unilateral presidential decision; lastly, it is not a legal document and can be reversed, by

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<sup>149</sup> <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>.

<sup>150</sup> Ibid.

<sup>151</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/15/fact-sheet-national-strategy-for-countering-domestic-terrorism/>.

<sup>152</sup> [https://www.dni.gov/files/NCTC/documents/news\\_documents/NSCT.pdf](https://www.dni.gov/files/NCTC/documents/news_documents/NSCT.pdf).

<sup>153</sup> <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>;  
<https://www.njohsp.gov/analysis/tag/Anarchist+Extremist>.

<sup>154</sup> <https://gijn.org/2022/05/30/nyt-pulitzer-prize-investigation-exposed-civilian-death-toll-isis-air-war/>;  
<https://www.thebureauinvestigates.com/projects/drone-war>.

<sup>155</sup> <https://www.justsecurity.org/83586/assessing-bidens-counterterrorism-rules/>.

<sup>156</sup> <https://www.justsecurity.org/83487/bidens-new-counterterrorism-policy-guidance-further-entrenches-forever-war/>.

presidential decision, at any moment. While rescinding Trump’s relaxed rules and returning to the Obama era, this new policy lacks transparency and is a policy, not inscribed into law.<sup>157</sup>

The 2020-21 U.S. withdrawal from Afghanistan<sup>158</sup> and the subsequent killing of al Qaeda leader Ayman al Zawahiri in Kabul in July 2022,<sup>159</sup> as well as the December 2021 U.S. troop withdrawal from Iraq marked the end of the war on terror and the end of prioritizing counterterrorism over other security threats. The former was replaced by domestic terrorism, the war in Ukraine, and competition with China, which are now of primary concern to the Biden administration.<sup>160</sup> Aside from small training contingents that remained in Iraq and Syria and other efforts, the only place where there is significant U.S. troop presence is Somalia, where there is an ongoing fight against al-Shabaab.<sup>161</sup> Contrary to his predecessors, Biden has not delivered any major speech on international terrorism,<sup>162</sup> nor is there a new public national strategy for international counterterrorism (the last one dates to October 2018).<sup>163</sup>

To fully end the “War on Terror” the U.S. would need to implement full legislative reform that would revoke the Authorization for the use of Military Force (AUMF; 2001)<sup>164</sup> and the War Powers Resolution (1973).<sup>165</sup> In the meantime, the U.S. continues air strikes in the Middle East and keeps the Guantanamo Bay prison open. While at the beginning of his presidency Biden promised to close Guantanamo, as of March 2023, there are still 31 inmates who are all foreign Muslim detainees (most of them for over twenty years) in the prison without charge of trial.<sup>166</sup> There are talks of dropping the death penalty and replacing it with life sentences.<sup>167</sup> Finally, as was the case in the past and as mentioned above, the current administration is not fully transparent on its counterterrorism operations,<sup>168</sup> and in the absence of new legislation, there is a risk that the next president, especially if it happens to be a Republican, might reverse course again.

These shortcomings are important to mention because they continue to contribute to anti-Arab and anti-Muslim discrimination in the country. While his predecessor in the White House infamously proclaimed “Islam hates us,”<sup>169</sup> Biden hosted a White House Eid celebration during which he

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<sup>157</sup> <https://www.justsecurity.org/83586/assessing-bidens-counterterrorism-rules/>.

<sup>158</sup> <https://www.whitehouse.gov/wp-content/uploads/2023/04/US-Withdrawal-from-Afghanistan.pdf>.

<sup>159</sup> <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/08/01/remarks-by-president-biden-on-a-successful-counterterrorism-operation-in-afghanistan/>.

<sup>160</sup> <https://www.nytimes.com/2022/10/12/us/politics/biden-china-russia-national-security.html>.

<sup>161</sup> <https://www.whitehouse.gov/briefing-room/press-briefings/2023/01/26/background-press-call-by-senior-administration-officials-on-a-successful-counterterrorism-operation-in-somalia/>.

<sup>162</sup> Biden’s adviser on counterterrorism, Dr. Liz Sherwood-Randall.

delivered a speech in September 2021: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/09/09/remarks-by-assistant-to-the-president-for-homeland-security-dr-liz-sherwood-randall-on-the-future-of-the-u-s-counterterrorism-mission-aligning-strategy-policy-and-resources/>

<sup>163</sup> [https://www.dni.gov/files/NCTC/documents/news\\_documents/NSCT.pdf](https://www.dni.gov/files/NCTC/documents/news_documents/NSCT.pdf).

<sup>164</sup> <https://www.congress.gov/107/plaws/publ40/PLAW-107publ40.pdf>.

<sup>165</sup> <https://uscode.house.gov/view.xhtml?path=/prelim@title50/chapter33&edition=prelim>.

<sup>166</sup> <https://www.amnestyusa.org/2022-the-year-to-finally-close-guantanamo/>.

<sup>167</sup> <https://www.npr.org/2023/03/09/1162424158/biden-administration-releases-guantanamo-inmate-its-fourth-transfer-in-a-month>.

<sup>168</sup> <https://www.justsecurity.org/84939/permanently-winding-down-the-war-on-terror-requires-greater-transparency/>.

<sup>169</sup> <https://edition.cnn.com/2016/03/09/politics/donald-trump-islam-hates-us/index.html>.

announced that “Muslims make our nation stronger every single day.”<sup>170</sup> Muslims, however, have reported a rise in hate crimes. In April 2022, the Council on American-Islamic Relations (CAIR) reported a 9% rise in the number of civil rights complaints from Muslims since 2020.<sup>171</sup> This rise happened at the same time as COVID-19 restrictions were lifted and workplaces, mosques, and other public places such as restaurants reopened. Conversely, 110 anti-Muslim incidents were reported in 2020,<sup>172</sup> down from 176 in 2019.<sup>173</sup>

### c.2) criminal proceedings;

The number of FBI domestic terrorism investigations has more than doubled since 2020, and the number of open FBI investigations specifically has more than quadrupled from 1,981 in 2013 to 9,049 in 2021.<sup>174</sup>

### c.3) guilty verdicts;

During the Black Lives Matter (BLM) protests in response to George Floyd’s murder, a 22-year old Black woman and a racial justice protester, Tia Pugh, was charged by criminal complaint from the Alabama court with obstructing, impeding, and interfering with law enforcement during the course of a civil disorder in Mobile, Alabama, on May 2020 that affected interstate commerce: due to the protesters’ presence on the road, several highway exits were closed, which led to traffic disruptions that made certain vehicle carrying hazardous materials to make detours.<sup>175</sup>

Pugh was later convicted by federal court, with a felony charge.<sup>176</sup> [Pugh’s federal-court case was filed amid calls by Justice Department Attorney General Bill Barr to respond to Trump’s call for initiating more aggressive federal law enforcement responses to the BLM protests.](#) These cases were filed under the controversial 50-year-old “Civil Obedience Act” (1968).<sup>177</sup> This law was rarely invoked in the subsequent decades, but has been used in several cases related to BLM protests, and then during the January 6 Capitol Insurrection. The afore-mentioned Act prohibits interference with police or firefighters during civil disorder. The Act has come to be known as “Anti-Riot Act” It made it a federal crime to use interstate or foreign commerce routes and facilities (i.e., by crossing state borders, or through mail, or phone calls) with the goal of inciting a riot, of organizing, promoting or participating in a riot. The measure was passed as part of the broader Civil Rights Act (1968). In Pugh’s case, the then-U.S. Attorney Richard Moore filed a federal charge against Pugh, accusing her of violating a 1968 law prohibiting interference with police or firefighters during civil disorder.

Pugh’s defense has argued that Pugh’s case did not have a sufficiently strong connection to federal authority over interstate commerce (a condition required in order for the case to have gone to

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<sup>170</sup> <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/05/02/remarks-by-president-biden-at-a-reception-to-celebrate-eid-al-fitr/>.

<sup>171</sup> [https://www.cair.com/press\\_releases/cair-issues-new-report-detailing-6700-civil-rights-complaints-highest-number-ever-recorded/](https://www.cair.com/press_releases/cair-issues-new-report-detailing-6700-civil-rights-complaints-highest-number-ever-recorded/).

<sup>172</sup> <https://www.justice.gov/crs/highlights/2020-hate-crimes-statistics>.

<sup>173</sup> <https://www.justice.gov/crs/highlights/FY-2019-Hate-Crimes>.

<sup>174</sup> <https://www.gao.gov/blog/rising-threat-domestic-terrorism-u.s.-and-federal-efforts-combat-it#:~:text=The%20number%20of%20FBI%20domestic,to%209%2C049%20in%20FY%202021>.

<sup>175</sup> <https://www.justice.gov/usao-sdal/pr/mobile-woman-charged-after-smashing-police-car-window-during-mobile-protests>.

<sup>176</sup> <https://www.politico.com/news/2021/05/13/court-rejects-challenge-to-federal-anti-riot-law-488193>.

<sup>177</sup> <https://www.govinfo.gov/content/pkg/COMPS-343/pdf/COMPS-343.pdf>.



federal court). Pugh’s defense attorney was Black while the jury assembled for the case consisted of 10 white and 2 Black people. Pugh also faced two state court charges: inciting a riot and criminal mischief.

This is a case that demonstrates how counterterrorism legislation that is too restrictive can be turned on its head and be applied, in this case, to civil rights protesters. Here, the Justice Department dispatched a senior counterterrorism prosecutor to defend a statute the Trump administration turned to in its fight against violence at racial justice protests. The prosecution in Pugh’s case turned down the defense’s allegations that the law is unconstitutional and has racist roots<sup>178</sup> and impinges upon the First Amendment’s protections of protests.<sup>179</sup> Pugh’s case was one of the cases to go to court after former president Trump and Attorney General Bill Barr called for a crackdown on protesters. The law became one of the main tools for the Justice Department to penalize racial justice protest violence. Curiously enough, the Civil Disobedience Act has been used not only during the Black Lives Matter protests, but in many of the hundreds of cases stemming from the Capitol riot of January 6.<sup>180</sup>

The annual number of federal district court prosecutions and charges has increased in 2021 (see chart below). 1,584 defendants in 1,255 cases were charged in federal district court with domestic terrorism from October 2010 through July 2021.<sup>181</sup>

### **Number of Federal Defendants Charged in Domestic Terrorism-Related Cases, October 2010 through July 2021<sup>182</sup>**

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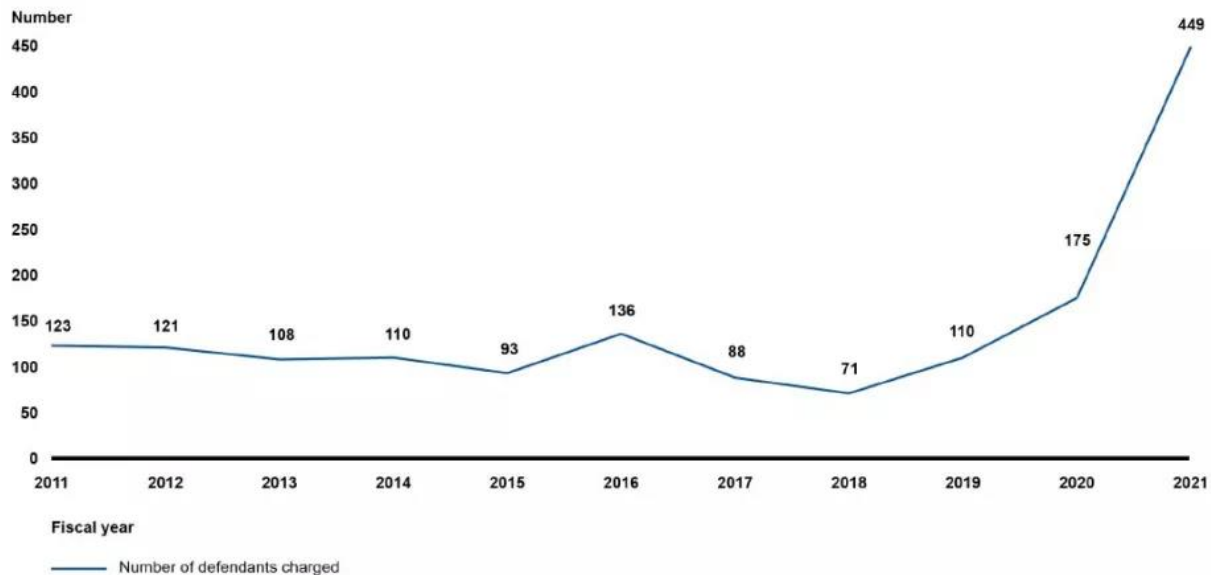
<sup>178</sup> <https://www.politico.com/news/2021/02/02/capitol-riot-black-lives-matter-465156>.

<sup>179</sup> <https://www.documentcloud.org/documents/20707999-pughruling051321>.

<sup>180</sup> <https://www.lawyerscommittee.org/capitol-police-officers-file-civil-rights-lawsuit-to-hold-trump-militant-groups-accountable-for-jan-6-capitol-attack/>; <https://www.lawyerscommittee.org/wp-content/uploads/2022/02/089-Amended-Complaint-Redacted.pdf>.

<sup>181</sup> <https://www.gao.gov/blog/rising-threat-domestic-terrorism-u.s.-and-federal-efforts-combat-it#:~:text=We%20found%20that%20prosecutors%20charged,October%202010%20through%20July%202021>.

<sup>182</sup> <https://www.gao.gov/blog/rising-threat-domestic-terrorism-u.s.-and-federal-efforts-combat-it>.



Source: GAO analysis of Executive Office for United States Attorneys data. | GAO-23-104720

**d) law enforcement practices as a manifestation of the conflict between democratic values and security interests;**

While the data above illustrate a direct link between white supremacists and domestic terrorism, there is a worrisome underestimation of the threat *by* law enforcement officials. As is the case in other OSCE member states, some law enforcement officials share white supremacist views.<sup>183</sup> As was the case in but one of the examples, in the Atlanta spa shootings<sup>184</sup> that took place in March, 2021, an attack that killed eight people, six of them Asians, the link to right-wing extremism has not been properly investigated. The Sheriff working on the case explained that the alleged perpetrator just had a “bad day”<sup>185</sup> and the alleged perpetrator was charged with murder, not a hate crime.<sup>186</sup> The case represents an instance in which the police department did not report a hate crime to federal authorities after establishing that it was not motivated by bias. This and other similar cases suggest that when extremist and terrorist acts are perpetrated by white individuals, they are not always assessed in the same way as those committed by people of color and religious minorities such as Muslims.

Terrorist screening watchlists are another example of the conflict between human rights and security. Americans on the FBI's Terrorist Screening Database (TSDB), or what is known as a terrorist screening watchlist, are subject to discrimination which includes pat-downs, detentions, and extensive interrogation without trial. The watchlist was created in the aftermath of the 9/11 attacks and now has over one million individuals on it, according to ACLU.<sup>187</sup> While the majority

<sup>183</sup> <https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>.

<sup>184</sup> <https://www.npr.org/2021/07/27/1021144933/georgia-man-pleading-guilty-to-4-of-8-atlanta-area-spa-killings>.

