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Investigative and Prosecutorial Strategies for Mitigating Pathways to Radicalization: Creation of a Federal Terrorism Court Record Repository

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Project Personnel

This final report was submitted to NIJ in March 2022. Project personnel are listed with affiliations and titles at time of original publication. Questions about this project should be directed to Dr. Jeff Gruenewald, current Director of the Terrorism Research Center at the University of Arkansas at jgruenew@uark.edu.

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Background

About This Report

The data collection and analysis for this report was funded by the National Institute of Justice's domestic terrorism and radicalization research portfolio (Award Number 2018-ZA-CX-0003). This project builds on previous research conducted by the Terrorism Research Center (TRC) using American Terrorism Study data, including several previously funded NIJ projects.

For more information about NIJ's efforts to promote the study and prevention of radicalization and terrorism, see <https://nij.ojp.gov/topics/crimes/domestic-radicalization-and-terrorism>.

About the Terrorism Research Center

The Terrorism Research Center (TRC), housed in the Department of Sociology and Criminology at the University of Arkansas, is a non-partisan research organization that aims to use the tools of social science and data analytics to promote safer communities, inform evidence-based policies, and train the next generation of researchers and law enforcement professionals.

TRC research areas include terrorism, extremism, bias and hate crimes, human trafficking, and geospatial data analytics. In 2020, the TRC introduced the Crime and Security Data Analytics Lab (CASDAL) to promote multidisciplinary research projects relating to crime and security issues, as well as research partnerships and student resources.

To learn more about the TRC, visit our website at terrorismresearch.uark.edu.



INTRODUCTION

Background

Criminal justice actors including those from state fusion centers, FBI field offices, and United States Attorneys' Offices rely on multiple forms of information to provide intelligence to those responsible for investigating and prosecuting cases of terrorism and domestic extremism. Federal court documents are one consistent source of information that can serve as a record of past governmental efforts to mitigate radicalization processes and respond to terrorism and violent extremism in the U.S. More specifically, these documents could provide a wealth of information on patterns, trends, criminal networks, defense strategies, and law enforcement and prosecutorial strategies utilized in prior cases. Being able to efficiently access this type of information has become increasingly critical, especially following spikes in federal terrorism-related cases after the 9/11 terrorist attacks and, more recently, following the January 6th Capitol Riots.

Unfortunately, gaining access to court documents associated with terrorism-related cases could be a challenge, let alone sifting through the information contained within the documents if obtained. Defendants federally indicted in terrorism-related cases may face a wide range of criminal charges associated with USC Title 18, Chapter 113B. These charges include, but are not limited to, providing material support to terrorists or foreign terrorist organizations. In addition, there remains no specific federal statute for prosecuting cases of domestic violent extremism committed by individuals and groups not associated with foreign terrorist organizations. In effect, identifying court documents for cases involving a range of federal (terrorism-related) crimes is not always straightforward.

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As is the case for other federal court cases, terrorism and domestic violent extremism case files are retained at U.S. District Courts until any appeals are completed when the files are then transferred to appropriate regional archives. For many years, individuals were allowed to access older cases held at regional archives by appointment. Recent changes in policy concerning the archives, however, now preclude this type of access. The time-consuming nature of accessing case files at regional archives has become prohibitive not only for funded researchers, but also for government investigators and prosecutors. In addition, accessing federal court records online, such as through the PACER (Public Access to Court Electronic Records) system, has limitations. A particular challenge is accessing older criminal case documents that were filed before November 2004, when the PACER system was widely implemented. Gathering information from the pay-by-page PACER system may also be cost prohibitive for some individuals and organizations.

