

DOMESTIC TERRORISM ISSUES BRIEF – Bill Nusbaum 5/24/21

Executive Summary

According to Office of the Director of National Intelligence (ODNI) as well as the FBI, domestic terrorism is one of the most serious threats to America. While hate crimes are defined differently than domestic terrorism, many individuals and groups have hate as a key part of their political agenda. There has been significant proliferation of white nationalist and neo-Nazi ideology.

One of the significant challenges in rooting out domestic terrorism is the First Amendment freedom of speech and assembly that we all value. Currently, the FBI cannot solely monitor the exercise of First Amendment rights. This restriction is, in part, because the FBI and other law enforcement history of spying on and harassing groups that were advocating against the Vietnam War or in support for civil rights.

A number of solutions have been advocated including efforts to create a new criminal domestic terrorism statute. Most of the proposals have been controversial and there remains resistance to dealing with the issue in Congress.

Definitions

Domestic terrorism is not a federal crime and the federal government does not have a single definition of it. There's also no federal list of domestic terrorist organizations, such as there is for foreign groups. However, commonly cited definitions say there needs to be a political or ideological motive.¹

- The FBI defines domestic terrorism as "violent, criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature." See 18 U.S.C. §2331(5)
- Title 22 of the U.S. Code defines terrorism as "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents."
- The 2001 Patriot Act defines domestic terrorism as "involving acts dangerous to human life that are a violation of the criminal laws of the United States or of any State appearing to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; to affect the conduct of a government by mass destruction, assassination, or kidnapping; and occurring primarily within the territorial jurisdiction of the United States."

"Usually what identifies terrorism from a hate crime is that political motivation – a political message or goal that the actor had in that act," said Fait Muedini, an international studies professor at Butler University in Indianapolis. "The challenge is, it's tough to know ... unless they leave behind some sort of evidence."

A hate crime, by definition, includes a motivation rooted in bias, according to the Justice Department. Bias can be based on a victim's perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity or disability.

- The Justice Department adds: "Hate crimes have a devastating effect beyond the harm inflicted on any one victim. They reverberate through families, communities, and the entire nation, as others fear that they too could be threatened, attacked, or forced from their homes, because of what they look like, who they are, where they worship, whom they love, or whether they have a disability."

These crimes are usually violent and may also include threats of violence. The FBI notes hate crimes may be wholly or partially motivated by bias, but that hate alone without the addition of a criminal act is not illegal.

¹ <https://www.usatoday.com/story/news/nation/2021/03/25/why-arent-more-mass-shooters-charged-hate-crimes-terrorism/6980348002/>

The FBI safeguards against cases focused solely on constitutionally protected activities. All FBI investigations must be conducted for an authorized national security, criminal, or foreign intelligence collection purpose. Investigations may not solely monitor the exercise of First Amendment rights. Finally, the FBI conceptualizes domestic terrorism in terms of threats, not groups or ideas. In September 2020, FBI Director Wray stated in congressional testimony that “regardless of the specific ideology involved, the FBI requires that all domestic terrorism investigations be predicated based on activity intended to further a political or social goal, wholly or in part involving force, coercion, or violence, in violation of federal law.”²

There is clearly a significant overlap between domestic terrorism and hate crimes.

The threat is real

On March 1, 2021 the Office of the Director of National Intelligence (ODNI) issued a chilling unclassified threat assessment entitled “Domestic Violent Extremism Poses Heightened Threat in 2021.” Referencing 18 U.S. Code 2331(5), the statement defines a domestic violent extremists (DVE) as “an individual based and operating primarily in the United States without direction or inspiration from a foreign terrorist group or other foreign power and who seeks to further political or social goals wholly or in part through unlawful acts of force or violence.” The statement also identifies categories of DVEs:

- Racially or ethnically motivated violent extremists
- Animal Rights/Environmental violent extremists
- Abortion-Related violent extremists
- Anti-Government/Anti-Authority violent extremists including
 - Militia violent extremists
 - Anarchist violent extremists
 - Sovereign Citizen violent extremists
- All Other Domestic Terrorism Threats

