

WORLD

Looking for trouble

New efforts to ferret out domestic terrorists could trample First Amendment freedoms

HOSTED BY

by Joshua Schumacher

DATE

02/17/2022

MARY REICHARD, HOST: It's Thursday the 17th of February, 2022.

Glad to have you along for today's edition of *The World and Everything in It*. Good morning. I'm Mary Reichard.

MYRNA BROWN, HOST: And I'm Myrna Brown. First up: threats from within.

Earlier this year, the Department of Justice announced the creation of a new unit to combat domestic terrorism. It's part of a larger push to target extremist groups.

WORLD's Josh Schumacher reports.

BASH: We are also treating this as a domestic terrorist case. There is a statutory definition of domestic terrorism—18 USC 2331—this meets it...

JOSH SCHUMACHER, REPORTER: That's U.S. Attorney John Bash discussing the prosecution of the mass shooting that took place in El Paso, Texas in 2019. Domestic terrorism investigations by the FBI have nearly doubled in the last two years. Instances of domestic terrorism like the one in El Paso have taken place elsewhere—Pittsburgh, Pennsylvania; Alexandria, Virginia; and Charleston, South Carolina.

Matthew Olsen is an assistant U.S. attorney general. He heads the Justice Department's National Security Division. During a hearing last month before the Senate Judiciary Committee, Olsen said the threat of domestic terrorism is continuing to grow.

OLSEN: Based on the assessment of the intelligence community, we face an elevated threat from domestic violent extremists.

To combat that threat, Olsen announced the creation of a new unit tasked with fighting domestic terrorism. Olsen believes this task force can help prevent further mass shootings and riots like the one that took place in Washington on January 6th, 2021.

Olsen defined a domestic terrorist as any one seeking to commit violent criminal acts to further a social or political goal. And he said the attorneys that make up the new DOJ unit will coordinate investigations across the country and ensure cases are handled properly.

OLSEN: Similar to our efforts to combat international terrorism, the department uses all the tools in our arsenal to prevent, disrupt, and prosecute acts of domestic terrorism.

The White House also has a strategy for countering domestic terrorism. It seeks to coordinate efforts between law enforcement agencies on both the state and federal levels. It also aims to prevent domestic terrorist groups from recruiting and becoming violent and disrupt and confront domestic terrorism efforts.

Lawmakers are also working on their own measures. A bill known as the “Domestic Terrorism Prevention Act” is currently making its way through Congress. It seeks to provide federal law enforcement agencies with more resources and more authority to investigate possible threats of domestic terrorism.

Critics say all these law enforcement efforts could create some serious problems.

First, and foremost: it’s hard to predict who might become a “domestic violent extremist.”

Patrick Eddington is a senior fellow at the Cato Institute.

EDDINGTON: You know, at the FBI, we know that at least as late as 2012, they had done a study looking at terrorism cases, essentially up to that particular point in time. And they could find no pattern, you know, to help them predict who would necessarily, you know, go over the edge and become violent...

Not everyone who spews heated rhetoric online will go on to commit acts of violence. But they could still get caught up in a sweeping surveillance net. And that would violate their First Amendment rights.

And these initiatives, once they’re created, have the potential to turn into political weapons. Patrick Eddington says the groups lawmakers are aiming at currently are largely right-wing extremist groups. But with a change of administration, the list of targeted groups could change.

EDDINGTON: And, and the other thing that I would say, you know, to my friends on the left side of the spectrum is if Biden creates these structures, and they become permanent, essentially, they can be turned around, ultimately, and used against groups like Black Lives Matter.

And Eddington warns the additional surveillance won’t end when our current political climate cools down.

EDDINGTON: The other thing about these structures that I think is really important to understand is that once these things get created, they almost never go away. Right? That's the problem. You almost never hear about a government agency or element of an agency that was involved in violating somebody's rights, that actually gets disestablished, or or defunded.

Lora Ries is a senior fellow at The Heritage Foundation. She argues that another problem with this new push to combat domestic terrorism is that it takes the focus off what she considers a more dangerous threat: foreign terrorism.

RIES: Whether it's al Qaeda or ISIS or other foreign terrorist groups, it's not as if their desire to kill Americans and destroy America stops. And given the fall of Afghanistan this past fall, the reemergence of al Qaeda and ISIS, We have very real threats from foreign terrorist groups.

The FBI and the Department of Justice both have the ability to investigate domestic terrorism already. And the DOJ has numerous attorneys with expertise in investigating and prosecuting both international and domestic terrorism. But the new unit Olsen announced last month will redirect some of those attorneys to focus exclusively on domestic terrorism.

Patrick Eddington says this renewed push to ferret out potential threats is something all Americans need to be worried about.

EDDINGTON: A lot of people think, Well, I'm not doing anything. So the government, you know, doesn't doesn't, if the government is snooping on me, or if they're intercepting my phone calls, I don't have anything to hide. And the point, and I just can't emphasize this strongly enough, it doesn't matter whether you, the person with a cell phone thinks that you have nothing to hide. All it matters is whether some FBI agent decides that you've done something, or that you may do something, and then seeks to have you prosecuted. That's what we have to worry about.

Reporting for WORLD, I'm Josh Schumacher.