

**10 Years After the Oklahoma City Bombing,  
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Must Do More  
To Fight Right-Wing Domestic Terrorists**



**April 19, 2005**

**Representative Bennie G. Thompson  
Ranking Member  
House Committee on Homeland Security**

## **10 Years After the Oklahoma City Bombing, the Department of Homeland Security Must Do More To Fight Right-Wing Domestic Terrorists**

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According to a recent public report, a U.S. Department of Homeland Security (DHS) five-year budget planning document failed to mention right-wing domestic terrorist groups in its list of terrorist threats facing the United States, even though the document listed left-wing domestic groups such as environmental terrorists.<sup>1</sup> Democratic Members of the House Committee on Homeland Security are very concerned that this oversight demonstrates DHS administrators are not adequately considering right-wing domestic terrorist groups that are focused on attacking America in order to further their political beliefs.

As the bombing of the Alfred P. Murrah Building in Oklahoma City ten years ago demonstrated, right-wing domestic terrorists are capable of harming America in ways similar to al-Qaeda. Indeed, white supremacists, violent militiamen, anti-abortion bombers, and other right-wing hate groups have shown a remarkable ability to resist law enforcement authorities. In 2003, for example, the American radical right staged a “comeback,” with the number of skinhead groups doubling from the prior year.<sup>2</sup>

The Federal Bureau of Investigation (FBI) is the lead agency for investigating acts or preparation of domestic terrorism.<sup>3</sup> However, the Department has a key role in fighting domestic terrorism, especially with respect to its duties to conduct threat analysis and protect critical infrastructures. As DHS implements its new plan to focus on risk as a means of allocating scarce anti-terrorism resources,<sup>4</sup> it must consider the threat that right-wing

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<sup>1</sup> Justin Rood, “Animal Rights Groups and Ecology Militants Make DHS Terrorist List, Right-Wing Vigilantes Omitted,” *Congressional Quarterly* (March 25, 2005) can be seen at [http://www.cq.com/corp/show.do?page=crawford/20050325\\_homeland](http://www.cq.com/corp/show.do?page=crawford/20050325_homeland). The actual 5-year planning document, entitled “Integrated Planning Guidance, Fiscal Years 2005-2011,” was produced in a “sensitive” and “for official use only” format, and now is marked “Sensitive.” Therefore, any discussion of the contents of the DHS document in this report is based solely on the public reports of the document, not an actual review of it.

<sup>2</sup> “The Year in Hate,” *Southern Poverty Law Center Intelligence Report*, Issue Number 113, Spring 2004, available at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=131>.

<sup>3</sup> Both Presidential Decision Directive-39 (PDD-39), titled “U.S. Policy on Terrorism,” dated June 21, 1995, and Executive Order 12333 designate the FBI as the lead agency for countering acts of terrorism within the United States.

<sup>4</sup> On March 16, 2005, in his first major policy address, the new Secretary of DHS, Michael Chertoff, stated that DHS needs to adopt a “risk-based approach in both our operations and our philosophy.” The speech is available at <http://www.dhs.gov/dhspublic/display?content=4391>.

domestic terrorists pose to critical infrastructure and America as a whole. Moreover, it must re-define what it considers to be critical infrastructure by re-evaluating the risk that right-wing domestic terrorists pose to schools, large churches, or other public places in order to publicize their beliefs. Better coordination and sharing of information between the FBI and DHS may be necessary in order to evaluate these risks.

If DHS' long-term planning documents do not consider these and other risks posed by right-wing domestic terrorists, then lower-level agents working to fight these groups may not be receiving enough budgetary, policy, or administrative support from their superiors. This means possible threats to our homeland could go undetected. In order to correct this potential security gap, a renewed effort should be made to catalogue the risks posed by right-wing domestic terrorists, determine how DHS is already working to fight these risks, and evaluate what can be done to improve these efforts.