The ODNI assessment continues stating:

The IC [Intelligence Community] assesses racially or ethnically motivated violent extremists (RMVEs) and militia violent extremists (MVEs) 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. The IC assesses that the MVE threat increased last year

² Congressional Research Jan.15,2021, “Sifting Domestic Terrorism from Hate Crime and Homegrown Violent Extremism”
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi00d7ZrIHwAhUYZc0KHYYIAAJ0QFjABegQIAhAD&url=https%3A%2F%2Fwww.everycrsreport.com%2Ffiles%2F2021-01-15_IN10299_572203b7de901830d66301cbd676c81a3cab67b9.pdf&usg=AOvVaw1N7LSkfwFkkwgv7GpLstCb

and that it will almost certainly continue to be elevated throughout 2021 because of contentious sociopolitical factors that motivate MVEs to commit violence.

The IC assesses that US RMVEs who promote the superiority of the white race are the DVE actors with the most persistent and concerning transnational connections because individuals with similar ideological beliefs exist outside of the United States and these RMVEs frequently communicate with and seek to influence each other. We assess that a small number of US RMVEs have traveled abroad to network with like-minded individuals.

DVE lone offenders will continue to pose significant detection and disruption challenges because of their capacity for independent radicalization to violence, ability to mobilize discretely, and access to firearms.³

In 2020 the Southern Poverty Law Center (SPLC) tracked 838 hate groups across the U.S. Though numbers have dropped 11% overall, the SPLC are still recording historic highs. In 2015, the numbers jumped from 784 to 892, and they have remained well above 800 for the duration of the Trump presidency.

Many extremist ideologues are not formal members of any organization. Online platforms allow individuals to interact with hate and antigovernment groups such as QAnon, Boogaloo and the Proud Boys, without joining them, as well as to form connections and talk with likeminded people. And, despite the lack of formal affiliation, these individuals still take real-world actions. The U.S. Capitol insurrection exemplifies this. Most of the people storming the Capitol building may not be card-carrying members of a hate or antigovernment group, but they harbor extremist beliefs.

The Ku Klux Klan continued its collapse, with only 25 active chapters in 2020.

White nationalist group numbers also dipped by 27, a change that does not signal a trend toward less white nationalist organizing. Both white nationalist groups and neo-Nazi groups are becoming more diffuse and difficult to track and quantify as they proliferate online and communicate on encrypted platforms.

Anti-immigrant, anti-Muslim and anti-LGBTQ hate groups, which are typically more successful at laundering their ideas into mainstream political discourse, saw their numbers remain largely stable, though their in-person organizing was curtailed due to the COVID-19 pandemic. The number of anti-Muslim hate groups dropped by 12, from 84 last year to 72 this year.

³<https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>

The SPLC points out that the number of hate groups is merely one metric for measuring “the level of hate and racism in America.” For example, the SPLC found in an August poll that 29% of Americans personally know someone who believes “white people are the superior race.” It also reported nearly 4,900 incidents of “extremist flyers” in 2020.⁴

The Chicago Project on Security and Threats (CPOST), working with court records, has analyzed the demographics and home county characteristics of the 377 Americans, from 250 counties in 44 states, arrested or charged in the Capitol attack of January 6, 2021. In the CPOST report, “Understanding American Domestic Terrorism” (a summary of which appeared in an Oped in the Washington Post April 6, 2021), it was found that:

Those involved are, by and large, older and more professional than right-wing protesters we have surveyed in the past. They typically have no ties to existing right-wing groups. But like earlier protesters, they are 95 percent White and 85 percent male, and many live near and among Biden supporters in blue and purple counties.

The charges have, so far, been generally in proportion to state and county populations as a whole. Only Kentucky, Maryland, Missouri and Montana appear to have sent more protesters to D.C. suspected of crimes than their populations would suggest.