The American Terrorism Study (ATS)

Over the last 35 years, the American Terrorism Study (ATS) has become an important alternative source of information on federal terrorism and domestic violent extremism cases, amassing over one million pages of documents for cases occurring from the 1980s to present-day. Beginning in 1987, and with assistance from what was then the FBI's Terrorism Research and Analysis Center, the American Terrorism Study (ATS) began collecting court case documents on persons indicted for "terrorism or terrorism-related activities" as designated by the FBI. Cases in the ATS database come from official federal law enforcement or U.S. government lists of terrorism and terrorism-related indictments. Court documents on approximately 1,500 cases and over 2,800 indictees have been collected over the years as a

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part of several federally funded ATS projects,¹ making it the longest-running terrorism project in the U.S.

The ATS includes federal court documents that were collected in-person or by mail from U.S. District Courts and regional archives from around the country, as well as court documents that have been primarily purchased through the PACER (Public Access to Court Electronic Records) system. Combined, the ATS currently maintains one of the most comprehensive sets of federal court documents associated with terrorism-related cases since the late 1980s spanning terrorism and domestic violent extremism defendants across the ideological spectrum, including those affiliated with the extreme far-right, extreme far-left and eco-terrorism, and radical Islamic terrorism. Based on these documents, the ATS includes data on legal outcomes (e.g., conviction patterns, sentence length, criminal statutes) and defendant characteristics (e.g., demographics, personal background, and incident characteristics).

Data extracted from these court documents have been used to study numerous topics from environmental terrorism² to risk factors³ and the prosecution and sentencing of terrorists

¹“Pre-Incident Indicators of Terrorist Activities: The Identification of Behavioral, Geographic, and Temporal Patterns of Preparatory Behavior.” NIJ Award # 2003-DT-CX -0003; “Geospatial Analysis of Terrorist Activities, NIJ Award #2005-IJ-CX-0200; “Identity and Framing Theory, Precursor Activity, and the Radicalization Process, NIJ Award #2012-ZA-BX-0003; “Terrorism in Time and Space, NIJ Award # 2006-IJCX-0026; Sequencing Terrorists’ Precursor Activities, NIJ Award #2013-ZA-BX-0001.

² Smith, Brent, and Kelly Damphousse. 2009. "Patterns of Precursor Behaviors in the Life Span of a U.S. Environmental Terrorist Group." *Criminology & Public Policy* 8 (November): 475-496.; Gruenewald, J., Allison-Gruenewald, K., & Klein, B. (2015). Assessing the attractiveness and vulnerability of eco-terrorism targets. *Studies in Conflict & Terrorism*, 38(6), 433-455.

³ Klein, B.R., Gruenewald, J., & Smith, B.L. (2017). Opportunity, group structure, temporal patterns, and successful outcomes of far-right terrorism incidents in the United States. *Crime & Delinquency*, 63(10), 1224-1249.

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and violent extremists in U.S. federal courts.⁴ Importantly, ATS data are routinely sought after by criminal justice practitioners wanting to learn more about some aspect of criminal justice responses to terrorism and violent extremism in the U.S. Recent examples include:

- a federal judge’s office seeking data on the average sentence of persons between the ages of 18-25 convicted of material support for terrorism,
- an FBI special agent requesting information on whether a particular count had ever been used in a terrorism case (and if so, how many times, and what were the count outcomes),
- a U.S. Attorney’s office looking for information on prior cases in which Sovereign Citizens had filed motions regarding the “constitutionality of our authority based on the admiralty flag,” and
- a NIJ researcher seeking names of females federally indicted on terrorism-related charges since 1990.

We were able to successfully provide responses and assistance to all of these, and numerous other, requests. However, many agencies are not aware that we retain these documents, nor would the ATS be able to respond to each request if it became public knowledge of their compiled existence. In effect, there was a need to create a more user-friendly method of accessing this information.

Project Goals

To compensate for limitations in access to data on terrorism and domestic violent extremism, a simple-to-use, password-protected web portal known as the ATS Court Record

⁴ Jackson, S., Ratcliff, K., & Gruenewald, J. (2021). Gender and criminal justice responses to terrorism in the United States. Available online first in *Crime & Delinquency*. <https://doi.org/10.1177%2F00111287211047535>

Smith, B., & Damphousse, K. (1996). Punishing political offenders: The effect of political motive on federal sentencing decisions. *Criminology*, 34(3). 289–321.