This report provides some of the framework for this analysis, but it is only a first step in the process. As 9/11 showed us, America's security can only be assured if our intelligence and law enforcement agencies do a better job evaluating threats, including thinking of risks that are "outside the box," and break down bureaucratic barriers to information sharing and action. There may be right-wing terrorists here in America that want to create just as spectacular a disaster as the 9/11 attacks, and we cannot fail to meet this threat.

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## Domestic Terrorism Defined

Incidents such as the 1995 Oklahoma City Bombing and the 1996 bombing of Olympic Park in Atlanta, Georgia during the 1996 Summer Olympics prove that domestic groups with radical agendas, or people inspired by them, will continue their attempts to attack America in order to make their message heard. Thus, law enforcement agencies are continually redefining the line between criminal acts and acts of terrorism. The definition of domestic terrorism differs across Federal agencies, but the Federal Bureau of Investigation (FBI), which has been designated as the lead Federal agency to investigate domestic terrorism or related acts,<sup>5</sup> defines domestic terrorism as

the unlawful use, or threatened use, of force or violence by a group or individual based and operating entirely within the United States or its territories without foreign direction committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.<sup>6</sup>

The U.S.A. Patriot Act, passed shortly after the September 11 attacks, defines domestic terrorism as criminal acts that “involve acts dangerous to human life...and 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...”<sup>7</sup>

According to a 2004 issue paper written by the Council on Foreign Relations and the Markle Foundation, the FBI also distinguishes three primary categories of domestic terrorism: left-wing, right-wing, and special interest.<sup>8</sup> Left-wing groups generally are opposed to capitalism, while right-wing groups are opposed to taxation, the Federal government, and international organizations, or motivated by racial or religious hatred.

The FBI's third domestic terror group targets “special interest” issues, which can be left or right-wing in affiliation - such as animal rights, environmental protection or abortion. While the FBI does not consider these groups to pose a terrorist threat, last week's guilty plea by Eric Rudolph<sup>9</sup> proved that even “special interest” groups are capable of conducting attacks beyond their “traditional” targets. Although Eric Rudolph and his family were connected with the Christian Identity movement, a militant, racist and anti-Semitic organization that believes whites are God's chosen people,<sup>10</sup> he indicated that he bombed the

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<sup>5</sup> Presidential Decision Directive 39 and Executive Order 12333.

<sup>6</sup> FBI, Counterterrorism Threat Assessment and Warning Unit, Counterterrorism Division, “Terrorism in the United States, 1999,” available at <http://www.fbi.gov/publications/terror/terror99.pdf>.

<sup>7</sup> Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, § 802 (P.L. 107-56), codified at 18 USC § 2331.

<sup>8</sup> Terrorism: Questions & Answers,” issue paper by the Council on Foreign Relations and the Markle Foundation can be found at <http://www.terrorismanswers.org/groups/american2.html>.

<sup>9</sup> Eric Rudolph plead guilty to three bombings in Atlanta, Georgia -- including the fatal 1996 Olympics attack which killed one person and injured more than 100 -- and a blast at a Birmingham, Alabama, women's clinic that killed an off-duty police officer.

<sup>10</sup> <http://www.cnn.com/2003/US/05/31/rudolph.profile/index.html>.

1996 Summer Olympics in Atlanta, Georgia because he wanted to shame the United States for its legalization of abortion. He said his goal was to knock out Atlanta's power grid and shut down the Olympics.<sup>11</sup>

FBI officials say right-wing militants—including skinheads, neo-Nazis, violent militia members, and the so-called Christian Patriot movement—now pose America's most serious domestic terrorist threat.<sup>12</sup> In fact, white supremacists, traditionally the most violent right-wing group, have strengthened their recruiting and rhetoric since 9/11.<sup>13</sup>

## **DHS' Current Efforts to Fight Domestic Terrorism**

### *DHS' Statutory Duties*

Congress established DHS after the 9/11 terror attacks “to prevent terrorist attacks within the United States.”<sup>14</sup> In the Homeland Security Act of 2002, DHS is specifically required to

- identify and assess the nature and scope of terrorist threats to the homeland;
- detect and identify threats of terrorism against the United States; and
- understand such threats in light of actual and potential vulnerabilities of the homeland.<sup>15</sup>