Nor were these insurrectionists typically from deep-red counties. Some 52 percent are from blue counties that Biden comfortably won. But by far the most interesting characteristic common to the insurrectionists’ backgrounds has to do with changes in their local demographics: Counties with the most significant declines in the non-Hispanic White population are the most likely to produce insurrectionists who now face charges. Put another way, the people alleged by authorities to have taken the law into their hands on Jan. 6 typically hail from places where non-White populations are growing fastest.⁵

Part of the challenge in combatting DVEs is the “exposing and dismantling the engines of entrenched, systemic white supremacy that have always threatened inclusive democracy in the U.S.”

For example, an SPLC poll conducted in August 2020⁶ found that 65% of respondents believe racism exists and is harmful, but 49% believe that people of color are more likely to be poor because of a lack of work ethic.

⁴ <https://www.splcenter.org/news/2021/02/01/year-hate-2020>

⁵ <https://www.washingtonpost.com/opinions/2021/04/06/capitol-insurrection-arrests-cpost-analysis/>.

https://cpost.uchicago.edu/research/domestic_extremism/

⁶ <https://www.splcenter.org/year-hate-and-extremism-2020>

The findings were similarly disturbing around gaps in health outcomes; only 38% of respondents believed that systemic racism played a role, even as COVID-19 ravaged communities of color.

Despite some high-profile support for Black Lives Matter protests this summer, the poll showed that 51% of Americans thought the looting that occurred in several cities was a bigger problem than police violence against Black people, and 51% thought that the protests were not justified because the problem with police violence was isolated to a few bad apples.

Possible Solutions

There have been many ideas floated for combatting domestic terrorism. Many believe that enacting sweeping federal “domestic terrorism” legislation is critical. One fundamental problem is that while federal statutes provide a definition of domestic terrorism, there is not a specific law outlawing it.

The reasons date to 1975, when an inquiry by the Church Committee of the U.S. Senate documented that the FBI had abused its powers by engaging in a pattern of spying on American citizens in groups ranging from the Black Panthers to the Ku Klux Klan. The government placed strict limits on the ability of the FBI and other agencies to infiltrate and track such organizations, with new laws and rules establishing more rigorous requirements for surveillance on Americans than foreigners. Today, FBI counterterrorism officials make a point of saying they target individuals rather than groups, and violent acts rather than ideologies.

Although federal law punishes terror attacks in certain circumstances such as the use of explosives, it does not attach penalties to the crime of domestic terrorism. Authorities rarely file charges of domestic terrorism against suspected American extremists, resorting instead to prosecutions for hate crimes, illegal gun possession and other federal or state violations. Federal agents often cannot use laws that are applicable to international cases, in which charges of material support of terrorism can bring a sentence of 15 years in prison for the simple act of providing a phone card to a suspect linked to a foreign group. Civil liberties protections for Americans make it harder for investigators to persuade judges to authorize wiretaps and other forms of surveillance. Unlike al-Qaida, ISIS and other officially designated foreign terror organizations, U.S. groups such as the KKK are legal, and extremists cannot be prosecuted simply for belonging to or assisting them.⁷

Thus one of the key issues regarding domestic terrorism legislation is how to achieve a balance between prosecuting domestic terrorism offenses and the First Amendment freedoms of speech, assembly and privacy. These concerns are on both sides of the

⁷ <https://www.propublica.org/article/domestic-terrorism-a-more-urgent-threat-but-weaker-laws>

political divide. For example both the SPLC and the ACLU oppose enacting a new criminal domestic terrorism law.