<sup>185</sup> <https://www.theguardian.com/us-news/2021/mar/17/jay-baker-bad-day-t-shirt-atlanta-spa-shooting>.

<sup>186</sup> <https://eu.usatoday.com/story/news/politics/2021/03/18/hate-crime-attacks-georgia-raise-motive-bias-questions/4739328001/>.

<sup>187</sup> <https://www.aclu.org/issues/national-security/privacy-and-surveillance/watchlists>.

of people on the list are foreigners, there are also around 4,600 American citizens on it.<sup>188</sup> According to DHS’s fact sheet, in 2022, a total of 66 people whose names are on the terrorism watch list were stopped at the U.S.-Mexico border.<sup>189</sup> In July of that year, there were 199,976 encounters at the U.S.-Mexican border between U.S. Border Patrol and non-U.S. citizens attempting to cross the border illegally (as compared to 40,929 in July 2020). According to these numbers, July 2022 was the 17<sup>th</sup> straight month with over 150,000 such encounters at the border – a never-before recorded trend. As of July 2022, there were 900,000 getaways since Biden became president. Border Patrol expelled 37% of individuals under Title 42 in July 2022, since the latter was repelled by Biden.

### 3) The attitude of the society towards immigrants, foreigners, ethnic, religious, and sexual minorities:

- a) Have sociological surveys or other studies been carried out in your country to determine the *motivation* of public sentiment towards these groups? If yes, what are the results? What, in your opinion, had a decisive influence on the formation of this motivation (the activities of political parties and NGOs, the media, any events in the socio-political and economic spheres, gov’t actions, etc.) – *without the pandemic and the war in Ukraine*;

According to a poll of 1,500 individuals conducted by the Southern Poverty Law Center (SPLC) (April 2022), 70% of Republicans share extremist beliefs and narratives, including the “white replacement” theory and the suspicion that Democrats are trying to change demography to disfavor or outnumber white conservative voters.<sup>190</sup> The same poll showed that 44% of Americans believe that their country is headed towards civil war (53% republicans and 39% Democrats among them).<sup>191</sup> These figures demonstrate that the American society has become polarized and radicalized.

To be sure, in 2022, 50% (as compared to the previous 64%) said they were concerned about immigration. According to SPLC, this decrease could also result from Republicans becoming more concerned, by 2022, with various conspiracy theories about liberals and the replacement theory, a concern that has eclipsed even their traditional fear of immigration. The majority of Republicans also see the racial justice protests of 2020 as an “overreaction” and a danger to white people and a possible expression of “reverse racism.”<sup>192</sup>

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<sup>188</sup> <https://www.brennancenter.org/our-work/analysis-opinion/its-about-time-federal-judge-declared-terrorist-watchlist>.

<sup>189</sup> <https://homeland.house.gov/media/2022/08/FINAL-JULY-SS-2022-1.pdf>.

<sup>190</sup> <https://www.splcenter.org/news/2022/06/01/poll-finds-support-great-replacement-hard-right-ideas>.

<sup>191</sup> <https://www.splcenter.org/news/2022/06/01/poll-finds-support-great-replacement-hard-right-ideas>.

<sup>192</sup> <https://www.splcenter.org/news/2022/06/01/poll-finds-support-great-replacement-hard-right-ideas>.

## More Americans view Jews, mainline Protestants and Catholics favorably rather than unfavorably

% of U.S. adults who have a \_\_\_\_ view of each of the following groups

	Very/ somewhat favorable	Neither/ Don't know enough to say	Very/ somewhat unfavorable	Balance of opinion (favorable- unfavorable)
Jews	35%	58%	6%	<b>+28 pts.</b>
Mainline Protestants	30	59	10	<b>+20</b>
Catholics	34	47	18	<b>+16</b>
Evangelical Christians	28	44	27	+2
Atheists	20	55	24	-4
Muslims	17	59	22	-5
Mormons (Latter-day Saints)	15	59	25	<b>-10</b>

Note: Bold entries in the "balance" column indicate statistically significant differences. "Balance of opinion" is calculated before rounding and may not equal difference between figures shown. Those who did not answer are not shown.

Source: Survey conducted Sept. 13-18, 2022, among U.S. adults.

"Americans Feel More Positive Than Negative About Jews, Mainline Protestants, Catholics"

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The Biden administration made progress in promoting the rights of the Muslim community and providing opportunities for representation through the appointments of several Muslims to high-profile public offices. Likewise, the administration's stance on issues close to heart for many Muslims in the U.S., such as the Israel-Palestine conflict and the Chinese treatment of Uyghur Muslims, contribute to the more favorable perception of the administration by the Muslim community. As of the time of writing this report, the relationship between Biden and the rightwing Israeli leader Benjamin Netanyahu is low, and Biden expressed solidarity with Uyghurs.<sup>194</sup>

<sup>193</sup> <https://www.pewresearch.org/religion/2023/03/15/americans-feel-more-positive-than-negative-about-jews-mainline-protestants-catholics/>.

<sup>194</sup> <https://www.aljazeera.com/news/2023/3/23/biden-expresses-solidarity-with-chinas-uyghurs-during-ramadan>.

The American public continues to believe that theirs is a racist society: 80% of Americans said in 2021 that there is a lot or some discrimination against Black people; 76% believed there is discrimination against Hispanic people; 70% believed there is discrimination against Asians.<sup>195</sup> According to the 2022 public opinion poll by the Pew Research Center, 78% of surveyed Americans believe that Muslims in their country face discrimination; 68% believe that Jews face discrimination; and 44% believe that Evangelical Christians do.<sup>196</sup> According to the data analytics Edelman Trust Special Report: Business and Racial Justice in America, in May 2022, 67% of Americans were concerned about systemic racism and racial injustice in their country; 73% of Americans believed that racial injustice and racism exist.<sup>197</sup>

According to a 2021 survey<sup>198</sup> more Black adults than other adults see structural racism, or racism in legislation, as a major problem in the U.S. (as compared to individual forms of racism). Two thirds (65%) of Americans think that individual racism by individual people against Black people is a bigger problem than racism in legislation. Among these, the majority of White (70%), Asian (65%) and Hispanic (63%) Americans believe that racism by individuals is more significant than institutional racism. 11% of White, 12% of Asian, and 12% of Hispanic adults believe that there is no discrimination against Black people. Alternately, 52% of Black Americans believe that racism in the legislation is a more serious problem for Blacks than racism by individuals. Only 3% of Black individuals believe that there is no discrimination against them.<sup>199</sup>

The attitudes also vary between Democrats and Republicans. Republicans are more likely than Democrats to think that racism by individuals is a bigger problem than structural racism (73% vs. 59%).<sup>200</sup> On the other hand, 38% Democrats and 7% believe that racism in laws are a bigger problem in their country. 19% of Republicans and only 3% of Democrats say that there is no discrimination against Black people in the U.S. today. There, however, seems to be a greater awareness of the problem of structural racism with younger generations: if 59% of adults under 50 believe that racism by individual people is the bigger problem, a significantly higher number (72%) of people over 50 believe so. One third of young people aged 18-49 say that structural racism is

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<sup>195</sup> <https://www.pewresearch.org/fact-tank/2021/03/18/majorities-of-americans-see-at-least-some-discrimination-against-black-hispanic-and-asian-people-in-the-u-s/>.

<sup>196</sup> <https://www.pewresearch.org/fact-tank/2021/03/18/majorities-of-americans-see-at-least-some-discrimination-against-black-hispanic-and-asian-people-in-the-u-s/>.

<sup>197</sup> Edelman Trust Special Report: Business and Racial Justice in America (2022), p. 4.

<https://www.edelman.com/sites/g/files/aatuss191/files/2022-06/2022%20Edelman%20Trust%20Barometer%20Special%20Report%20Business%20and%20Racial%20Justice.pdf>.

<sup>198</sup> <https://www.pewresearch.org/race-ethnicity/2022/08/30/black-americans-have-a-clear-vision-for-reducing-racism-but-little-hope-it-will-happen/>.

<sup>199</sup> <https://www.pewresearch.org/race-ethnicity/2022/08/30/black-americans-have-a-clear-vision-for-reducing-racism-but-little-hope-it-will-happen/>.

<sup>200</sup> <https://www.pewresearch.org/fact-tank/2022/11/15/black-americans-differ-from-other-u-s-adults-over-whether-individual-or-structural-racism-is-a-bigger-problem/>.

the problem as compared to less than 20% people ages 50 and older. At the same time, 63% of Black Americans believe racism is an *extremely* big problem.<sup>201</sup>

Two-thirds (67%) of Black adults believe that changes to the prison system and the courts and judicial process and of policing (65%) will not occur during their lifetime. A minority of Black Americans believe that the courts and judicial process (12%), the prison system (11%), policing (13%), are going to improve in their lifetime. According to Black respondents, there needs to happen a complete overhaul of these institutions: 49% say that about policing, 48% about the courts and judicial process, and 54% about the prison system.

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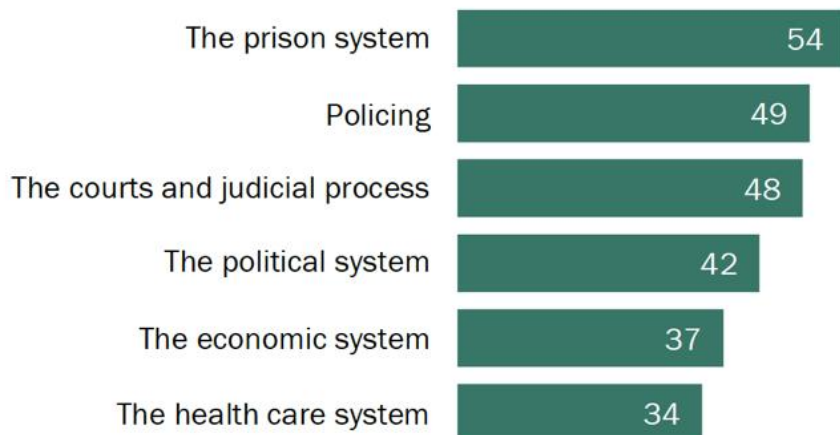
<sup>201</sup> <https://www.pewresearch.org/fact-tank/2022/11/15/black-americans-differ-from-other-u-s-adults-over-whether-individual-or-structural-racism-is-a-bigger-problem/>.



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## Many Black adults say institutional overhauls are necessary to ensure fair treatment

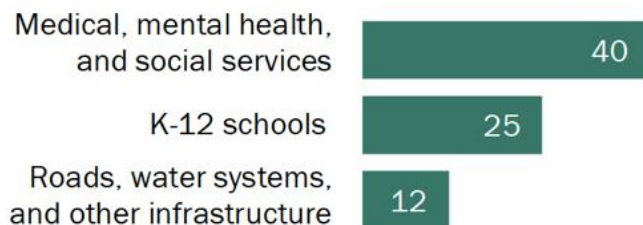
*% of Black adults who say each of the following needs to be completely rebuilt for Black people to be treated fairly*



*% of Black adults who say funding for police departments in their communities should be ...*



*Among those who say police funding should be decreased, % who say \_\_\_ should be a top priority for those funds*



Note: Black adults include those who say their race is Black alone and non-Hispanic, Black and at least one other race and non-Hispanic, or Black and Hispanic.

Source: Survey of U.S. adults conducted Oct. 4-17, 2021.

“Black Americans Have a Clear Vision for Reducing Racism but Little Hope It Will Happen”

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b) how has the general attitude of society towards immigrants, foreigners, other minorities changed?

According to a Morning Consult poll, which was released in March 2021, 49% of Americans disapproved of Biden’s immigration policy; 70% of Democrats and 11% of Republicans approved of it.<sup>203</sup> Additionally, 74% of African Americans, 50% of Hispanics, and 34% of white Americans approved of the policy.<sup>204</sup> While 64% of Democrats are of the opinion that increasing diversity in the U.S. is a positive development, 25% of Republicans say that demographic changes are a threat to white Americans and 35% say that liberals are behind these changes.<sup>205</sup> At the same time, far fewer people were worried about immigration at this time, as compared to August 2020<sup>206</sup> when the last poll was conducted by SPLC, indicating a possible shift after the Trump presidency towards a more inward looking attitude in American society that looks more at identity markers such as race, political affiliation and sexual orientation over nationality.

Despite a spike in antisemitic incidents, according to a 2022 poll, Americans were least opposed to Jewish presidential candidates: only 7% of Americans would oppose such a candidate.<sup>207</sup> Interestingly, a gap between Democrats and Republicans is the narrowest in this case (the difference is just 2%). This low opposition to a Jewish candidate holds among Catholics, 7%, Mainline Protestants, 6%, and Evangelical Christians, 6%; and holds equally for Whites and non-Whites, at 7% each. Catholic and traditional Protestant candidates were the next preferred choice, with 9% and 10% opposition to such a potential candidate respectively. 26% of Americans would oppose a Muslim presidential candidate, and 34% would oppose a candidate who is an atheist.<sup>208</sup>

c) describe negative social manifestations in relation to immigrants, foreigners, ethnic, religious, and sexual minorities, give examples;

After the shooting at a Colorado Springs LGBTQI+ Club Q,<sup>209</sup> far-right public personalities spoke about the LGBTQI+ conspiracy theory and moral panic. On his Fox news program, the former host Tucker Carlson displayed a banner “Stop Sexualizing Kids”, explaining the mass shooting by the supposedly ongoing pedophilia at the club. Other public rightwing personalities including Matt Walsh, Candace Owens, and politician Marjorie Taylor Greene published anti-LGBTQI+

<sup>202</sup> <https://www.pewresearch.org/fact-tank/2022/11/15/black-americans-differ-from-other-u-s-adults-over-whether-individual-or-structural-racism-is-a-bigger-problem/>.

<sup>203</sup> <https://morningconsult.com/2021/03/31/immigration-biden-approval-rating-polling/>.

<sup>204</sup> <https://apnews.com/article/joe-biden-mexico-health-immigration-immigration-policy-1fb007e86452849d8e373908a3d81e94>.

<sup>205</sup> <https://www.splcenter.org/news/2022/06/01/poll-finds-support-great-replacement-hard-right-ideas>.

<sup>206</sup> <https://www.splcenter.org/hatewatch/2020/11/23/intelligence-project-poll-extremism-shows-divide-how-americans-understand-racism-reveals>.

<sup>207</sup> <https://criticalissues.umd.edu/sites/criticalissues.umd.edu/files/American%20Attitudes%20on%20Race%2CEthnicity%2CReligion.pdf>.

<sup>208</sup> <https://www.brookings.edu/blog/fixgov/2022/12/29/the-antisemitic-and-islamophobic-fringe-is-alarmingly-emboldened-but-its-shrinking/>.