These requirements necessarily include preventing terror attacks posed by domestic groups as well as traditional foreign groups such as al-Qaeda.<sup>16</sup>

### *How DHS Defines Threats*

DHS officials noted in staff interviews<sup>17</sup> that the Information Analysis and Infrastructure Protection (IAIP) Directorate reviews intelligence information from the FBI, Central Intelligence Agency (CIA) and other intelligence agencies on a daily basis. In addition, IAIP also reviews intelligence information from its own agencies such as the Secret Service, the Coast Guard, and U.S. Customs and Border Protection. When the Department encounters intelligence information indicating a possible terrorist threat, it forwards an investigation request to one of the FBI's joint terrorist task forces (JTTF), and the FBI then decides how to proceed.

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<sup>11</sup> <http://www.cnn.com/2005/LAW/04/13/eric.rudolph/index.html>.

<sup>12</sup> Terrorism: Questions & Answers,” issue paper by the Council on Foreign Relations and the Markle Foundation can be found at <http://www.terrorismanswers.org/groups/american2.html>.

<sup>13</sup> FBI, Strategic Plan 2004-2009, 27, available at <http://www.fbi.gov/publications/strategicplan/strategicplanfull.pdf>.

<sup>14</sup> The Homeland Security Act of 2002, § 101 (P.L. 107-296).

<sup>15</sup> Homeland Security Act of 2002, § 201 (P.L. 107-296).

<sup>16</sup> Domestic terrorism is defined in 28 CFR § 0.85 and in the USA Patriot Act of 2001 (P.L. 107-56).

<sup>17</sup> Democratic staff of the House Homeland Security Committee conducted a telephone conference call with Department officials on April 15, 2005.

Regarding domestic terror threats, IAIP officials stated that they analyze the information to determine whether domestic groups possess the “capability and intent” to conduct a “catastrophic” attack on U.S. critical infrastructure or resources.<sup>18</sup> However, nothing in the Homeland Security Act limits IAIP analysis to “catastrophic attacks” or critical infrastructure or resources. It is unclear why the Department has chosen this limited interpretation of its statutory responsibility to identify and assess “the nature and scope of terrorist threats to the homeland.”

DHS’ lack of certainty over how to categorize the risk posed by domestic terrorist groups is further revealed in its strategic planning. According to a recent news article, DHS distributed a January 2005 budgetary planning document entitled “Integrated Planning Guidance, Fiscal Years 2005-2011,” which identified certain domestic terror groups as posing potential threats to the homeland.<sup>19</sup> Given the FBI’s designation of right-wing groups as “the most serious domestic threat,” it is surprising that, according to the article, DHS’ planning document did not name right-wing domestic terrorists or terrorist groups as a potential threat. However, the document reportedly does list left-wing domestic groups, “such as the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF),” as terrorist threats.<sup>20</sup> A subsequent interview with DHS officials revealed that the document included eco-terrorists because they “will continue to focus their attacks on property damage in an effort to change policy.” The document notes that although “publicly ALF and ELF promote nonviolence toward human life . . . some members may escalate their attacks.”<sup>21</sup>

Other terrorism experts still consider right-wing terrorists as serious threats, and were surprised that DHS did not. “They are still a threat, and they will continue to be a threat,” said Mike German, a 16-year undercover agent for the FBI who spent most of his career infiltrating radical right-wing groups. “If for some reason the government no longer considers them a threat, I think they will regret that,” said German, who left the FBI last year. “Hopefully it’s an oversight,” he added.<sup>22</sup> Another terrorism expert, James O. Ellis III, a senior terror researcher for the National Memorial Institute for the Prevention of Terrorism (MIPIT), stated that whereas left-wing groups, which have been more active recently, have focused mainly on the destruction of property, right-wing groups have a much deadlier and more violent record and should be on the list. “The nature of the history of terrorism is that you will see acts in the name of [right-wing] causes in the future.”<sup>23</sup>

#### *DHS’ Risk Assessment Differs from Other Agency Views*

The war on terror is a huge undertaking that requires consistent cooperation between Federal, state, and local law enforcement agencies that each monitor different domestic terror groups based on their agency’s mission.