The SPLC's Recommendations to combat extremist groups:

- Enact the Domestic Terrorism Prevention Act, which would establish offices within the Department of Homeland Security (DHS), the Department of Justice, and the FBI to monitor, investigate and prosecute cases of domestic terrorism – and require these offices to regularly report to Congress. Passed overwhelmingly by the House of Representatives last September, this legislation would also provide resources to strengthen partnerships with state and local law enforcement authorities to confront far-right extremism and create an interagency task force to explore white supremacist activities within the U.S. armed forces and federal law enforcement.
- Improve federal hate crime data collection, training, and prevention. Data drives policy. The FBI's annual Hate Crime Statistics Act (HCSA) report is the best national snapshot of hate violence in America, but data received from the 18,000 federal, state, local, and tribal law enforcement agencies is vastly underreported – in part because reporting is not mandatory. In 2019 (the most recent report), 86% of police agencies either affirmatively reported that they had zero hate crimes, or they did not report any data to the FBI at all.
- As we work to build support for mandatory hate crime reporting to the FBI, Congress should enact the Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality Act of 2019 (NO HATE Act), which would authorize incentive grants to spark improved local and state hate crime training and data collection initiatives, as well as state-based hotlines to connect victims with support services.
- The law is a blunt instrument to address violent hate and extremism – it is much better to prevent these criminal acts in the first place. Congress should shift funding away from punishment models and toward the prevention of violent extremism. It should focus on programs that build resilient communities and empower adults — including parents, teachers, caregivers, counselors, therapists, faith leaders, and coaches — to help steer young people away from dangerous ideas. These programs are better housed in the Department of Education and Department of Health and Human Services than DHS or other national security agencies.
- Reject efforts to create a new criminal domestic terrorism statute – or the creation of a listing of designated domestic terrorist organizations. A new federal domestic terrorism statute or list would adversely impact civil liberties and could be used to expand racial profiling or be wielded to surveil and investigate communities of color and political opponents in the name of national security.

In addition, there are many calling for efforts to attack the underlying root cause of domestic terrorism – systemic racism. SPLC recommendations include:

- Establish a national truth, racial healing and transformation commission to examine the history of white supremacy and structural racism in the United States. This long-overdue truth and reconciliation commission would help the United States reckon with the injustices our country has committed and help spark a movement to eliminate racial discrimination.
- Prohibit racial, ethnic and religious profiling in federal, state and local law enforcement. Black, Latinx, Muslim and Indigenous people are subject to discriminatory policing, including increased surveillance, more harsh criminal sentences and disproportionately high rates of being killed by police.

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Extremist Groups in the U.S. – Susan Burleson

Readers: To prevent more damage to our democracy and reduce the threat of Domestic Terrorism, we should all learn more about extremist groups in the U.S. As reported across the news media channels and many veteran experts on American history, which include Pulitzer prize journalist, Ron Suskind, have talked about the insurrection on Wednesday, Jan 6, 2021 as an example of what can happen in our country if we are not more vigilant and better informed about Domestic Terrorism and Role of Extremist Groups.

Anarchist Extremists

What They Believe: Anarchist extremists believe that society should have no government, laws, or police, and they are loosely organized, with no central leadership. Violent anarchist extremists believe that such a society can only be created through force.

Who or What They Target: Violent anarchist extremists usually target symbols of capitalism they believe to be the cause of all problems in society—such as large corporations, government organizations, and police agencies. They damage property, cause riots, and set off firebombs. In some cases, they have injured police officers.

Abortion Extremists

What They Believe: Some abortion extremists believe that violence and bloodshed are justified to support their different beliefs on abortion. These violent extremists have turned to murder, bombings, assault, vandalism, kidnapping, and arson. They have also made death threats and sent hate mail and suspicious packages.

Who or What They Target: Violent anti-abortion extremists have targeted women’s reproductive clinics and the health care professionals and staff who work in these facilities, including doctors, nurses, receptionists, and even security guards. In one case in 2009, for example, a Kansas doctor who performed abortion services was shot and killed in his local church by an anti-abortion extremist. Those who use violence to defend abortion rights have murdered, threatened, and attacked those who oppose abortion.