Repository, or ATSCoRR, was created. ATSCoRR allows intelligence analysts, federal prosecutors, FBI investigators, state fusion centers, and NIJ-funded researchers examining radicalization in the U.S. to have access to the decades of court records compiled by the ATS. In addition to the actual documents, the portal provides basic data and statistics on, for example, count utilization (e.g., conviction, acquittal, etc.) and patterns of terrorist conduct. The structure of ATSCoRR also identifies links between case documents, successful utilization of counts or combination of counts, the verbiage used in indictments, and unique motions filed in each case.

The primary objectives for the project included: 1) identifying, collecting, and coding data from existing and new cases included in the ATS, 2) soliciting feedback from potential end-users and other stakeholders, 3) building a web-based platform connected to relevant aspects of the ATS database, and 4) integrating a map function to view relevant case-related information more efficiently.

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DEVELOPMENT SUMMARY

This section contains an overview of the work performed toward the objectives, the information available for each data type in ATSCoRR (i.e., court cases, defendants, and counts), general descriptive conviction statistics, and general navigation of the site. Existing cases and associated coding in the ATS database were reviewed by project staff and evaluated for inclusion in ATSCoRR. In total, TRC students and staff reviewed over 1,500 court cases and associated coding and case documents. From these, the project team loaded 956 cases into the ATSCoRR portal by time of submission of this final report. Approximately 400 additional court cases have been marked for future inclusion, pending finalization of court proceedings or collection and organization of case documents. These 956 cases are linked to 1,627 defendants and more than 9,000 individual criminal counts available for analysis in ATSCoRR, and connected to tens of thousands of pages of federal court records totaling roughly 15GB worth of court records. These data are accurate as of submission of this final report, however, data and documents in ATSCoRR are subject to change based on subsequent case progress.



956
Cases



1,627
Defendants



9,202
Counts

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Site Design and Functionality

At the beginning of the project period, project staff reviewed core American Terrorism Study (ATS) legal variables for inclusion. Detailed lists of court case, defendant, and count variables can be found beginning on page 12 of this report. Once variables were finalized and a preliminary version of the portal included several hundred cases, the project team invited potential end-users to “beta test” the portal and provide feedback on its utility and usability. Beta testers and other early ATSCoRR registrants include individuals affiliated with the Department of Homeland Security, Department of Justice National Security Division, Federal Bureau of Investigation, Arkansas State Fusion Center, National Counterterrorism Center, the Texas Department of Public Safety, and the United States Military.

Early registrants were asked to complete a Qualtrics survey after spending time on the site, though many respondents preferred to send feedback via e-mail, virtual and in-person meetings, or by phone rather than fill out the survey. In addition to feedback concerning the general utility of the data and documents on the site, the project team also requested input regarding any technical issues. The ATSCoRR site now includes an integrated Qualtrics survey under a “Contact” menu item to gather feedback, serve as a point of contact, and allow users to suggest cases or materials for future inclusion in a convenient manner that does not require soliciting a separate response from end-users, and will inform evolution of the platform under future projects.

Based on suggestions provided during conversations and from the feedback survey, the project team identified and addressed three key areas of improvement to ATSCoRR development, including:

1. more detailed information about the project, ATS database, and project team;
2. additional filtering options, specifically including data related to court cases involving attacks against critical infrastructure; and
3. mitigating issues with site registration.

The recommendations pertaining to project information and login issues were addressed by redesigning the ATSCoRR home page and login interface (see Figure 1 on page 9). Due to security measures and server settings necessitated by many end-users, the project team troubleshooted access issues and adapted login and registration information to remove future roadblocks based on incoming e-mail security settings. The home page now includes an easily visible and accessible link to request access to ATSCoRR. Users are prompted to list their affiliation and contact information, and that request is automatically forwarded to TRC personnel who review the user's supplied credentials. This has thus far been completed on a case-by-case basis while the portal has been in development. Users with an official government or law enforcement affiliated e-mail address are automatically approved. Other cases are reviewed based on the qualifications enumerated in the project proposal, such as NIJ-funded researchers.