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<sup>18</sup> Democratic staff of the House Homeland Security Committee conducted a telephone conference call with DHS officials on April 15, 2005.

<sup>19</sup> Justin Rood, “Animal Rights Groups and Ecology Militants Make DHS Terrorist List, Right-Wing Vigilantes Omitted,” *Congressional Quarterly* (March 25, 2005).

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

The FBI develops and continually revises a long-term strategic plan that identifies potential threats, sources of those threats, and actions needed to confront and prevent these threats. However, neither the FBI nor any other Federal agency maintains a comprehensive list of domestic terror groups or individuals.<sup>24</sup>

Nonetheless, the FBI's Strategic Plan does consider domestic threats from both right-wing and left-wing terrorists, stating "[r]ight-wing extremists exposing anti-government or racist sentiment, will pose a threat because of their continuing collection of weapons and explosives coupled with their propensity for violence."<sup>25</sup>

According to DHS officials, even though the FBI and DHS are working closely, they do not consider the same groups to present the same terrorist threat.<sup>26</sup> This is because they are "looking for different types of threats."<sup>27</sup> Given the FBI analysis of the risk posed by right-wing extremists, it remains unclear why DHS does not give higher priority to this threat, such as by mentioning it in the Department's planning document.

It should be noted that while both the FBI's Strategic Plan and DHS' planning document both reportedly name al-Qaeda as the greatest threat to the United States, the two agencies categorize the risk posed by other international terrorist groups differently.<sup>28</sup> Considering the emphasis placed on fighting international terrorists since 9/11, if the two agencies are still assessing different risks to these groups, then we should be very concerned about their ability to coordinate threat assessment of domestic terrorists.

#### *Post -9/11 Risks and DHS' Need to Think of Risks "Outside the Box"*

According to *USA Today*, there have been some chilling cases of right-wing domestic terrorism planning since 9/11.<sup>29</sup> For example, in May, 2004, William Krar, of Noonday, Texas, was sentenced to more than 11 years in prison after he stockpiled enough sodium cyanide to kill everyone inside a 30,000-square-foot building. Krar, described by federal prosecutors as a white supremacist, also had nine machine guns, 67 sticks of explosives and more than 100,000 rounds of ammunition. Investigators and the federal prosecutor said they didn't know what Krar intended to do with the potentially deadly chemicals.

The Krar case demonstrates that white supremacists and other right-wing groups or individuals can obtain the capability to perform a large-scale terrorist attack in America on a scale similar to those al-Qaeda seeks to conduct. If DHS' planning document and difference in approach to right-wing domestic terrorism compared to the FBI are any indication of the

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<sup>24</sup> "Terrorism: Questions & Answers," issue paper by the Council on Foreign Relations and the Markle Foundation can be found at <http://www.terrorismanswers.org/groups/american2.html>.

<sup>25</sup> FBI Strategic Plan, 15.

<sup>26</sup> Justin Rood, "Animal Rights Groups and Ecology Militants Make DHS Terrorist List, Right-Wing Vigilantes Omitted," *Congressional Quarterly* (March 25, 2005).

<sup>27</sup> Democratic staff of the House Homeland Security Committee conducted a telephone conference call with Department officials on April 15, 2005.

<sup>28</sup> FBI Strategic Plan, 26; Justin Rood, "Animal Rights Groups and Ecology Militants Make DHS Terrorist List, Right-Wing Vigilantes Omitted," *Congressional Quarterly* (March 25, 2005).

<sup>29</sup> Larry Copeland, "Domestic terrorism: New trouble at home," *USA TODAY*, November 14, 2004, available at [http://www.usatoday.com/news/nation/2004-11-14-domestic-terrorism\\_x.htm](http://www.usatoday.com/news/nation/2004-11-14-domestic-terrorism_x.htm).

type of threat analysis the Department is conducting, then there may be a failure to think of risks “outside the box” that is eerily reminiscent of the intelligence failures that led to the 9/11 attacks.