<sup>209</sup> <https://www.bbc.com/news/world-us-canada-63879488>.

pieces. According to the Institute for Strategic Dialogue, a think tank based in London, the use of the term “pedophile” and “groomer” increased sharply on the rightwing channels in the days following the shooting.<sup>210</sup>

The mass shooting on May 15, 2022 at a Presbyterian church in Laguna Woods, California hosting a congregation of a Taiwanese Presbyterian Church ended in one person killed and five wounded.<sup>211</sup> A 68-year-old Chinese-American suspect was arrested. Authorities alleged that the crime was committed out of a political hatred of Taiwan and the Taiwanese people and the suspect was charged with one count of murder and five counts of attempted murder, all with hate crime enhancements, and four counts of possessing an explosive device. Prior to the shooting, 47% of Asians were extremely concerned about systemic racism and racial injustice in the U.S.; after the shooting the number rose to 63%.<sup>212</sup>

#### **4) The Covid-19 pandemic and the impact on the level of xenophobia and radicalization of society:**

Trump’s incendiary language, including referring to Covid-19 as the “Chinese virus” contributed to increased levels of xenophobia against Asians. Over 2,000 anti-Asian hate incidents were reported as of the end of July 2020.<sup>213</sup> Anti-Asian hate crimes rose by 73% in 2020.<sup>214</sup> According to Stop Asian Hate, almost 11,000 anti-Asian attacks occurred between March 2020 to December 2021.<sup>215</sup> These ranged from micro-aggressions to physical assaults. There has been a spread of anti-Chinese propaganda<sup>216</sup> in the rightwing media and public discourse (and not only on far-right websites<sup>217</sup>) from the beginning of the pandemic, including accusations that an “uncivilized” Chinese tradition uses wild animals for consumption. This renewed hate towards the Chinese is a legacy that follows the ingrained historical tradition of the racist American perception of the Chinese as constituting a “Yellow Peril.”<sup>218</sup>

On May 12, 2022, a man was arrested in California on federal charges of disrupting a “Stop Asian Hate” rally protesting the increase in hate crimes against Asian-Americans in March 2021. He ran a red light (nearly hitting a nine-year-old child) and blocked the path of demonstrators while yelling racist slurs at them. If convicted of indictment, the defendant could face up to 20 years in prison.<sup>219</sup>

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<sup>210</sup> <https://www.isdglobal.org/explainers/the-groomer-slur/>.

<sup>211</sup> <https://www.latimes.com/california/story/2022-05-19/laguna-woods-taiwanese-church-shooting>.

<sup>212</sup> P. 5. [https://www.edelman.com/sites/g/files/aatuss191/files/2022-](https://www.edelman.com/sites/g/files/aatuss191/files/2022-06/2022%20Edelman%20Trust%20Barometer%20Special%20Report%20Business%20and%20Racial%20Justice.pdf)

[06/2022%20Edelman%20Trust%20Barometer%20Special%20Report%20Business%20and%20Racial%20Justice.pdf](https://www.edelman.com/sites/g/files/aatuss191/files/2022-06/2022%20Edelman%20Trust%20Barometer%20Special%20Report%20Business%20and%20Racial%20Justice.pdf).

<sup>213</sup> <https://www.cbsnews.com/news/anti-asian-american-hate-incidents-up-racism/>.

<sup>214</sup> <https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-rose-73-last-year-updated-fbi-data-says-rcna3741>.

<sup>215</sup> <https://stopaapihate.org/wp-content/uploads/2022/03/22-SAH-NationalReport-3.1.22-v9.pdf>.

<sup>216</sup> <https://foreignpolicy.com/2020/01/27/coronavirus-covid19-dont-blame-bat-soup-for-the-virus/>.

<sup>217</sup> <https://www.nbcnews.com/news/asian-america/sen-cornyn-china-blame-coronavirus-because-people-eat-bats-n1163431>.

<sup>218</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364747/>.

<sup>219</sup> <https://abc7.com/diamond-bar-stop-asian-hate-rally-protest/11844883/>.

In an already mentioned incident, on March 16, 2021, eight people including six Asian American women were murdered at three Asian-owned spas in Atlanta. The perpetrator was sentenced to life without parole.<sup>220</sup> As mentioned earlier, no evidence of racial bias was found in the shootings, which were not prosecuted as a hate crime. The perpetrator claimed he was motivated by a sexual addiction<sup>221</sup> that contradicted his Christian Evangelical beliefs, rather than hate towards Asians. Biden condoned the attack as a hate crime against a minority and women.<sup>222</sup> The police officer investigating the case faced criticism over his own anti-Asian Facebook posts,<sup>223</sup> placing the entire investigation into question.

These violent incidents against Asian-Americans led to a social movement “Stop Asian Hate.”<sup>224</sup> Thousands of people showed up for rallies across the nation. The killings also led to a renewed discussion on the definition of hate crime and on the data aggregation methodology.<sup>225</sup> Counterterrorism officers were deployed in New York to Asian-American communities in the aftermath of the shootings, to patrol the situation. The pandemic also led to the introduction of some China-related legislation, which rested on the premise that China and Chinese people represent a threat to U.S. national security. Consequently, Chinese students and researchers found it more difficult to come to the U.S. The situation has improved with Biden, who immediately issued a “Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States.”

Other minorities have also been targeted during the pandemic. There has been an increased number of attacks on Latinx immigrants, as well as immigrants, refugees and asylum seekers in general, who were blamed for an increase in Covid-19 infection rates. As was covered in the previous report, when the Covid-19 pandemic hit the U.S., the Trump administration used the public health authority to attain its ambition of closing the border to migrants and asylum seekers. The public health emergency allowed the Trump administration to sidestep international law protecting refugees and asylum seekers.<sup>226</sup> The authorities were given a green light to expel asylum seekers without giving them a chance to seek legal process in the U.S.<sup>227</sup>

## **5) Armed conflict in Ukraine and its impact on the level of xenophobia, legislation and law enforcement practice of the country, on the activities of radical groups:**

Since the end of World War II, it was usually members of the Republican party who propagated a more hawkish view on foreign policy and who supported intervention in international conflicts.

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<sup>220</sup> <https://apnews.com/article/atlanta-spa-shootings-robert-aaron-long-a87456e5f25f34f0acc85c41f73ffbc6>.

<sup>221</sup> <https://www.npr.org/2021/03/17/978288270/shooter-claimed-sex-addiction-as-his-reason-but-most-victims-were-of-asian-desce>.

<sup>222</sup> <https://www.nbcnews.com/politics/joe-biden/biden-decries-brutality-against-asian-americans-following-atlanta-area-spa-n1261311>.

<sup>223</sup> <https://globalnews.ca/news/7704008/atlanta-spa-shootings-bad-day-racism/>.

<sup>224</sup> <https://www.ohchr.org/en/stories/2022/03/if-we-stay-silent-violence-continues>.

<sup>225</sup> <https://www.npr.org/2021/03/18/978680316/atlanta-spa-shootings-expose-frustration-and-debate-over-hate-crime-label>.

<sup>226</sup> <https://www.unhcr.org/en-us/1951-refugee-convention.html>.

<sup>227</sup> In March 2020, an order<sup>227</sup> from the U.S. Centers for Disease Control and Prevention (CDC) was issued under 42 U.S.C. §§ 265, 268 and 42 C.F.R. § 71.40 (“Title 42”) of U.S. Law.

Under the Trump administration,<sup>228</sup> Republicans have become more isolationist, the trend that continues today.<sup>229</sup> For example, in a questionnaire to all potential presidential candidates, Florida Governor Ron DeSantis called,<sup>230</sup> in March, 2023, the war in Ukraine a “territorial dispute” and questioned whether the U.S. should continue its involvement.<sup>231</sup> He echoed the opinion of the majority of the Republicans who believe that that supporting Ukraine in the war is not one of the most vital American national interests. The radically rightwing U.S. House of Representatives Freedom Caucus – the most far right bloc within the House Republican Conference – including Marjorie Taylor Greene, Scott Perry, and Paul Gosar, has been extremely skeptical about providing Ukraine<sup>232</sup> with more military aid and have asked for closer oversight.<sup>233</sup> The House speaker, Kevin McCarthy, has said he will not support a “blank check” for Ukraine and declined the invitation of the Ukrainian president, Volodymyr Zelenskyy, to visit Kyiv.<sup>234</sup> In a similar vein, the former Fox News host and Trump ally Carlson<sup>235</sup> and far right War Room podcast host Steve Bannon<sup>236</sup> have been propagating discourse in support of Russian operation. These and other radical right personas present Russian President Vladimir Putin as an ally in the American rightwing war against wokeism, and celebrate his transphobia, homophobia, and his defense of Christianity and traditionalism. They have become Kremlin messengers spreading misinformation on the nature of Covid and U.S. strategy vis-à-vis Ukraine.

Alternately, the Biden administration stated that it will support Ukraine for as long as it takes<sup>237</sup> and adopted a number of measures against Russia and Russians, including sanctions and deportations of Russian asylum seekers, among them men fleeing Putin’s draft, back to Russia. While initially deportations by ICE to nine countries (Russia, Ukraine, Belarus., Georgia, Hungary, Moldova, Poland, Romania and Slovakia) were suspended in March 2022 due to the humanitarian crisis in Ukraine,<sup>238</sup> they were resumed a year later, in March, 2023.<sup>239</sup> Upon return to Russia, these men face prison or being sent to the frontline.

In March 2022, the Department of Homeland Security announced a Temporary Protected Status (TPS) program for Ukrainians in the U.S.<sup>240</sup> which allowed them to apply for deportation protection and work permits.<sup>241</sup> The 18 month- TPS program is geared towards citizens of countries affected by war, natural disasters, and emergencies. It is supposed to be temporary and

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<sup>228</sup> <https://www.politico.com/magazine/story/2018/07/13/gop-isolationism-trump-eisenhower-219003/>.

<sup>229</sup> <https://www.thebulwark.com/republican-voters-are-now-americas-foreign-policy-doves/>.

<sup>230</sup> <https://twitter.com/TuckerCarlson/status/1635442071073955841?s=20>.

<sup>231</sup> [com/homenews/campaign/3868151-desantis-wades-into-foreign-policy-ukraine/](https://www.homenews/campaign/3868151-desantis-wades-into-foreign-policy-ukraine/).

<sup>232</sup> <https://www.politico.com/news/2022/12/21/republicans-balk-ukraine-aid-zelenskyy-00075104>.

<sup>233</sup> <https://rollcall.com/2023/02/27/congress-turns-attention-to-oversight-of-ukraine-aid/>.

<sup>234</sup> <https://www.euointegration.com.ua/eng/news/2023/03/8/7157591/>.

<sup>235</sup> <https://www.foxnews.com/opinion/tucker-carlson-russia-invasion-ukraine>.

<sup>236</sup> <https://pesaagora.com/columns/steve-bannons-war-on-ukraine-and-democracy/>.

<sup>237</sup> <https://thehill.com/homenews/administration/3866266-biden-announces-500m-in-new-military-aid-to-ukraine-during-surprise-visit/>; <https://thehill.com/policy/international/3830003-in-significant-shift-biden-sending-31-abrams-tanks-to-ukraine/>.

<sup>238</sup> <https://www.cbsnews.com/news/ukraine-russia-ice-deportations-suspended/>.

<sup>239</sup> [https://www.theguardian.com/us-news/2023/mar/18/biden-administration-russia-deportations?CMP=share\\_btn\\_fb&fbclid=IwAR0ULv32PcUmpdhc8IX5Xu8gqKrSkjwhtg18IKx4gT7zROzunDdYaPDofw](https://www.theguardian.com/us-news/2023/mar/18/biden-administration-russia-deportations?CMP=share_btn_fb&fbclid=IwAR0ULv32PcUmpdhc8IX5Xu8gqKrSkjwhtg18IKx4gT7zROzunDdYaPDofw).

<sup>240</sup> <https://crsreports.congress.gov/product/pdf/IN/IN11889>.

<sup>241</sup> <https://www.cbsnews.com/news/ukrainians-us-deportation-protection-temporary-protected-status-russian-invasion/>.



does not allow its recipients to obtain permanent U.S. residency. Ukrainians who arrived to the U.S. after March 1, 2022 do not qualify for this program. According to DHS estimates, 59,600 Ukrainians are eligible to apply for TPS.<sup>242</sup>

When a Gallup poll asked voters an open-ended question: “What do you think is the most important problem facing the country today?” (without specifying the war in Ukraine), almost no American mentioned a foreign policy or national security question.<sup>243</sup> In January 2023, around 40% of Americans favored isolationism and only 17% supported engagement in overseas conflicts. While Democrats and Republicans somewhat differ in their attitudes (33% Democrats are in favor of isolationism while 20% want engagement and 45% Republicans are in favor of isolationism and 15% want global engagement), on the overall, isolationism is favored by the majority of Americans.<sup>244</sup> However, isolationism does not seem to be a rationally held opinion, since 34% of Americans still favor involvement in the United Nations and other international organizations.<sup>245</sup>

One year into the war, 65% of U.S. adults want their country to continue to support Ukraine, even if that will lead to the prolongation of the war; and only 31% believe that the U.S. should work towards ending the war as soon as possible even if that allows Russia to keep its territory.<sup>246</sup> On the overall, Americans are still supportive of helping Ukraine. According to Gallup,<sup>247</sup> in January 2023 39% of Americans said the U.S. is doing the right thing aiding Ukraine; 30% said the U.S. is not doing enough; and 28% said the U.S. is doing too much. Around 75% of Americans support continuing economic (71%) and military (72%) aid to Ukraine, and 58% are willing to provide support “as long as it takes” even if that translates into higher domestic prices for food and gas.<sup>248</sup>

Russia continues to resort to disinformation aimed at reversing U.S. support for Ukraine. In doing so, it relies on radical right media outlets including Gab, Parler, Odysee and Rumble (since Facebook and Twitter have imposed more stringent control on Russian propaganda). Far-right conspiracy theories include the biolabs-in-Kyiv theory (which argues that the U.S. has been promoting the development of bioweapons in Ukraine). According to the Alliance for Securing Democracy,<sup>249</sup> the previous, direct promotion of Russian invasion has been supplanted by the shift of attention to energy and economic impending crisis because of a prolonged war.

In February 2023, a group of Republicans led by Matt Gaetz (and sponsored by eleven other members of Congress) introduced a “Ukraine fatigue” resolution, which, if passed, would “express through the sense of the House of Representatives that the United States must end its military and financial aid to Ukraine, and urges all combatants to reach a peace agreement.”<sup>250</sup> This could possibly lead to a stop in U.S. aid to Ukraine.

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<sup>242</sup> <https://www.federalregister.gov/documents/2022/04/19/2022-08390/designation-of-ukraine-for-temporary-protected-status>.

<sup>243</sup> <https://news.gallup.com/poll/1675/most-important-problem.aspx>.

<sup>244</sup> <https://morningconsult.com/united-states-foreign-policy-tracker/>.

<sup>245</sup> <https://morningconsult.com/united-states-foreign-policy-tracker/>.

<sup>246</sup> <https://news.gallup.com/poll/469328/one-year-later-americans-stand-ukraine.aspx>.

<sup>247</sup> <https://news.gallup.com/poll/469328/one-year-later-americans-stand-ukraine.aspx>.