The home page also includes background on the project, a link to the User Guide (a draft of which is attached to this report as Appendix A) and a link to the TRC website, which has been updated with an ATSCoRR project page (terrorismresearch.uark.edu/ATSCoRR). The ATSCoRR

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Figure 1. ATSCoRR Log-in Screen

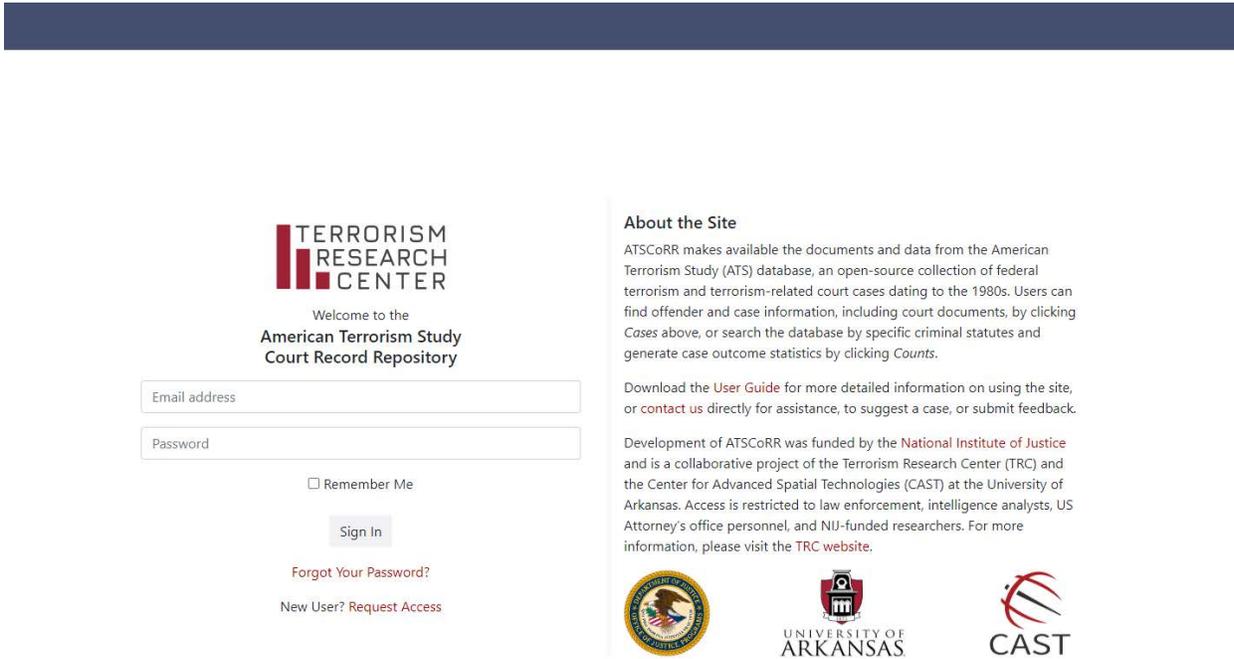
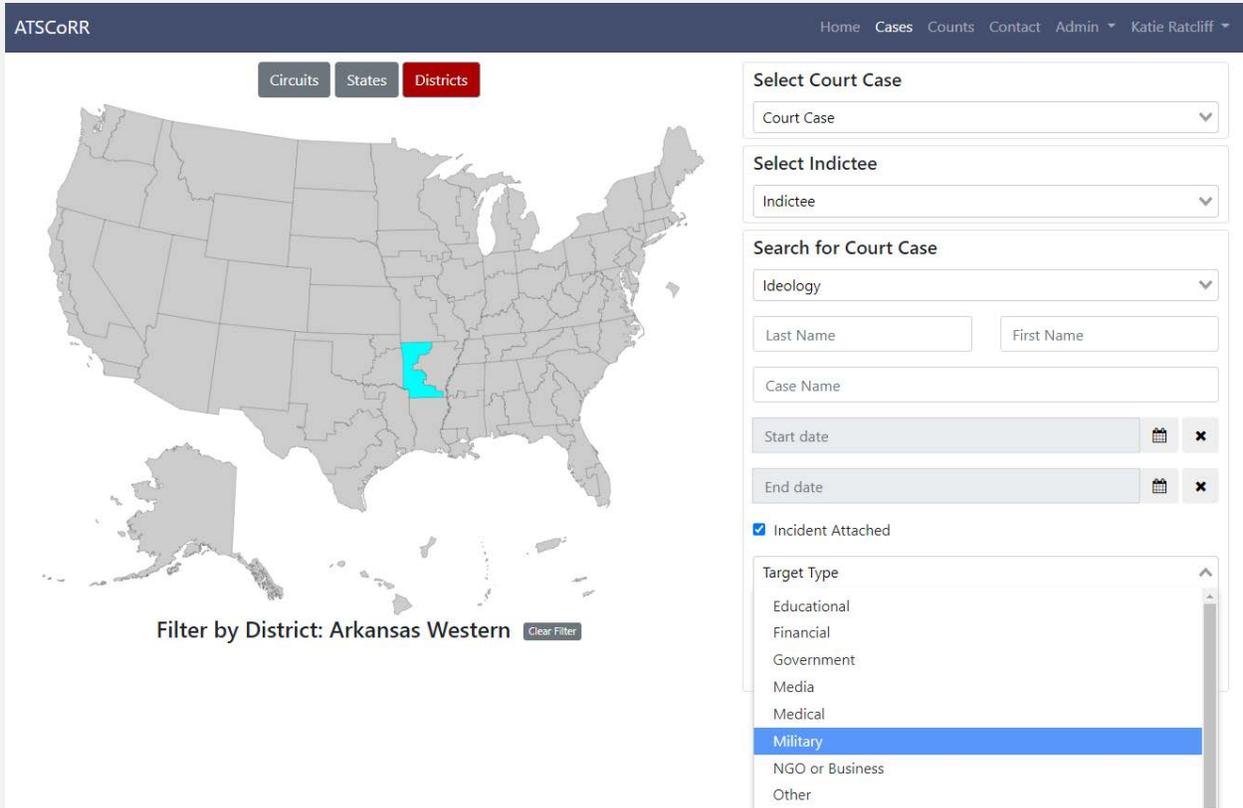