Militia Extremists

What They Believe: A militia is a group of citizens who come together to protect the country, usually during an emergency. Some militia extremists, however, seek to violently attack or overthrow the U.S. government. Often calling themselves “patriots,” they believe the government has become corrupt, has overstepped its constitutional limits, or has not been able to protect the country against global dangers.

Who or What They Target: Violent militia extremists mainly target those they believe could violate their constitutional rights, such as police officers and judges. In one 2010 case, a Michigan militia group planned to kill a police officer and later attack the parade of cars in the funeral, hoping to start a large battle. The FBI and its partners stopped them from carrying out their plan.

White Supremacy Extremists

What They Believe: White supremacy extremists are motivated by a hatred of other races and religions. Some try to achieve their political and social goals through violence. These violent extremists often wrongly believe that the U.S. government is hurting the country or secretly planning to destroy it.

Who or What They Target: White supremacy violent extremists target the federal government and racial, ethnic, and religious minorities. Their methods have included murder, threats, and bombings. As just one example, white supremacists attacked a pair of Middle Eastern men on New Year's Eve in 2011, punching one victim in the face and head.

Names of Extremist Groups/Movements in U.S. (2020)

Here are five extremist groups or movements to be worried about in the months to come.

1. The Boogaloo Bois

The Boogaloo movement has been calling for a [civil war](#) as well as a race war and seeks the violent overthrow of the U.S. government. Boogaloo members also openly advocate killing police officers. In Northern California, [Boogaloo supporter Steven Carrillo](#) was arrested in connection with an armed attack on a federal courthouse in Oakland on May 29, 2020. That attack left a security officer from the Federal Protective Service dead.

In both the white-power and anti-government “communities, ‘boogaloo’ was frequently associated with racist violence and, in many cases, was an explicit call for race war,” according to the Southern Poverty Law Center. “Today the term is regularly deployed by white nationalists and neo-Nazis who want to see society descend into chaos so that they can come to power and build a new fascist state.”

2. QAnon

The [QAnon movement](#) has been identified by the FBI as a possible source of domestic terrorism, and its sympathizers have been making their way to the U.S. House of Representatives. In Georgia, QAnon supporter [Marjorie Taylor Greene](#) won the general election in November. According to the QAnon conspiracy theory, the U.S. government has been infiltrated by an international ring of pedophiles and Satanists, and Trump was put in power to combat the ring. According to QAnon, an anonymous figure named Q is giving them updates on Trump's battle.

As ludicrous as QAnon's beliefs are, supporters take them quite seriously. With Trump election loss to former Vice President Joe Biden, the QAnon members are likely to feel a sense of desperation that could make them even more dangerous and unhinged.

3. The Proud Boys

The Proud Boys are a far-right group of self-described "western chauvinists" who openly advocate violence and have been carrying out violent attacks against members of Black Lives Matter at anti-racism demonstrations. After Trump's endorsement his debate with Biden on September 29, 2020, members of the Proud Boys expressed their **feelings of empowerment** and declared that they were ready to carry out acts of violence on the president's behalf.

Proud Boys organizer Joe Biggs, following that debate, posted, "Trump basically said to go f*** them up! This makes me so happy." By "them," Biggs was referring to Antifa. And Biggs also posted, "President Trump told the proud boys to stand by because someone needs to deal with ANTIFA...well sir! we're ready!!"

4. The Three Percenters movement

The Three Percenters aren't one specific group, but rather, a movement of far-right militias. Three Percenters are well-armed and engage in military-like training, and they have made it clear that they are fully prepared for armed struggle. According to the Southern Poverty Law Center, "Percenterism is one of three core components within the anti-government militia movement, along with the Oath Keepers and traditional militia groups. The reference to '3 Percent' stems from the dubious historical claim that only 3% of American colonists fought against the British during the War of Independence.