<sup>248</sup> Chicago Council Survey, <https://www.globenewswire.com/en/news-release/2022/10/20/2537948/0/en/Poll-U-S-Public-Opinion-on-Foreign-Policy-Pivots-to-Europe-Unites-on-Ukraine-Support.html>.

<sup>249</sup> <https://securingdemocracy.gmfus.org/war-in-ukraine/>.

<sup>250</sup> <https://gaetz.house.gov/sites/gaetz.house.gov/files/documents/Ukraine%20Fatigue%20Res.pdf>.



According to an opinion poll,<sup>251</sup> 48% of respondents were in favor of providing weapons and 29% opposed to it. The support of the public for aiding Ukraine has decreased from May 2022, when 60% of Americans spoke in favor of arming Ukraine.

Interestingly, the war in Ukraine led to the division within the American left,<sup>252</sup> with many proponents on the left siding with the far right in supporting Russia.<sup>253</sup> Both camps believe that Russia was provoked by NATO expansion and that the war is the result of Russia's legitimate security concerns. Both camps are also opposed to U.S. intervention abroad in general.<sup>254</sup>

## **6) Activities of radical groups. Radical Right groups and parties:**

a) The emergence of *new* neo-Nazi and nationalist groups, movements, political parties and groups (brief description);

b) The main events of the far right in 2020-22;

c) How the influence of neo-Nazis and radical nationalists on civil society; local and central legislative and executive authorities has changed over the period;

Violent far-right terrorists are motivated by ideas of racial or ethnic supremacy, accelerationism, opposition to governmental authority (such as what they perceive to be overreach in Covid-19 restrictions); misogyny (this especially applies to incels and other “involuntary celibates”), hatred of LGBTQI+ community, belief in conspiracy theories including QAnon, opposition to policies including abortion, anti-egalitarianism, nativism, and anti-authoritarianism. Accelerationists<sup>255</sup> aim to accelerate governmental and social collapse through extreme violence and the destruction of societal structure. Then a white ethno-state can be built from the ashes. They encourage their adherents to attack electrical power grids to cause blackouts, revolution and chaos.<sup>256</sup> In these tactics, accelerationists are not unsimilar to other violent extremists who follow different ideologies, ranging from ISIS to Aum Shinrikyo (Japan) and Shining Path (Peru). There has been a 70% increase in attacks on infrastructure from 2021 to 2022 in the US.<sup>257</sup>

Many rightwing violent extremists believe that the government is failing to perform its duties or, to the contrary, overstepping its constitutional authority. Such issues as immigration (including changes in border security enforcement policies and an increase in non-citizens arriving to the U.S.), abortion, DEI legislation serve as catalysts for rightwing violence.

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<sup>251</sup> [https://apnorc.org/projects/acontinuing-support-for-u-s-involvement-a-year-into-the-war-between-russia-and-ukraine-a/?doing\\_wp\\_cron=1676516544.5567569732666015625000](https://apnorc.org/projects/acontinuing-support-for-u-s-involvement-a-year-into-the-war-between-russia-and-ukraine-a/?doing_wp_cron=1676516544.5567569732666015625000).

<sup>252</sup> <https://responsiblestatecraft.org/2023/02/23/how-the-war-in-ukraine-has-challenged-restrainers-on-the-left/>.

<sup>253</sup> <https://foreignpolicy.com/2022/07/04/us-politics-ukraine-russia-far-right-left-progressive-horseshoe-theory/>;

<sup>254</sup> <https://berniesanders.com/issues/responsible-foreign-policy/>;

[https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=3527&context=cmc\\_theses](https://scholarship.claremont.edu/cgi/viewcontent.cgi?article=3527&context=cmc_theses).

<sup>255</sup> <https://www.adl.org/resources/blog/white-supremacists-embrace-accelerationism>.

<sup>256</sup> <https://www.hstoday.us/featured/accelerationist-guide-calls-for-metcalf-style-attacks-on-sitting-duck-electricity-infrastructure/>.

<sup>257</sup> <https://www.politico.com/news/2022/12/26/physical-attacks-electrical-grid-peak-00075216>.

There was also a significant increase in 2022 of white supremacist propaganda, including the distribution of racist, antisemitic, and anti-LGBT+ memorabilia.<sup>258</sup> There was a 38% increase in white supremacist propaganda incidents as compared to 2021, making 2022 the year with the highest number of such incidents recoded by ADL (with 6,751 incidents perpetrated in 2022 compared to 4,876 in 2021).<sup>259</sup> Antisemitic propaganda more than doubled (from 352 in 2021 to 852 in 2022).<sup>260</sup> In 2022 propaganda was recorded in all states except for Hawaii, with the highest levels (from most to least) in Texas, Massachusetts, Virginia, Michigan, Pennsylvania, California, Utah, Florida, Connecticut, and Georgia.<sup>261</sup>

While there is an increase in radical right propaganda,<sup>262</sup> there was, in 2021, a 5% drop in rightwing violent extremist incidents from 2020. In 2021, there were 4,851 cases reported, as compared to 5,125 in 2020.<sup>263</sup> Propaganda incidents on college campuses decreased by 23%, from 303 in 2020 to 232 in 2021, making it the lowest number since 2017. There was, however, an increase in antisemitic propaganda distributions, with 352 incidents in 2021 (as opposed to 277 in 2020).<sup>264</sup>

According to the Office of the Director of National Intelligence (ODNI) white supremacists and Salafi-jihadists have been the most lethal homegrown violent extremists and domestic violent extremists in the period between 2016 and 2022.<sup>265</sup> Violent extremists across the ideological spectrum cross-radicalize: for example, white supremacists use jihadi training literature.<sup>266</sup>

As mentioned earlier, American society has become more radicalized. According to a UC Davis poll (2022), 20% of Americans think that political violence is acceptable “at least sometimes,” and 10% of those surveyed responded that political violence would be justified if this would lead to Trump returning to presidency.<sup>267</sup> In addition, military and intelligence community believes that there will be an increase in violence closer to the 2024 presidential election.<sup>268</sup>

As noted earlier, many Americans believe that the divisions between red (Republican-dominated) and blue (Democratic-dominated) states became so intractable that a second Civil War is inevitable. Moreover, as we have demonstrated, far right violent extremism has transmogrified into full-on terrorism. Radical right supporters are now more prepared to resort to physical violence

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<sup>258</sup> <https://www.adl.org/resources/report/white-supremacist-propaganda-soars-all-time-high-2022>.

<sup>259</sup> <https://www.adl.org/resources/report/white-supremacist-propaganda-soars-all-time-high-2022>.

<sup>260</sup> <https://www.adl.org/resources/report/us-white-supremacist-propaganda-remained-historic-levels-2021-27-percent-rise>.

<sup>261</sup> <https://www.adl.org/resources/report/white-supremacist-propaganda-soars-all-time-high-2022>.

<sup>262</sup> <https://www.adl.org/resources/report/white-supremacist-propaganda-spikes-2020>.

<sup>263</sup> <https://www.adl.org/resources/report/white-supremacist-propaganda-spikes-2020>.

<sup>264</sup> <https://www.adl.org/resources/report/audit-antisemitic-incidents-2020>.

<sup>265</sup> <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2022-Unclassified-Report.pdf>.

<sup>266</sup> Makuch, Ben, and Mack Lamoureux. 2019. “Neo-Nazis Are Glorifying Osama Bin Laden.” Vice (blog). September 17, 2019. <https://www.vice.com/en/article/bjwv4a/neo-nazis-are-glorifying-osama-bin-laden>.

<sup>267</sup> [https://health.ucdavis.edu/vprp/pdf/Political-Violence-Fact-Sheet%201\\_7-21-22.pdf](https://health.ucdavis.edu/vprp/pdf/Political-Violence-Fact-Sheet%201_7-21-22.pdf).

<sup>268</sup> <https://info.publicintelligence.net/DHS-FBI-NCTC-DomesticExtremistThreatPersists.pdf>; <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2023/02/23/feds-push-local-election-officials-to-boost-security-ahead-of-2024>; <https://rollcall.com/2023/04/26/bipartisan-groups-urge-congress-to-boost-election-security-grants/>.

and to kill their enemies. Between 2016 and 2022, 94 individuals were charged in federal court with planning violent extremist attacks.<sup>269</sup> Among the most recent planned attacks:

- In July 2022, a gunned man was arrested outside the Seattle house of Pramila Jayapal, the leader of the Congressional Progressive Caucus. He was shouting slurs outside the politician’s home. He was, however, released, since the police could not be certain that he told the politician to go back to India;<sup>270</sup>
- In August 2022, in the aftermath of the raid on Trump’s Mar-a-Lago complex, a man wearing body armor attempted to breach the FBI’s Cincinnati field office and was killed by the police;<sup>271</sup> The man is believed to have participated in the January 6 riot at the US Capitol and may have had ties with the Proud Boys. In the days preceding the attack, the individual called on others to acquire weapons and kill federal law enforcement, claiming he felt he was fighting in a “civil war.” Far right violent extremists praised this man as a “martyr;”<sup>272</sup>
- In October 2022, a man broke into the home of the Democratic speaker of the House Nancy Pelosi in San Francisco and attacked Pelosi’s husband with a hammer, fracturing his skull. The individual arrested for this crime was allegedly inspired by partisan grievances and conspiracy theories;<sup>273</sup>

In November 2022, there was an increase in violence during the midterm elections, with calls for violence targeting politicians and political candidates. Several politicians, political candidates and organizations received letters containing threats and/or suspicious powders.<sup>274</sup> Conspiracy theories circulated that midterm elections were rigged,<sup>275</sup> and certifications were delayed.<sup>276</sup>

- In January 2023, a failed Republican candidate for state office in New Mexico who called himself a “MAGA king” was arrested for the alleged attempted murder of local Democratic officials in four different shootings. In one of the shootings, three bullets passed through the bedroom of a state senator’s sleeping 10-year-old daughter.<sup>277</sup>

On January 6, 2021, the Capitol Siege insurrection took place. A mob of radical right supporters of Trump used violence to enter the Capitol building and tried to disrupt the electoral process. Five people, including a police officer, were killed and over a hundred individuals received injuries.<sup>278</sup> In the aftermath of the insurrection, the FBI and the Department of Justice are trying to bring the

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<sup>269</sup> Database of extremists charged in U.S. federal court maintained by the Program on Extremism at George Washington University.

<sup>270</sup> <https://www.seattletimes.com/seattle-news/law-justice/man-arrested-for-allegedly-threatening-to-kill-u-s-rep-pramila-jayapal-released-from-jail/>.

<sup>271</sup> <https://apnews.com/article/fbi-cincinnati-armed-man-b4701596a0eb9770e3b29e95328f5704>.

<sup>272</sup> <https://www.hstoday.us/featured/extremists-praise-martyr-who-attacked-fbis-cincinnati-office-declare-war-on-fbi-has-begun/>.

<sup>273</sup> <https://www.reuters.com/world/us/us-house-speaker-pelosis-husband-violently-assaulted-pelosi-statement-2022-10-28/>.

<sup>274</sup> <https://www.theguardian.com/us-news/2022/nov/06/kari-lake-envelope-white-powder-office-closed>.

<sup>275</sup> <https://www.adl.org/resources/blog/2022-midterm-elections-unpacking-false-and-misleading-narratives>.

<sup>276</sup> <https://www.politico.com/news/2022/11/28/lawsuits-certifying-midterm-election-results-2022-00070992>.

<sup>277</sup> <https://edition.cnn.com/2023/01/17/us/solomon-pena-arrested-new-mexico-shootings/index.html>.

<sup>278</sup> <https://www.theguardian.com/us-news/2021/jan/08/capitol-attack-police-officer-five-deaths>.

perpetrators to justice. As of April 29, 2023, 1,009 individuals have been charged for the riot as a result of the biggest (ongoing<sup>279</sup>) criminal investigation in U.S. history.<sup>280</sup> Out of those charged, half (562) of the individuals pleaded guilty and 475 were sentenced.<sup>281</sup>

While being a clear act of domestic terrorism, the Capitol attack received less condemnation than the 9/11 attacks. According to Politico/Morning Consult Poll, only 40% of Americans said that the January 6 attacks had a major impact on their views, compared to 66% for the terrorist attacks on 9/11.<sup>282</sup> The Republicans in the Senate blocked the establishment of an independent, 9/11-style commission to investigate the insurrection and declared the attack to have been a “legitimate political discourse.”<sup>283</sup> The House held its own eighteen-month investigation and the Congress established the January 6<sup>th</sup> Committee in June, 2021.<sup>284</sup> While the 9/11 events created a belief of an existential threat stemming from Muslims towards the West, the Capitol attack is seen by many as either a defensive act or as a political one. But not as an act of terrorism. This tendency is helped by the mainstreaming of far-right ideas in the media and public discourse during Trump’s presidency. Of the 452 sentences, only 43 individuals were convicted of all charges and of those who were sentenced, only 58 individuals received prison time; the median sentence for those who received prison time has so far been 75 days.<sup>285</sup> Most defendants were merely fined, sentenced to a probation, community service and home confinement, and were charged with a misdemeanor of “parading and demonstrating in a Capitol building.”<sup>286</sup>

According to the Justice Department, around 2,000 people were actually involved in the riot. 15% of the defendants had a background in the military (as compared to 7% of the U.S. population) or law enforcement (as compared to 1% of the U.S. population). 36% of these individuals with military background also had connections to different extremist organizations, including the Proud Boys (7), Oath Keepers (4), and Three Percenters (1). 85% of those charged have no known connection to extremist groups nor had previous convictions for violence. This indicates that extremism is becoming mainstream. These people seemed to honestly believe that the election was fraudulent and were willing to use violence to reverse the rigged result and overthrow the elected president through violence. They thought of themselves as patriots, not insurrectionists. The House Select Committee concluded that Trump was partly responsible for the insurrection and recommending that the former president be prosecuted.<sup>287</sup> Trump normalized the most dangerous

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<sup>279</sup> <https://www.americanprogress.org/article/trump-and-his-allies-must-be-held-accountable-for-the-january-6-insurrection/>.

<sup>280</sup> <https://www.npr.org/2023/03/25/1165022885/1000-defendants-january-6-capitol-riot>.

<sup>281</sup> <https://www.npr.org/2021/02/09/965472049/the-capitol-siege-the-arrested-and-their-stories>.

<sup>282</sup> <https://www.politico.com/f/?id=00000181-8974-d221-a5c5-affe2dfc0000&nname=playbook&nid=0000014f-1646-d88f-a1cf-5f46b7bd0000&nrid=0000014e-f115-dd93-ad7f-f91513e50001&nlid=630318>.

<sup>283</sup> <https://context-cdn.washingtonpost.com/notes/prod/default/documents/0bdaba1c-a2a6-4aa5-8acd-62d782590c54/note/c71c8a31-8623-4236-94ec-ce99dac1a51e>.

<sup>284</sup> <https://www.npr.org/2021/06/30/1011415934/the-house-will-vote-on-a-select-committee-to-investigate-the-jan-6-riot>.