### **Recommendations**

There are many opportunities for DHS to revise its approach and think as creatively as some right-wing terrorists may.

- *DHS must reassess the threat posed by right-wing domestic terrorists and revise its long-term planning to address this risk.*

First and foremost, DHS must return to its overall statutory mandate to determine “the nature and scope of terrorist threats to the homeland” by including in its long-term planning a genuine consideration of the risks posed by right-wing domestic terrorists. Without this planning, the intelligence analysts and agents on the front-line may not get the budgetary and administrative support they need from above.

- *Congress or DHS should establish an advisory council of groups with experience monitoring right-wing domestic terrorists*

There are several organizations, such as the Southern Poverty Law Center, the Simon Wiesenthal Center, the Anti-Defamation League, the National Association for the Advancement of Colored People, the National Coalition of Anti-Violence Programs, the National Abortion Federation, and others with long-standing experience in monitoring right-wing domestic terrorist groups and assessing their danger. Congress or DHS should establish an advisory council of these groups in order to ensure that the Department has as much information as possible about the risks right-wing domestic terrorists pose.

- *DHS and the FBI should work together to create and maintain a comprehensive list of domestic terror groups or individuals.*

DHS and the FBI should close the security gap identified by the Council on Foreign Relations and the Markle Foundation by creating and maintaining one comprehensive list of domestic terror groups or individuals.

- *DHS must expand its definition of “critical infrastructure” for purposes of collecting intelligence on domestic terror groups.*

DHS must redefine its definition of “critical infrastructure” to include those “soft targets” most at risk of attack by right-wing domestic terrorists. Just as al-Qaeda may want to destroy prominent symbols of America authority and inflict mass casualties, as on 9/11, and left-wing domestic environmental terrorist groups may attack what they perceive as anti-environmental structures, such as dams, right-wing domestic terrorists may strike at what best communicates their message of hate. For example, a single African-American church in a large city can have several thousand people in it on a Sunday, and large inner-city schools

can have thousands of minority students. Both of these could be prime targets for an attack by a white supremacist group.

We cannot protect every “soft-target” as well as we can protect “hard targets,” like airplanes or nuclear power plants, but DHS should consider these risks when evaluating the stream of intelligence “chatter” it receives on right-wing domestic terrorists. If this intelligence reveals a credible threat, DHS must work closely with the FBI and other law enforcement authorities, but it should also provide the threatened entity with at least some recommendations on how to reduce its risk.

- *DHS must think “outside the box” about the types of attacks right-wing domestic terrorists may conduct.*

Eric Rudolph’s bombing of Atlanta’s Olympic Park in order to raise his anti-abortion views demonstrates that right-wing domestic terrorists may choose to attack a symbol that is not directly associated with their particular political objection in order to prove their point. DHS must consider these risks when evaluating the threats to critical infrastructure as well as to everyday large-scale events. For example, large gatherings of women, such as a “Take Back the Night” rally, could be a target for right-wing anti-abortion terrorists.

America as a whole should not develop paranoid views about the risks to every place or event posed by unassociated domestic terrorists, but that does not mean that intelligence analysts and law enforcement should not consider these risks and consider basic precautions to prevent them.

- *The FBI and DHS should work closely to set government-wide standards for focusing on right-wing domestic terrorists and sharing information on these risks.*

By focusing on both left and right-wing domestic terrorists, the FBI has a considerably more thorough view of domestic terrorism than DHS. As the lead agency in fighting domestic terrorism, the FBI should work to ensure that DHS and other agencies understand the risks posed by right-wing domestic terrorists.

Additionally, while DHS should not interfere with ongoing FBI investigations, the Department should have access to the relevant data it needs to make a determination of the risks to America posed by right-wing domestic terrorists. According to IAIP officials, this type of information sharing is presently occurring, but the two agencies should be constantly vigilant to ensure it continues. If Congress must act to ensure any bureaucratic “stovepipes” of information are eliminated, than it should do so. A prime lesson from 9/11 was that failures to share information can lead to catastrophic results.