5. The Wolverine Watchmen

The **Wolverine Watchmen** are among the many militia groups that believe that liberals and progressives and anti-Trump conservatives do not hold power legitimately and that it is their duty to wage armed struggle against their enemies. According to the FBI, the Wolverine Watchmen believed that **Michigan Gov. Gretchen Whitmer** had violated the U.S. Constitution by promoting social distancing restrictions in Michigan in response to the coronavirus pandemic — and after kidnapping her and putting her on "trial" for treason, they would execute her if found guilty. But the group's activities, the FBI said, went way beyond their alleged plot to kidnap Whitmer: they also hoped to kidnap other officials in Michigan, overthrow the state government and ignite a civil war. Some of the **Wolverine Watchmen** are also supporters of the **Boogaloo movement**.

Other extremist groups in U.S.

Neo-Nazi

Neo-Nazi groups share a hatred for Jews and a love for Adolf Hitler and Nazi Germany. While they also hate other minorities, gays and lesbians and even sometimes Christians, they perceive "the Jew" as their cardinal enemy.

While some neo-Nazi groups emphasize simple hatred, others are more focused on the revolutionary creation of a fascist political state. Nazism, of course, has roots in Europe, and links between American and European neo-Nazis are strong and growing stronger. American neo-Nazi groups, protected by the First Amendment, often publish material and host Internet sites that are aimed at European audiences -- materials that would be illegal under European anti-racism laws. Similarly, many European groups put up their Internet sites on American servers to avoid prosecution under the laws of their native countries.

At the Capitol insurrection people were seen wearing T-shirts with logo "6MNE". The meaning, "6 million not enough" – referring to Hitler's holocaust. A pro-Trump rioter who broke into the U.S. Capitol was wearing a "Camp Auschwitz" shirt.

Antifa

Antifa is short for anti-fascists, against fascism. In the United States most people say *an-tee-fa*. In the UK, it's sometimes referred to as *anti-fa*.

Fascism, political ideology and mass movement that dominated central, southern, and eastern Europe between 1919 and 1945 and was characterized by extreme militant nationalism, hatred of communism and socialism, contempt for democracy, and belief in natural social hierarchy and the rule of elites. The antifa movement in the United States is a militant, left-wing, anti-fascist activist movement.

Antifa groups are opposed to neo-Nazis, Neo-fascism, white supremacists and racism, and are often seen as having anti-government tendencies. The movement is known for traditional forms of protest such as rallies, but are not opposed to violence. It is highly decentralized and comprises an array of autonomous groups that aim to achieve their objectives through the use of both nonviolent and violent direct action rather than through policy reform.

Oath Keepers

An American far-right anti-government militia organization composed of current and former military, police, and first responders who pledge to fulfill the oath that all military and police take in order to "defend the Constitution against all enemies, foreign and domestic". It encourages its members to not obey orders that they believe would violate the United States Constitution. The organization claims a membership of 35,000 as of 2016, though the Anti-Defamation League (ADL) has estimated its membership at several thousand.

The group describes itself as non-partisan, though several organizations that monitor domestic terrorism and hate groups describe it as extremist or radical. The FBI describes the Oath Keepers as a “paramilitary organization” and a “large but loosely organized collection of militia who believe that the federal government has been coopted by a shadowy conspiracy that is trying to strip American citizens of their rights.” Mark Pitcavage of the ADL describes the group as "heavily armed extremists with a conspiratorial and anti-government mindset looking for potential showdowns with the government." The Southern Poverty Law Center (SPLC) lists the group's founder as a known extremist and describes his announced plans to create localized militia units as "frightening". According to the SPLC, the group espouses a number of conspiracy and legal theories associated with the sovereign citizen movement and the white supremacist *posse comitatus* movement. SPLC senior fellow Mark Potok describes the group as a whole as "really just an anti-government group who believe in a wild set of conspiracy theories".

Oath Keepers were present wearing military fatigues in Ferguson, Missouri, during the 2014 and 2015 unrest in the city, when members armed with semi-automatic rifles patrolled streets and rooftops. Members of the group were indicted on conspiracy charges for allegedly staging a planned mission during the 2021 storming of the United States Capitol.