<sup>285</sup> <https://www.npr.org/2021/02/09/965472049/the-capitol-siege-the-arrested-and-their-stories>.

<sup>286</sup> <https://www.npr.org/2021/02/09/965472049/the-capitol-siege-the-arrested-and-their-stories>.

<sup>287</sup> [https://d3i6fh83elv35t.cloudfront.net/static/2022/12/Report\\_FinalReport\\_Jan6SelectCommittee.pdf](https://d3i6fh83elv35t.cloudfront.net/static/2022/12/Report_FinalReport_Jan6SelectCommittee.pdf); Trump was also indicted in March 2023 by Manhattan grand jury on charges of business fraud. <https://manhattanda.org/district-attorney-bragg-announces-34-count-felony-indictment-of-former-president-donald-j-trump/>

fringe within the radical right: the white power movement (neo-Nazis, Aryan Nations, KKKmen, skinheads, Christian Identity and other religious extremists, etc.). The former president infamously told the “Proud Boys—stand back and stand by.”<sup>288</sup> After the Biden was confirmed a winner on December 14, 2020, Trump claimed that it was “statistically impossible to have lost the 2020 election. Big protest in DC on January 6. Be there, will be wild!”<sup>289</sup>

The insurrectionists fall into three categories. The first category includes the Oath Keepers and the Three Percenters which are militant networks. They are umbrella organizations for dozens of militias across the U.S. They promote resistance to the government. These militant networks are organized hierarchically. Leaders of these groups ordered their supporters to travel to Washington and to orchestrate the riot. The second category is composed of organized clusters – small groupings of individuals who are usually family members and friends with no top-down orders from any rightwing domestic violent extremist organization. The third category of insurrectionists are inspired believers. These are not members of any violent extremist groups but adherents to conspiracy theories.<sup>290</sup>

One of the significant changes during the period under review is the increased targeting of critical infrastructure by white supremacists since 2019. This tactic was previously used primarily by Salafi-jihadist violent extremists. Thus, between 2016 and 2022, 13 white supremacists were arrested and charged in federal court with planning attacks on the energy sector; 11 of these attack planners were charged after 2020.<sup>291</sup> A rise in accelerationist ideology (which advocates for a collapse of the state)<sup>292</sup> during the past several years might have contributed to this trend.<sup>293</sup> Of 94 individuals who were charged during 2016-2022 with planning to conduct violent extremist attacks, 35, or nearly 30%, attempted to attack critical infrastructure systems; 19 of them were Salafi-jihadists; and 16 belonged to white supremacist groups.<sup>294</sup> Infrastructure attacks rose 70% in 2022 compared to 2021.<sup>295</sup>

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<sup>288</sup> [https://www.youtube.com/watch?v=qIHhB1ZMV\\_o](https://www.youtube.com/watch?v=qIHhB1ZMV_o).

<sup>289</sup> <https://www.npr.org/2022/07/13/1111341161/how-trumps-will-be-wild-tweet-drew-rioters-to-the-capitol-on-jan-6>.

<sup>290</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/This-Is-Our-House.pdf>.

<sup>291</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/CriticalInfrastructureTargeting09072022.pdf>.

<sup>292</sup> Daveed Gartenstein-Ross, Samuel Hodgson, and Colin Clarke, «The Growing Threat Posed by Accelerationism and Accelerationist Groups Worldwide,” Foreign Policy Research Institute, April 2020,

<https://www.fpri.org/article/2020/04/the-growing-threat-posed-by-accelerationism-and-accelerationist-groups-worldwide/>; Brian Hughes and Cynthia Miller-Idriss, “Uniting for Total Collapse: The January 6 Boost to Accelerationism,” Combating Terrorism Center at West Point, *CTC Sentinel* 14, no. 4 (April/May 2021), <https://ctc.westpoint.edu/uniting-for-total-collapse-the-january-6-boost-to-accelerationism/>; and Luke Mogelson, “In the Streets with Antifa,” *New Yorker*, October 25, 2020, <https://www.newyorker.com/magazine/2020/11/02/trump-antifa-movement-portland>.

<sup>293</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/CriticalInfrastructureTargeting09072022.pdf>.

<sup>294</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/CriticalInfrastructureTargeting09072022.pdf>.

<sup>295</sup> <https://www.brookings.edu/blog/order-from-chaos/2023/01/18/domestic-terrorism-is-evolving-it-needs-imaginative-counterterrorism/>.

According to DHS, this trend will continue to grow.<sup>296</sup> Of the attacks of this kind it is worth mentioning:

- A December 2020 bombing in Nashville which led to a damage of an AT&T transmission center and disabled cellular telephone networks throughout the central and southern United States for hours;<sup>297</sup>
- On December 3, 2022, in Moore County, North Carolina, two electric transformers were shot, leaving around 40,000 people without power and several thousand customers remained in the dark for days, in freezing temperatures;<sup>298</sup>
- On February 6, 2023 a Maryland woman and a Florida man have been charged with conspiracy to destroy an energy facility, allegedly driven by their ideology of racially-motivated hatred. The two defendants schemed to attack local power grid facilities. The defendants each face a maximum of 20 years in prison.<sup>299</sup>

In 2022, 18 of the 25 extremist-related murders appear to have been committed in whole or part for ideological motives, while the remaining seven murders either had no clear motive or were committed for a non-ideological motive.<sup>300</sup> In the period from 2013 to 2022, most right-wing extremist killings in the U.S. were committed by white supremacists.<sup>301</sup>

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<sup>296</sup> U.S. Department of Homeland Security. “Summary of Terrorism Threat to the U.S. Homeland.” National Terrorism Advisory Bulletin. February 7, 2022. <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-february-07-2022>

<sup>297</sup> [https://www.cisa.gov/sites/default/files/2023-02/22\\_0602\\_eed\\_dependencies\\_2020-nashville-bombing\\_508C.pdf](https://www.cisa.gov/sites/default/files/2023-02/22_0602_eed_dependencies_2020-nashville-bombing_508C.pdf).

<sup>298</sup> <https://www.npr.org/2022/12/05/1140775417/north-carolina-substation-attack-what-we-know>.

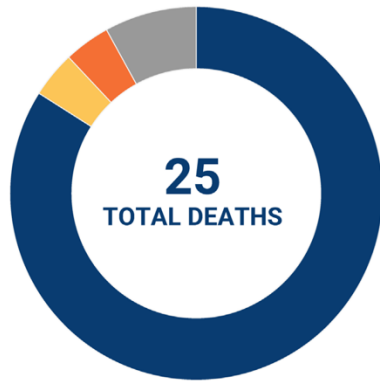
<sup>299</sup> <https://www.justice.gov/usao-md/pr/federal-indictment-returned-charging-maryland-woman-and-florida-man-conspiring-destroy>.

<sup>300</sup> <https://www.adl.org/sites/default/files/pdfs/2023-02/Murder-and-Extremism-in-the-United-States-in-2022.pdf>.

<sup>301</sup> <https://www.adl.org/sites/default/files/pdfs/2023-02/Murder-and-Extremism-in-the-United-States-in-2022.pdf>.



## Domestic Extremist-Related Killings in the U.S. by Perpetrator Affiliation, 2022



**All of the 2022 extremist-related murders were committed by right-wing extremists.**

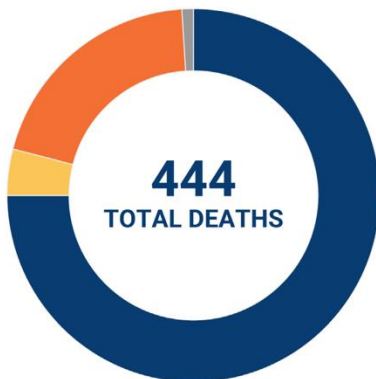
- White Supremacy: 84%
- Anti-Government Extremism: 4%
- QAnon Extremism: 4%
- Other Right-Wing Extremism: 8%

Note: Total deaths include both ideologically and non-ideologically motivated killings.

Source: ADL

Source: ADL<sup>302</sup>

## Domestic Extremist-Related Killings in the U.S. by Perpetrator Affiliation, 2013-2022



**Right-wing extremists are responsible for the great majority of extremist-related murders over the last decade.**

- Right-Wing Extremism (all movements): 75%
- Left-Wing Extremism (including anarchists & Black nationalists): 4%
- Domestic Islamist Extremism: 20%
- Other/Misc. Extremism: 1%

Note: Total deaths include both ideologically and non-ideologically motivated killings.

Source: ADL

Source: ADL<sup>303</sup>

<sup>302</sup> P. 4. <https://www.adl.org/sites/default/files/pdfs/2023-02/Murder-and-Extremism-in-the-United-States-in-2022.pdf>.

<sup>303</sup> P. 5. <https://www.adl.org/sites/default/files/pdfs/2023-02/Murder-and-Extremism-in-the-United-States-in-2022.pdf>.

Political polarization, reciprocal radicalization,<sup>304</sup> COVID-19 mandates, and continued racial injustice also led to another pronounced trend during the period under review: an increase in the domestic terrorism attacks and plots **during demonstrations**, particularly during demonstrations in cities in 2020 and 2021. While there were no such incidents during demonstrations from 1994 to 2010, only 8% in 2011-2012 and in 2015-2017), and only 2% (1 of 65 incidents) in 2019, 47% (52 of 110 incidents) of all terrorist attacks and plots took place during demonstrations in 2020, and 53% in 2021.<sup>305</sup> While there were fewer terrorist incidents in 2021 than in 2020, more and more of them took place during demonstrations. In 2021, 53% of domestic terrorist events (41 in 47) took place during demonstrations.<sup>306</sup> 58% of incidents that occurred at demonstrations were perpetrated by far-right extremists in 2020. In 2021, however, 73% of attacks related to demonstrations were conducted by violent far-left extremists.<sup>307</sup>

There was also a pronounced **increase in violence** of these demonstrations.<sup>308</sup> Portland, Seattle, New York, Los Angeles, and Washington, D.C. are the most frequent spots where extremists from opposing camps clashed during period under review.<sup>309</sup> As of August, 2021 Boogaloo Boys, Three Percenters (III%), Proud Boys, Oath Keepers, NBPP: New Black Panther Party, Patriot Prayer, and Michigan Liberty Militia were most present at demonstrations that turned violent and that involved firearms.<sup>310</sup> Of these, Boogaloo, the Neo-fascist Skullmask, the Oath Keepers, and the Proud Boys are the most dangerous in terms of the perpetrated attacks ( with the Boogaloo and the Neo-fascist Skullmask being the most active and the deadliest).<sup>311</sup> According to the George Washington University's Program on Extremism's Domestic Violent Extremism Tracker, as of July 2022, 49 individuals were charged in the U.S. on offenses related to the Boogaloo movement.<sup>312</sup> Of these, 47% were accused of plotting domestic terror attacks. The average prison sentence was 5.9 years; 25 individuals have pleaded or were found guilty; 36 individuals were

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<sup>304</sup> See, for example, Kim Knott, Ben Lee, and Simon Copeland, Briefings: Reciprocal Radicalisation (Lancaster, UK: Centre for Research and Evidence on Security Threats (CREST), September 2018), <https://crestresearch.ac.uk/resources/reciprocal-radicalisation/>; Jacob Davey and Mario Peucker, "How the Left and the Right Radicalize Each Other," Fair Observer, February 4, 2021, [https://www.fairobserver.com/region/asia\\_pacific/jacob-davey-mario-peucker-far-left-far-right-reciprocal-radicalization-australia-news-14251/](https://www.fairobserver.com/region/asia_pacific/jacob-davey-mario-peucker-far-left-far-right-reciprocal-radicalization-australia-news-14251/); and Roger Eatwell, "Community Cohesion and Cumulative Extremism Contemporary Britain," Political Quarterly 77, no. 2 (2006): 206–16,

<sup>305</sup> <https://www.csis.org/analysis/pushed-extremes-domestic-terrorism-amid-polarization-and-protest>; [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517\\_Doxsee\\_PushedtoExtremes\\_DomesticTerrorism\\_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3\\_hHVqMpyfbcM2t](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517_Doxsee_PushedtoExtremes_DomesticTerrorism_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3_hHVqMpyfbcM2t)

<sup>306</sup> [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517\\_Doxsee\\_PushedtoExtremes\\_DomesticTerrorism\\_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3\\_hHVqMpyfbcM2t](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517_Doxsee_PushedtoExtremes_DomesticTerrorism_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3_hHVqMpyfbcM2t)

<sup>307</sup> [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517\\_Doxsee\\_PushedtoExtremes\\_DomesticTerrorism\\_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3\\_hHVqMpyfbcM2t](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517_Doxsee_PushedtoExtremes_DomesticTerrorism_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3_hHVqMpyfbcM2t)

<sup>308</sup> <https://everytownresearch.org/report/armed-assembly-guns-demonstrations-and-political-violence-in-america/>.

<sup>309</sup> <https://acleddata.com/united-states-and-canada/>.

<sup>310</sup> <https://everytownresearch.org/report/armed-assembly-guns-demonstrations-and-political-violence-in-america/>.

<sup>311</sup> <https://extremism.gwu.edu/domestic-extremism-tracker>.

<sup>312</sup> <https://extremism.gwu.edu/boogaloo-movement-tracker>.

charged on offenses related to the Neo-Fascist Skullmask Movement, with 60% of these accused of plotting domestic terror attacks and 23 individuals pleading or found guilty.<sup>313</sup>

The following three white supremacist groups were most active (responsible for 93% of all activity) in distributing propaganda in 2022: Patriot Front, Goyim Defense League (GDL), and White Lives Matter (WLM):<sup>314</sup>

**Patriot Front** is a white supremacist group that split from Vanguard America in 2017. It is a Texas-based white supremacist/neo-Nazi group led by Thomas Ryan Rousseau and, earlier, Dillon Hopper (Dillon Irizarry). Its adherents (numbering 200-300 as of late 2021)<sup>315</sup> self-identify as American fascists. The group spreads propaganda via internet and by distributing various memorabilia. Since 2019, the group is responsible for most white supremacist propaganda distributed in the U.S. It also organizes “flash demonstrations” and training assemblies where they practice shooting and martial arts around the U.S. The group claims allegiance to the U.S. but also wants to form a *new* white ethno-state. They advocate for what they call “American Nationalism,” a racist ideology that appeals to conservatives, using such “harmless” symbols as the American flag, but also an image of a fasces, the original symbol of fascism encircled by thirteen stars as “an American symbol of revolutionary spirit.” According to the group’s manifesto, published on the group’s website in 2022,<sup>316</sup> “America suffers under the rule of an occupied government. ... Our national way of life faces complete annihilation as our culture and heritage are attacked from all sides. ... Americans are on the threshold of becoming a conquered people.” During demonstrations, members of the group fly the American flag upside down to show that the U.S. is in crisis because its existing state no longer represents American people. While the earlier incarnation of the group, Vanguard America, was explicitly antisemitic and neo-Nazi, Patriot Front is more obtruse: it uses seemingly politically acceptable wording in its propaganda, i.e. “America First”, “United We Stand”, and “Reclaim America.” Patriot Front makes regular appearances at anti-abortion events across the U.S. justifying these by the need to protect white American children.

- In 2021, the group used propaganda to harass Jewish institutions including the Museum of Tolerance-Beit HaShoah (Los Angeles); the Jewish Community Center (Rockville, Maryland); and synagogues in Massachusetts and Washington D.C.;<sup>317</sup>
- On June 11, 2022, around thirty members of the group including Rousseau were arrested after police stopped a U-Haul truck near a “Pride in the Park” event in Coeur d’Alene, Idaho, and found them inside the truck’s van dressed uniformly and equipped with riot shields. Each member was charged with criminal conspiracy to riot;<sup>318</sup>

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<sup>313</sup> <https://extremism.gwu.edu/boogaloo-movement-tracker>.

<sup>314</sup> <https://www.adl.org/resources/report/white-supremacist-propaganda-soars-all-time-high-2022>.

<sup>315</sup> <https://www.theguardian.com/world/2022/jan/28/leaked-online-chats-white-nationalist-patriot-front>.

<sup>316</sup> <https://patriotfront.us/manifesto/>.

<sup>317</sup> <https://www.adl.org/resources/report/us-white-supremacist-propaganda-remained-historic-levels-2021-27-percent-rise>.

<sup>318</sup> <https://edition.cnn.com/2022/06/11/us/31-people-arrested-for-conspiracy-to-riot-near-idaho-pride-parade/index.html>.

- On January 8, 2022, around 50 members of the group attended a March for Life anti-abortion rally in Chicago, Illinois carrying riot shields, a banner reading "Strong Families Make Strong Nations," and Patriot Front flags;<sup>319</sup>
- On December 4, 2021, around 100 members of the group held a flash demonstration marching down the National Mall in Washington, D.C., carrying riot shields, a banner reading "Victory or Death," and Patriot Front flags;<sup>320</sup>
- On July 3, 2021, an estimated 150 members of the group marched through Center City Philadelphia. The participants arrived in the city, packed into three Penske moving trucks. The march ended with counter protesters chasing the marchers back to their trucks and law enforcement arriving on the scene.<sup>321</sup>

**Goyim Defense League (GDL)** is a small loose network of supporters led by Job Minadeo who are vehemently antisemitic. Aside from spreading antisemitic conspiracy theories such as Holocaust denial and Jews being responsible for 9/11. White supremacist ideology that is hateful of all minorities (and not just Jews) is increasingly prevalent within GDL. In July 2022, Minadeo became openly white supremacist.

- In March 2022 another group member, Anthony Joseph Hammer, was arrested in Denton, Texas on federal charges of interstate communication of a threat following an FBI investigation focused on online threats made against the Anti-Defamation League in July 2021. During a March 2022 detention hearing, an agent with the FBI reportedly testified that Hammer also made death threats directed toward Pennsylvania Governor Tom Wolf in November 2020;<sup>322</sup>
- On December 27, 2021, in Chula Vista, California charges were announced by San Diego District Attorney of one count of felony battery and associated anti-gay hate crime against GDL member Robert Wilson.<sup>323</sup> On November 10, Wilson blocked his neighbor's driveway, yelled homophobic slurs at the victim and struck him in the face. In an unrelated incident, on December 18, Wilson allegedly violated San Diego City Municipal Code by hanging a large antisemitic banner from an Interstate 805 overpass. Wilson is also currently also suspected of projecting an antisemitic message on Anne Frank House in Amsterdam.<sup>324</sup>

**White Lives Matter (WLM)** is another white supremacist group that gained popularity as a racist response to the Black Lives Matter movement that started in 2014. WLM started organizing on

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<sup>319</sup> <https://www.businessinsider.com/far-right-patriot-front-heckled-at-chicago-anti-abortion-march-2022-1?r=US&IR=T>.

<sup>320</sup> <https://www.thedailybeast.com/patriot-front-white-nationalists-stage-bizarro-rally-in-downtown-dc-find-themselves-stranded>.

<sup>321</sup> <https://www.vice.com/en/article/g5gw84/patriot-fronts-disastrous-philly-event-was-just-their-latest-recruiting-drive>.

<sup>322</sup> <https://www.justice.gov/usao-edtx/pr/denton-county-man-sentenced-threatening-jewish-organization>.

<sup>323</sup> <https://www.sandiegouniontribune.com/news/courts/story/2021-12-27/chula-vista-man-charged-with-anti-gay-hate-crime-attack-on-neighbor-hanging-antisemitic-banner>.

<sup>324</sup> <https://www.npr.org/2023/02/11/1156279273/anne-frank-house-amsterdam-holocaust-antisemitic-projection>.

Telegram in March 2021.<sup>325</sup> Nationwide WLM marches were scheduled for April 11, 2021.<sup>326</sup> But, due to Antifa infiltration, very few participated in these gatherings.<sup>327</sup> Rallies were nevertheless held in multiple states. Three of WLM marchers were arrested in Huntington Beach, California.<sup>328</sup> There are a few international chapters of the organization including in the Netherlands<sup>329</sup> and Canada<sup>330</sup>. WLM network collaborates with other white supremacist neo-Nazi groups, including the National Socialist Movement, Nationalist Social Club, American National Socialist Party, and GDL. This increased collaboration between extremists belonging to different groups is a departure from earlier period.

- On March 1, 2022, the official WLM Telegram channel touted the antisemitic conspiracy theory that the war in Ukraine was orchestrated by Jews;
- On April 11, 2021, the group held a large rally in Huntington Beach, California. Twelve people were arrested.<sup>331</sup> Another man with a swastika tattoo on his arm was also arrested after an altercation with an Asian man,<sup>332</sup>
- On December 1, 2021, three members of the group were arrested on criminal mischief charges in Somerville, New Jersey, after they placed WLM stickers on property; one of the men was also charged with fourth degree possession of a weapon (he carried a pepper spray larger than the legal limit).<sup>333</sup>

Among other most notable attacks by white supremacists during the period under review the following, most glaringly brutal ones, are worth mentioning:

- In May 2022, there was an alleged hate crime murder of a Black man at a gas station in Tracy, California, by Jeremy Wayne Jones and Christina Lyn Garrier. Jones has multiple white supremacist tattoos, including the phrase “white pride” as well as an “88,” which is a white supremacist numeric code for “Heil Hitler;”<sup>334</sup>
- In October 2022 in Wisconsin, Joshua Scolman, a white supremacist inmate with alleged ties to the Wisconsin Aryan Brotherhood and who had previously written about his violent fantasies, including killing Black people, fatally stabbed a Black inmate and attempted to stab another;<sup>335</sup>

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<sup>325</sup> <https://www.isdglobal.org/wp-content/uploads/2020/06/A-Safe-Space-to-Hate.pdf>.

<sup>326</sup> <https://www.adl.org/resources/blog/potential-white-lives-matter-marches-attract-attention-online>.

<sup>327</sup> <https://www.nbcnews.com/tech/tech-news/white-lives-matter-rallies-flop-hardly-anyone-shows-rcna650>.

<sup>328</sup> <https://www.nbclosangeles.com/news/local/white-lives-matter-rally-in-huntington-beach/2570704/>.

<sup>329</sup> <https://nltimes.nl/2023/01/09/white-lives-matter-extremists-aim-normalize-racism-awaken-racial-awareness-report>.

<sup>330</sup> [https://www.antihate.ca/white\\_lives\\_matter\\_canada\\_activists\\_putting\\_propoganda\\_alongside\\_childrens\\_books](https://www.antihate.ca/white_lives_matter_canada_activists_putting_propoganda_alongside_childrens_books).

<sup>331</sup> <https://www.latimes.com/california/story/2021-04-11/huntington-beach-rallies-wlm-blm>.

<sup>332</sup> <https://www.newsweek.com/man-swastika-tattoo-assaults-asian-man-california-white-lives-matter-rally-1582833>.

<sup>333</sup> [https://www.facebook.com/permalink.php?story\\_fbid=1508019726248540&id=276259059424619](https://www.facebook.com/permalink.php?story_fbid=1508019726248540&id=276259059424619).

<sup>334</sup> <https://www.cbsnews.com/sanfrancisco/news/update-3-suspects-in-hate-crime-homicide-at-tracy-gas-station-appear-in-court/>.

<sup>335</sup> <https://www.wispolitics.com/2022/records-white-supremacist-who-killed-black-fellow-inmate-fantasized-about-slaughtering-black-people>.

Only a few of the 2022 extremist-related murders did not involve white supremacists. These included:

- A QAnon adherent in Michigan who killed his wife, then died in a subsequent shootout with police,<sup>336</sup>
- And a convicted Capitol riot defendant who killed a woman by crashing into her car in what was described by authorities as a suicide attempt to avoid serving years in prison.<sup>337</sup>

## **7) Activities of radical groups: Islamists:**

- a) The emergence of *new* Islamist parties and groups / (brief description);
- b) The main activities of the Islamists in 2020-2022;
- c) How has the influence of Islamists changed over the period on Muslims in the U.S., as well as on local and central legislative/executive authorities;

According to the Department of Justice classification, Islamists, or “homegrown violent extremists” are those who “encourage, endorse, condone, justify, or support the commission of a violent criminal act to achieve political, ideological, religious., social, or economic goals by a citizen or long- term resident of a Western country who has rejected Western cultural values, beliefs, and norms.” They are “a diverse group of individuals that can include U.S.-born citizens, naturalized citizens, green card holders or other long-term residents, foreign students, or illegal immigrants. Regardless of their citizenship status, these individuals intend to commit terrorist acts inside Western countries or against Western interests abroad.”<sup>338</sup>

Deadly incidents where Islamists are the perpetrators have decreased in the past five years because of the decline of the terrorist movement ISIS/ISIL. If we are to compare violent extremists across the ideological spectrum, from 2011 to 2022 Islamists were involved in six mass killing incidents (or 23% of all mass killing incidents), which led to 81 deaths (43.5% of all deaths from domestic violent extremism).<sup>339</sup> In the period from March 2014 to January 2023, 246 individuals have been charged with offenses related to the Islamic State (ISIS/ISIL), and 198 of them pleaded or were found guilty.<sup>340</sup>

With the end of Trump presidency, Islam has stopped playing such a determining role U.S. domestic and foreign policies.<sup>341</sup> Republicans have traditionally argued that Muslim Brotherhood represents a threat of radical Islam, and there have been multiple unsuccessful attempts, during previous administration, to designate it as a terrorist organization.<sup>342</sup> In a radical departure from these attempts, Biden appointed Mohamed Hag Magid, a prominent imam from Virginia with ties

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<sup>336</sup> <https://www.nbcnews.com/news/us-news/michigan-man-killed-wife-went-rabbit-hole-conspiracy-theories-trumps-2-rcna47701>.

<sup>337</sup> <https://www.tampabay.com/news/crime/2022/11/17/jan-6-capitol-riot-defendant-charged-with-murder-after-woman-killed-suicide-attempt/>.

<sup>338</sup> <https://cops.usdoj.gov/RIC/Publications/cops-w0738-pub.pdf>.

<sup>339</sup> <https://www.adl.org/sites/default/files/pdfs/2023-02/Murder-and-Extremism-in-the-United-States-in-2022.pdf>.

<sup>340</sup> [https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2023-02/december\\_2022\\_is\\_in\\_us\\_tracker\\_preview.png](https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/2023-02/december_2022_is_in_us_tracker_preview.png).

<sup>341</sup> <https://www.brookings.edu/blog/order-from-chaos/2023/03/14/should-islam-matter-in-us-foreign-policy/>.

<sup>342</sup> <https://www.bbc.com/news/world-us-canada-48111594>.



to Muslim Brotherhood, to serve on the U.S. Commission on International Religious Freedom (USCIRF).<sup>343</sup> Conversely, the following organizations were designated as terrorist entities under Biden: Harakat Sawa'd Misr (HASM) (January 2021); ISIS-DRC (March 2021); and Isis-Mozambique (March 2021).<sup>344</sup>

Despite the demise of ISIS and al-Qaeda after the death of their leaders (al Qaeda's leader, Ayman al Zawahiri, was killed in a U.S drone strike in July 2022), the Director of the National Counterterrorism Center (NCTC) Christine Abizaid warned in January 2023 that the two still pose a threat in 2023.<sup>345</sup>

## **8) Activities of radical groups: Radical Left groups and parties:**

a) The emergence if *new* ultra-left parties and groups (brief description);

b) The main activities of the ultra-left in 2020-2022;

c) How the influence of the ultra-left has changed over the period on civil society, on local and central legislative/executive authorities;

It has been estimated that the radicalization of the political climate in the U.S. will potentially escalate the frequency and lethality of anarchist violent extremists soon.<sup>346</sup> The Office of the Director of National Intelligence (ODNI)'s 2021 threat assessment for domestic violent extremism (DVE) defines anarchist violent extremists (AVEs) as "DVEs who oppose all forms of capitalism, corporate globalization, and governing institutions, which are perceived as harmful to society."<sup>347</sup> These anarchist violent extremists are distinguished from those holding constitutionally-protected anarchist views. The government's definition of AVE therefore encompasses anarchists and those holding other left-wing violent extremist ideologies who conduct or threaten to conduct activities that are harmful to humans in violation of state or federal laws, and otherwise meet the definition of "domestic terrorism" as specified in 18 U.S. Code 2331 (5).<sup>348</sup> Within the U.S. government's classification of domestic violent extremists, AVEs are considered a sub-category of anti-government and anti-authority violent extremists (AGAAVE), along with militia violent extremists (MVE), sovereign citizen violent extremists (SCVE), and several other sub-groups. *Violent far-left* extremists oppose capitalism, imperialism, and colonialism; and can be adherents to Black nationalism;<sup>349</sup> environmentalism and animal rights activism; hold pro-communist or pro-socialist beliefs; or be anarchists who support decentralized political and social systems.

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<sup>343</sup> <https://www.uscirf.gov/release-statements/uscirf-welcomes-president-joe-bidens-appointment-mohamed-hag-magid-us-commission>.

<sup>344</sup> <https://www.state.gov/foreign-terrorist-organizations/>.

<sup>345</sup> <https://www.wilsoncenter.org/article/us-intelligence-jihadi-threat-2023>.

<sup>346</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/Anarchist%20-%20Left-Wing%20Violent%20Extremism%20in%20America.pdf>.

<sup>347</sup> FIND REFERENCE

<sup>348</sup> [https://www.thefederalcriminalattorneys.com/domestic-terrorism#:~:text=18%20U.S.C%202331\(5,government%20by%20intimidation%20or%20to](https://www.thefederalcriminalattorneys.com/domestic-terrorism#:~:text=18%20U.S.C%202331(5,government%20by%20intimidation%20or%20to).

<sup>349</sup> See, for example, William Rosenau, "Our Backs Are Against the Wall": The Black Liberation Army and Domestic Terrorism in 1970s America," *Studies in Conflict and Terrorism* 36, no. 2 (2013): 176–92, doi:10.1080/1057610X.2013.747074; Dana M. Williams, "Black Panther Radical Factionalization and the Development of Black Anarchism," *Journal of Black Studies* 46, no. 7 (2015): 678–703, doi:10.1177/0021934715593053; and Steven Windisch, Gina.

Among the most important recent trends in AVE are the increase in mass casualties; increased foreign fighter travel; disruption of government activities and financing by AVEs; a potentially increased lethality due to the increased polarization of the U.S. political climate.<sup>350</sup> While traditionally rightwing extremists have been targeting people, and radical left violent extremists have been attacking property, both groups are more and more often adopting the tactics of the ideological enemy. Among AVE activities during period under review the following are worth mentioning:

- In January 2022, around seven radical left Antifa activists were arrested at the future Atlanta Public Safety Training Center. They were charged with domestic terrorism, criminal trespass, and protesting the construction of the police training center that they nicknamed “cop city.”<sup>351</sup> Violent clashes started between Antifa and police after one of the environmentalists was fatally shot<sup>352</sup> and a state trooper was seriously wounded,<sup>353</sup>
- In June 2022, a man who allegedly claimed that he intended to kill Supreme Court Justice Brett Kavanaugh was arrested outside Kavanaugh’s house in Maryland. The perpetrator carried a gun and a knife.<sup>354</sup> The perpetrator was angry about the possibility that the Supreme Court would overturn *Roe v. Wade*, about the school shooting in Texas; and about the loosening of gun laws;
- In July 2022, a man with a sharp object jumped onto a stage in upstate New York and tried to attack a member of Congress, the Republican candidate for governor;<sup>355</sup>
- In May 2021, an anarchist with previous military experience was found guilty by a federal court in Florida of multiple counts of transmitting interstate threats, including threats to kill or injure and planning an event like that of January 6 insurrection. He was sentenced in October 2021 to 44 months in prison. Baker’s case shows how left-wing extremists increasingly mirror the behaviors and processes of their rightwing counterparts.<sup>356</sup>

## **9) Hate crime (statistics and summaries), law enforcement actions, criminal cases, racist attacks, violence, and terror over the period (data from government agencies and NGOs):**

There were 77 terrorist attacks and plots in 2021,<sup>357</sup> a decrease of 30% from 2020 (then there were 110 attacks).<sup>358</sup> According to the U.S. Government Accountability Office report that was released in February 2023, there was a 357% increase in domestic terrorism incidents from 2013 to 2021, from 1,981 to 9,049 cases.<sup>359</sup> There were 231 domestic terrorism events in the period

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<sup>350</sup> <https://extremism.gwu.edu/sites/g/files/zaxdzs5746/files/Anarchist%20-%20Left-Wing%20Violent%20Extremism%20in%20America.pdf>.

<sup>351</sup> <https://edition.cnn.com/2023/03/06/us/atlanta-cop-city-protests/index.html>.

<sup>352</sup> <https://www.npr.org/2023/03/11/1162843992/cop-city-atlanta-activist-autopsy>.

<sup>353</sup> <https://edition.cnn.com/2023/01/18/us/georgia-trooper-wounded-one-killed-cop-city-atlanta/index.html>.

<sup>354</sup> <https://www.nbcnews.com/politics/supreme-court/man-gun-arrested-justice-kavanaughs-residence-rcna32535>.

<sup>355</sup> <https://www.pbs.org/newshour/politics/lee-zeldin-gop-nominee-for-ny-governor-attacked-on-stage-at-new-york-campaign-event>.

<sup>356</sup> <https://www.justice.gov/usao-ndfl/pr/tallahassee-man-sentenced-forty-four-months-federal-prison-communicating-threats>.

<sup>357</sup> <https://www.csis.org/analysis/evolution-domestic-terrorism>.

<sup>358</sup> <https://www.csis.org/analysis/military-police-and-rise-terrorism-united-states>.

<sup>359</sup> <https://www.gao.gov/products/gao-23-104720>.

of 2010-2021 (with most of them being racially or ethnically motivated).<sup>360</sup> The years of 2020 and 2021 saw the highest numbers of domestic terrorist attacks in thirty years (2020 with the highest number and 2021 with the second-highest number). The recent increase in domestic terrorist activity began around 2014. From 2014 to 2021, there have been an average of 31 fatalities per year, indicating that the 30 deaths in 2021 were typical of this period. This is substantially more than the period from 1994 to 2013, when there were only three years in which more than eight individuals were killed in terrorist attacks in the United States: 1995, 2001, and 2009. These were primarily due to the Oklahoma City bombing, the 9/11 attacks, and the Fort Hood shooting, respectively. The return to a higher level of fatalities in 2021 may indicate that the lower number of deaths in 2020 was a deviation and may have been caused by the lockdowns imposed as a result of the COVID-19 pandemic.<sup>361</sup> In 2021, most terrorist events took place in Portland, Oregon (18). The next highest number of terrorist incidents occurred in New York City, where there were 7 attacks and plots that year.<sup>362</sup>

As mentioned above, in 2021 there was a significant increase in attacks and plots by anarchists, anti-fascists and other radical left violent extremists. While nearly half (49%) of all attacks and plots were conducted by radical right violent extremists (and these attacks were significantly likelier to be lethal, because of the weapons used and the numbers of fatalities), radical left violent extremists were responsible for as many as 40% (as compared to 23% in 2020) of all of the attacks in 2021.<sup>363</sup>

During the following year (2022), domestic extremists killed at least 25 people in the U.S., in 12 separate incidents. 60% of these murders came from two incidents—deadly shooting sprees in Buffalo, New York, and Colorado Springs, Colorado. Without these killings, there would have been only 10 extremist-related deaths in 2022. Most extremist-related killings involved only a single victim, but in recent years a small number of extremist mass killings have caused a disproportionate number of the deaths. Almost all the killings in 2022 (93%) were committed with firearms (which are more accessible in the U.S. than in many other OSCE countries). During the past five years, 80% of the victims of deadly extremist violence were killed with firearms.<sup>364</sup>

Right-wing extremists commit most extremist-related murders each year, but in 2022 such extremists committed all the murders. The last year this was the case was 2012. White supremacists committed 21 of the 25 killings (84%), including five committed by members or associates of white supremacist prison gangs such as the Universal Aryan Brotherhood, the United Aryan Brotherhood or the Nazi Low Riders. The two most serious incidents were deadly shooting sprees:

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<sup>360</sup> <https://www.gao.gov/assets/gao-23-104720.pdf>.

<sup>361</sup> [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517\\_Doxsee\\_PushedtoExtremes\\_DomesticTerrorism\\_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3\\_hHVqMpyfbcM2t](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517_Doxsee_PushedtoExtremes_DomesticTerrorism_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3_hHVqMpyfbcM2t).

<sup>362</sup> [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517\\_Doxsee\\_PushedtoExtremes\\_DomesticTerrorism\\_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3\\_hHVqMpyfbcM2t](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517_Doxsee_PushedtoExtremes_DomesticTerrorism_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3_hHVqMpyfbcM2t).

<sup>363</sup> <https://www.csis.org/analysis/pushed-extremes-domestic-terrorism-amid-polarization-and-protest>.

<sup>364</sup> <https://www.adl.org/sites/default/files/pdfs/2023-02/Murder-and-Extremism-in-the-United-States-in-2022.pdf>.

the attack on Club Q, an LGBTQ+ bar in Colorado Springs in November 2022 and the attack on the Tops supermarket in Buffalo in May 2022.<sup>365</sup>

As mentioned earlier, the number of anti-Muslim incidents also increased from 2020 to 2021.<sup>366</sup> CAIR received 6,720 complaints of anti-Muslim discrimination in workplace, immigration, denial of public accommodations, government overreach, hate and bias incidents, prisoners' rights, school incidents, hate speech, and law enforcement. This was the highest number of civil rights complaints in 27 years, including a 28% increase in hate and bias incidents (including reports of forcible removal of hijabs, harassment, vandalism, physical assault, and other complaints). There were 2,823 complaints involving immigration and travel-related issues, the most frequent report for a second year in a row. 35% of law enforcement and government overreach complaints involved the FBI's terrorist watchlist. There was also a 13% increase in workplace and public accommodation discrimination complaints.<sup>367</sup>

As mentioned above, there was also an increase in antisemitic incidents: namely, 34% more such incidents took place in 2020 as compared to the previous year. There was also a 43% increase in harassment and a 167% increase in antisemitic assaults which made 2021 the highest recorded number of antisemitic incidents since 1979 (when ADL started recording and analyzing such incidents).<sup>368</sup> Antisemitic incidents continued surging in 2022, with a total of 3,697 incidents of assault, harassment and vandalism that were tracked by the ADL so far.<sup>369</sup> This is already a 36% increase from the 2,717 incidents that took place in 2021.<sup>370</sup> This spike in antisemitism included the increase in white supremacist antisemitic propaganda (102% increase to 852 incidents), antisemitism in schools (49% increase to 494 incidents) and on college campuses (41% increase to 219 incidents). There was also an increase in attacks on Orthodox Jews (69% increase to 59 incidents) and of bomb threats toward Jewish institutions (an increase from 8 to 91 incidents).<sup>371</sup>

Below are but a few hate crime incidents that took place during the period under review:

- In March 2023, a Wisconsin man pleaded guilty to one felony and one misdemeanor count of making racially charged threats toward Black residents because of their race and because they were exercising their right to fair housing. The perpetrator vandalized a Black woman's car parked outside of her apartment and left a note with racial death threats. In April 2022, the perpetrator vandalized the same woman's door with racial graffiti and demanded that she move out. The perpetrator faces up to 11 years in prison if sentenced;<sup>372</sup>

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<sup>365</sup> <https://www.adl.org/sites/default/files/pdfs/2023-02/Murder-and-Extremism-in-the-United-States-in-2022.pdf>.

<sup>366</sup> <https://www.cair.com/wp-content/uploads/2022/04/Still-Suspect-Report-2022.pdf>.

<sup>367</sup> <https://www.cair.com/wp-content/uploads/2022/04/Still-Suspect-Report-2022.pdf>.

<sup>368</sup> "Audit of Antisemitic Incidents, 2022," Anti-Defamation League. <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022>.

<sup>369</sup> "Audit of Antisemitic Incidents, 2022," Anti-Defamation League. <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022>.

<sup>370</sup> "Audit of Antisemitic Incidents, 2022," Anti-Defamation League. <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022>.

<sup>371</sup> <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022>.

<sup>372</sup> <https://www.justice.gov/opa/pr/wisconsin-man-pleads-guilty-making-racially-charged-threats-toward-black-residents>.

- In March 2023, Georgia White Supremacist Larry Edward Foxworth was sentenced for federal hate crime for racially motivated shootings. He was sentenced to 240 months in prison for shooting, on July 30, 2021, into two gas station convenience stores with an attempt to kill customers inside because he believed they were Black or Arab;<sup>373</sup>
- In March 2023, David Emanuel was charged with federal hate crimes for racially motivated attack against group of black men who were surveying land along a public road in Gainesville, Florida in September, 2022;<sup>374</sup>
- In April 2023, a man in Baltimore, Maryland faced federal charges for allegedly making a threatening phone call to an LGBTQ Advocacy group. A threatening voicemail referenced the March 27, 2023, mass shooting at a school in Nashville, Tennessee, involving multiple shooting fatalities, where the perpetrator was publicly identified as being transgender. If convicted, the perpetrator faces a maximum sentence of five years in federal prison for interstate communications with a threat to injure;<sup>375</sup>
- In January 2023, a Louisiana resident was sentenced to 45 years for kidnapping and attempting to murder a gay man as part of hate crime scheme that targeted users of a dating app for gay men;<sup>376</sup>
- In December 2022 a man in Lynwood, Washington was sentenced to two years in prison for interstate threats and hate crime. He has been in federal custody since July 2022. The perpetrator suffers from mental health issues;<sup>377</sup>
- In September 2022, an Idaho white supremacist who assaulted a black man pleaded guilty to hate crime and false statement charge. Three other men also pleaded guilty earlier in this assault at a bar in Washington state on a Black man. The defendant travelled to Washington state to attend a white supremacist gathering.<sup>378</sup>

**a) Vandalism in cemeteries, attacks on religious. buildings.**

- On May 22, 2021 a man from New York was arrested and charged with setting fire to a yeshiva (a Jewish school) and synagogue on May 19, 2021.<sup>379</sup> He was captured on surveillance video piling and igniting garbage bags next to a Brooklyn building that housed a yeshiva and a synagogue. Hours later, he was captured on surveillance video again, this time repeatedly punching a man wearing traditional Hasidic garb. There was no interaction between the defendant and the

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<sup>373</sup> <https://www.justice.gov/opa/pr/georgia-white-supremacist-sentenced-federal-hate-crime-racially-motivated-shootings>.

<sup>374</sup> <https://www.justice.gov/opa/pr/florida-man-charged-federal-hate-crimes-racially-motivated-attack-against-group-black-men>.

<sup>375</sup> <https://www.justice.gov/usao-md/pr/howard-county-man-facing-federal-charges-allegedly-making-threatening-phone-call-lgbtq>

<sup>376</sup> <https://www.justice.gov/opa/pr/louisiana-man-sentenced-45-years-kidnapping-and-attempting-murder-gay-man-part-hate-crime>.

<sup>377</sup> <https://www.justice.gov/usao-wdwa/pr/lynnwood-washington-man-sentenced-prison-making-multiple-threatening-phone-calls>.

<sup>378</sup> <https://www.justice.gov/opa/pr/idaho-white-supremacist-who-assaulted-black-man-pleads-guilty-hate-crime-and-false-statement>.

<sup>379</sup> <https://www.justice.gov/usao-edny/pr/brooklyn-man-arrested-arson-yeshiva-and-synagogue>.

victim prior to the assault. If convicted, the man faces a mandatory minimum of five and a maximum of twenty years' in jail;

- On March 24, 2022 a federal grand jury indicted a man for intentionally setting fire to the Congregation Beth Israel synagogue in Austin on October 31, 2021.<sup>380</sup> After searching his house, FBI found journals with writings about his hatred of Jewish people. The defendant faces up to 60 years in prison, a fine of \$250,000 or twice the loss suffered by the victim;
- On Feb 10, 2022 in Maine, Massachusetts s federal grand jury indicted a man for setting fire to the Martin Luther King, Jr. Community Presbyterian Church in Springfield, Massachusetts. The church serves a predominantly Black congregation.<sup>381</sup> A search of the defendant's vehicle and electronic devices revealed his hatred of Black people. The defendant faces a sentence of up to 20 years in prison, three years of supervised release and a fine of up to \$250,000;
- On August 8, 2022 , a man from St. Louis, Missouri admitted threatening to blow up a St. Louis synagogue in 2021. The defendant admitted to calling the St. Louis office of the FBI on Nov. 5, 2021 and saying, "I'm going to blow up a church." He gave his name and identified his target as the Central Reform Congregation in St. Louis, saying he would act the next morning, while people were inside. The charges carry a potential sentence of up to 10 years in prison;
- On December 13, 2022, a Missouri man pleaded guilty to hate crime and arson violations for burning down the Cape Girardeau Islamic Center in Missouri.<sup>382</sup> According to the plea, on April 24, 2020 (the beginning of Ramadan), the defendant set fire to the Center. The defendant faces up to 20 years in prison;
- On December 14, 2022, a federal grand jury indicted a Washington man for three arsons that damaged or destroyed Jehovah's Witness Kingdom Halls in Washington State.<sup>383</sup> The government alleges that the defendant set fire to Jehovah's Witness Kingdom Halls on three occasions in 2018 because of the religious nature of the properties. The Kingdom Halls were defaced, damaged, and destroyed through arsons;
- On February 1, 2023, a man in New Jersey allegedly went to a synagogue in the middle of the night and maliciously attempted to damage and destroy it using a firebomb.<sup>384</sup> Surveillance footage shows the defendant walking up to the Temple Ner Tamid Jewish Congregation in Bloomfield, New Jersey and igniting a wick on the top of a bottle. He then threw the bottle at the front glass doors of the temple and fled on foot. The defendant has been charged with one count of attempted use of fire to damage and destroy a building used in interstate commerce. He faces a up to 20 years in prison;

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<sup>380</sup> <https://www.justice.gov/opa/pr/texas-man-charged-civil-rights-violations-setting-fire-synagogue>.

<sup>381</sup> <https://www.justice.gov/opa/pr/maine-man-charged-hate-crime-offenses-arson-predominantly-black-church>.

<sup>382</sup> <https://www.justice.gov/opa/pr/missouri-man-pleads-guilty-federal-hate-crime-and-arson-charges-burning-down-islamic-center>.

<sup>383</sup> <https://www.justice.gov/usao-wdwa/pr/olympia-washington-man-indicted-hate-crimes-arsons-jehovah-s-witness-kingdom-halls>.

<sup>384</sup> <https://www.justice.gov/usao-nj/pr/passaic-county-man-arrested-attempt-firebomb-synagogue>.



- On February 17, 2023, a former Riverside, California resident has been charged with two counts of hate crimes for allegedly shooting two Jewish men.<sup>385</sup> The defendant shot the first victim as they were leaving services at a synagogue. The next day, the defendant shot another victim who was leaving services at a different synagogue in the same Los Angeles neighborhood. Evidence indicates that the defendant targeted the predominately Jewish neighborhood after searching a popular business-review app for a kosher market in the Pico-Robertson district of Los Angeles.

#### b) Interethnic clashes;

The U.S. has more pronounced societal conflicts and social disunity as compared to other advanced economies. Most Americans (a staggering 90%) believe that there are strong ethnic and racial conflicts in their country and that the society is very divided. 70% of Americans believe that there are interethnic and interracial conflicts in the U.S. (a much higher number than in other advanced economies).<sup>386</sup>

In the U.S., violence breeds violence: whites are not the only racial group involved as perpetrators of violence against other racial, ethnic or minority groups. All ethnic and racial groups engage in violent acts. Blacks, Asians, Latinx and other racial groups are known to have felt racial prejudice towards whites and other groups of color. According to one expert, Ariane Chebel D'Appolonia, interracial violence is part of the DNA of American society.<sup>387</sup>

#### c) Cases of violence on racial, ethnic, and religious grounds, as well as attacks on human rights activists and anti-fascists;

The two cases described below were all connected to extremism:

- In August 2022, a Texas resident was sentenced to 25 years in prison on hate crime charges for attacking, with a knife, an Asian family (including their two young children), one of whom the perpetrator admitted he wanted to kill because he believed he was Chinese and therefore responsible for the pandemic;<sup>388</sup>

- On December 15, 2022, in Suisun City, California, Richard Raymond Klein, a validated member of the Nazi Low Riders white supremacist prison gang, allegedly shot and killed a man just one day after being released on bail months after having been arrested for a previous murder that same year. Klein was apprehended in Mexico in early 2023 and returned to the U.S. The motive for this murder is not currently known.

#### e) Hate killings;

- On February 22, 2022 in Georgia, a jury found three Georgia men guilty of hate crimes and attempted kidnapping in the pursuit and killing of Ahmaud Arbery, a young Black man who was

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<sup>385</sup> <https://www.justice.gov/opa/pr/california-man-charged-federal-hate-crimes-allegedly-shooting-and-wounding-two-victims>.

<sup>386</sup> <https://www.pewresearch.org/fact-tank/2021/10/13/americans-see-stronger-societal-conflicts-than-people-in-other-advanced-economies/>.

<sup>387</sup> <https://www.cornellpress.cornell.edu/book/9781501767562/violent-america/#bookTabs=1>.

<sup>388</sup> <https://www.justice.gov/opa/pr/texas-man-sentenced-hate-crime-charges-attacking-asian-family>.

jogging on a public road.<sup>389</sup> Seeing Mr. Arbery jogging, two of the defendants used their truck to cut off his route, and threatened him with guns. The third defendant joined the chase, and all three men tried to prevent Mr. Arbery from leaving after surrounding him. In the ensuing struggle, one of the men shot and killed Mr. Arbery as he attempted to escape. An important part of the trial was proving that the defendants acted because of Mr. Arbery's race. Evidence showed that each defendant held racist beliefs that led them to assume, without reason, that Mr. Arbery was a criminal. All three defendants face sentences of up to life in prison;

- On May 14, 2022, a mass shooting occurred in Buffalo, New York, at a supermarket. Ten people, all of whom were Black, were murdered and three were injured. The shooter, identified as 18-year-old Payton S. Gendron, livestreamed the attack, but the livestream was shut down by the service. On May 19, 2022. On November 28, 2022, Gendron pleaded guilty to all state charges in the shooting, including murder, domestic terrorism, and hate crimes. On February 15, 2023, Gendron was sentenced to 11 life sentences without a possibility of parole. Gendron wrote a manifesto and self-identified as white supremacist. In the aftermath of the attack, New York banned most semi-automatic sales to people under 21 and certain types of body armor. FBI has been investigating the shooting as both a hate crime and an act of racially motivated violent extremism. He was indicted on the charge of first-degree murder as a hate crime and domestic terrorism motivated by hate;

- On November 19, 2022, in Colorado Springs, Colorado, a man allegedly opened fire in a shooting spree at an LGBTQ+ bar, Club Q, killing five people and wounding 17 more (while five additional people were injured while trying to escape). The perpetrator held accelerationist white supremacist beliefs. He was charged with hate crimes.

#### **f) Terrorist attacks based on radical nationalism and religious fanaticism;**

- On February 26 , 2021 a neo-Nazi and white supremacist man in Colorado was sentenced to over 19 years in federal prison followed by 15 years of supervised release for plotting to blow up the Temple Emanuel Synagogue in Pueblo, Colorado.<sup>390</sup> In conversations with undercover FBI agents, the defendant repeatedly expressed his hatred of Jewish people and said that he wanted the bombing of the synagogue to send a message to Jewish people that they mU.S.t leave his town “otherwise people will die;”

- On February 19, 2022, in Portland, Oregon, Benjamin Smith allegedly opened fire on a group of left-wing activists gathering outside his home to go to a protest at a nearby park. He shot and wounded six people, killing one of them. Smith’s online footprint revealed extreme hostility towards BLM movement, COVID-19 restrictions, and leftists. In one post he declared that “extreme violence” is the “only thing they give any attention to,” while in another he asserted that “the only way to win a civil war, and we are in a civil war, is to be the most violent;”

- On May 14, 2022 in Buffalo, New York White supremacist Payton Gendron, in an attack modelled after a previous. white supremacist shooting spree opened fire at a supermarket in

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<sup>389</sup> <https://www.justice.gov/opa/pr/three-georgia-men-charged-federal-hate-crimes-and-attempted-kidnapping-connection-death>.

<sup>390</sup> <https://www.justice.gov/opa/pr/southern-colorado-man-sentenced-more-19-years-plotting-blow-synagogue>.

Buffalo, New York, targeting Black people. He killed 10 people and wounded three more (11 of his victims were Black). He was motivated by the far-right “Great replacement” conspiracy theory, according to which immigration is being weaponized by liberal elites to diminish the influence of the white population. The attack is being investigated as hate crime and an act of racially-motivated extremism.

- On June 26, Nathan Allen shot and killed two Black individuals in Winthrop, Massachusetts, after crashing a stolen box truck. Inspired by extremist literature, Allen adhered to white nationalism, including calls for white people—who he believed to be “apex predators”— to kill Black people.

Another development is that the U.S. law enforcement officials have increasingly become a target of domestic terrorists from all sides of the political spectrum. Other major targets of domestic terrorism in 2021 were the government and the military, for perpetrators across all ideologies. ThU.S., 48% of the attacks of violent far left, 37% of violent far right, and all of Salafi-jihadist attacks and plots that year were directed at these three targets.<sup>391</sup>

Although violent far left actors committed a historically high number of terrorist attacks and plots in 2021, only one was fatal:

- On June 24 in Daytona Beach, Florida, Othal Wallace shot and killed local police officer Jason Raynor. Wallace had links to several Black nationalist paramilitary groups, including the Not F\*\*\*\*\*g Around Coalition and Black Nation, the latter of which he founded in early 2021.

Only three Salafi-jihadist terrorist attacks and plots took place in 2021. Two of them were disrupted, and the third resulted in one death:

- On August 29, Imran Ali Rasheed shot and killed a (car service) Lyft driver in Garland, Texas. The perpetrator then opened fire inside a police office in Plano, Texas. He left a note indicating that he may have been inspired by a foreign terrorist organization and had previously been investigated for terrorist connections.

## **10) Conclusions for the period:**

The period under review can be characterized as that of mixed results in terms of addressing xenophobia, hate crime, and radicalism. As seen from the above, many of the measures that have been promised by Biden during his election campaign have not been fulfilled or have been delayed. Such discriminatory immigration policies as expulsion, deportation, detention, and very restrictive asylum practices continued well into the new administration.

The attempts to address the history of slavery and to push forward the reparations to the descendants of slaves have not been successful. As on other issues pertaining to rights protections

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<sup>391</sup> <https://www.csis.org/analysis/pushed-extremes-domestic-terrorism-amid-polarization-and-protest>; [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517\\_Doxsee\\_PushedtoExtremes\\_DomesticTerrorism\\_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3\\_hHVqMpyfbcM2t](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/220517_Doxsee_PushedtoExtremes_DomesticTerrorism_0.pdf?VersionId=SdmZXk20Ymr7YNuRz3_hHVqMpyfbcM2t).

and racial justice, the U.S. is split on this issue. Despite local initiatives, such as the creation of taskforces on reparations in Boston and California, the initiative has not been successful at the federal level and a commission on reparations has not been created.

In the aftermath of the January 6 riot at the U.S. Capitol, there has been a frightening mushrooming of white supremacist and other radical-right violent extremist groups. Their online presence has also expanded. There has been an increase in hate crimes perpetrated by the adherents of the extreme rightwing ideology. There has also been further mainstreaming of the latter.

There has also been an increase in radical left violent extremist acts and their violence during the period under review. This could be explained by further radicalization and increasingly violent levels of radical right incidents: the former were a response to the latter. Furthermore, far left activists became more skeptical of the ability of the law enforcement to adequately respond to and repel the threat of far-right radicalism (with some representatives of this group identifying or empathizing with the far-right ideologies and with increased police violence, particularly against people of color), and therefore have taken matters into their own hands. Both fringes of the ideological spectrum, the far right and the far left, distrust the state and its institutions, including the police, and criticize the latter for their perceived inaction and inability to solve the accumulated societal problems. This leads to an increased state of anarchy which is increasingly getting out of control. The U.S. is currently faced with what international theorists have conceptualized as a “security dilemma,”<sup>392</sup> a situation when one side tries to increase its own security through accumulation of weapons, this decreases the security of others. Extremists increasingly frame their actions in revolutionary, patriotic, and martial terms. Furthermore, the period saw an increase in violent extremist activity during demonstrations. There have been increased tensions surrounding the COVID-19 restrictions and the 2020 presidential election.

Over 150 bills were introduced in state legislatures targeting transgender people, including children, as well as restrictions on discussions of sexual orientation and gender identity. Conservative lawmakers made repeated attempts to criminalize gender-affirming care. Some of this local legislation has been passed. In a major blow to LGBTQI+ rights *Roe v Wade*<sup>393</sup> has been overturned. This legislation will potentially jeopardize LGBTQI+ parental rights, same-sex marriage and consensual same-sex conduct.

Some progress has been made during the period under review, including with the promised criminal justice reform. However, there is still a strong opposition to such reform that comes from conservatives who are concerned with the rising crime, to which they see the only solution being empowering, not disempowering/defunding the police. U.S. remains the country with the world’s largest number of individuals in jails and prisons (almost 2 million, most of whom are people of color). In the meantime, the underlying problems including the lack of affordable housing,

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<sup>392</sup> Charles L. Glaser, “The Security Dilemma Revisited,” in *World Politics*, Vol. 50, No. 1, October 1997, pp. 171-201; Robert Jervis, “Cooperation under the Security Dilemma,” in *World Politics* Vol. 30, January 1978, p. 169; John H. Herz, “Idealist Internationalism and the Security Dilemma,” in *World Politics* 2, January 1950; Herbert Butterfield, *History and Human Relations*. London: Collins, 1951.

<sup>393</sup> <https://perma.cc/Q9DZ-6L3V>.

predatory landlords, health, the inadequacy of mental health services, and deficient educational opportunities for people belonging to compromised socioeconomic groups remain unaddressed. Racial and ethnic inequalities are to be found in all the above-mentioned areas. While COVID-19 rescue package including tax credits and freezing of debt repayment, as well as unemployment insurance were positive developments, there has also been rise in income inequality during the period under review. Ethnic and racial minorities, and women, continue to remain poorer than white people in the US.

### 11) Recommendations:

- Increase transparency and improve access to data on domestic terrorism investigations;
- Periodically review intelligence gathering on both domestic and international terrorism;
- Increase data sharing between federal government agencies, including FBI, CIA, DHS on matters concerning international and domestic terrorism;
- Pay greater attention to violent leftwing extremism to reduce its growth;
- Monitor white supremacy sympathizers within the federal government, including within the military and the law enforcement;
- Monitor social media better and order social media outlets to ban hate speech that induces violence;
- Monitor misinformation better and support policymakers to make demands that digital platforms take down misinformation, disinformation and malinfotmaiton including violent extremist content that supports domestic terrorism and violates their terms of service;
- Place white supremacist violent extremist groups and individuals on terrorist, travel, sanctions and other lists in the same manner as these are used to monitor Islamist activities;
- Implement a legislative reform on counterterrorism;
- Release a public National Strategy for countering international terrorism;
- Declassify information covered by 2001 AUMF (on who the U.S. is currently at war with);
- Overcome polarization, pursuing bipartisan efforts in preventing and countering domestic terrorism that transcend party lines;
- Compile comprehensive data on terrorist attacks and plots, the characteristics of perpetrators, and other factors such as tactics and targets;
- Gather, release and analyze more diligently statistics on hate crimes, in a standardized manner across systems;

- Continue the fight in state legislatures to ban or restrict the presence of firearms and other weapons at public demonstrations.