Figure 2. Home Court Case and Indictree Filter Page



project page will be formally released to the public upon release of the final report from NIJ and finalization of the accompanying preliminary dataset available at NACJD. From the TRC website, both users and the public will be able to access associated documentation, including Use Case exemplars (Appendix B), and ATS Research Products focused on legal outcomes (Appendix C).

Once registered and logged in, users can immediately begin searching for cases, defendants, and criminal counts. To navigate to the case and indictee search function, users can click on the “Cases” menu tab in the top right-hand corner. This will open the case search screen and allow users to navigate directly to, or search for, specific court cases or defendants (Figure 2). Specific cases and individuals can be selected from the first two drop down menus (Select Court Case and Select Indictee). There are several ways to filter and search, including a map-based filtering feature. Filters in ATSCoRR are reciprocal – in other words, if a user selects a certain district, state, or region, the list of cases and defendants that appear in the Select Court Case and Select Defendant lists will also be filtered by that choice.

In addition to filtering by place (based on court location), users can apply conditions based on ideological category, indictment date, and whether the court case has an associated failed, foiled, or completed plot. This feature was added during development based on end-user feedback. Once a user clicks the “Incident Included” option, they can also select a target type based on Infrastructure categories and whether the associated incident involved violence against persons, property, or both. Clicking the “Search” button will return a list of all ATSCoRR cases that meet the user’s search criteria, and selecting a specific court case will open a Court Case Overview page (Figure 3).

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Court Cases

The left-hand side of the Court Case overview page contains information about the court case (see Table 1 for list of variables). The case overview also includes hyperlinks (appearing in red text) to view indictee pages (see description of Indictree Overview screen on page 14) and any incidents linked to the case. If a user clicks on “View Incidents,” they will see any failed, foiled, or completed plots linked to the court case in the ATS database with a brief description and target/infrastructure category information. Users can also navigate directly to overviews for related cases, if applicable. The brief narrative case summaries attached to each court case also include background information about offenders and plots, including preparatory activities and general timelines of each case. These case summaries are, on average, less than 150 words and are useful for quick references of case events.

The right-hand side of the court case overview screen displays associated case documents. Most cases in ATSCoRR contain an official case Docket, which serves as a timeline of the case and descriptor of case filings. Where possible, documents are named corresponding to their docket entry. Some cases, particularly older cases that predate PACER, do not have appropriately labeled dockets or the docket does not exist. In those cases, a draft Docket was created, or individual documents were labeled (e.g., “Indictment”). PDFs of case documents are automatically scanned hourly and uploaded as images into ATSCoRR. To ensure case documents are up to date, project personnel wait until the case has closed, which means that all defendants have reached final disposition or the case status has remained stagnant for several years (such as in fugitive cases or those awaiting unlikely extradition) before adding it to ATSCoRR. As such, several cases identified and partially collected during the project period will

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Figure 3. Court Case Overview Page

The screenshot displays the ATSCoRR interface. On the left, a sidebar lists case details: Court Case (15-CR-95 (OH-S)), Case Name (USA v. Mohamad), City (Columbus), Indictment Year (2015), Defendants (1), Number of Counts (3), Linked Groups (Al-Nusra Front (ANF)), Indictees (Abdirahman Sheik Mohamad), Incidents (View Incidents (1)), Related Cases (None), and a Summary of the case. The main content area is divided into 'Documents' (with a docket of 142 items) and a large view of the court docket for the case. The docket text includes the court name (U.S. District Court Southern District of Ohio), case title (USA v. Mohamad), date filed (04/16/2015), and lists of attorneys representing the defendant, including Samuel Harry Shamansky and Anna Amber Akbar.

Table 1: Court Case Details

Court Case	Codes the unique court case number assigned by the court, e.g. "01-CR-428 (CA)"
Case Name	Codes the parties involved in the case as indicated by the court, e.g. "USA v. Jones, et al"
City	U.S. city the court case occurs in
Indictment Year	Year of the first indictment in the case, or information if no indictment
Defendants	Number of persons indicted in the court case
Number of Counts	Number of criminal counts in the "live" indictment in the court case (e.g. if there is a superseding indictment, this number and other coding reflects the charges in the indictment the case actually proceeds from)
Linked Groups	Groups or movements affiliated with the court case – a group is linked in the ATS if one or more persons indicted in the case was a member of, supporter of, acted on behalf of the group, or has activity and ideological indicators consistent with that of the group
Indictees	Lists the persons indicted in the court case – clicking a name will bring you to that person's indictee information page
Incidents	Any incidents – clicking View Incidents will open a dialogue box displaying a brief description of the incident and target information
Related Cases	Lists court cases considered linked, most often by indictees associated with the same group or cell or incidents
Summary	Gives a brief summary of the court case

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be finalized and added to ATSCoRR in the future once the case has closed (e.g., cases involving defendants connected to the January 6th Capitol Siege, cases have been delayed by the COVID-19 pandemic, etc.).

Indictees

If a user selects a specific defendant (indictee) from the home page or clicks on an indictee link from the court case overview page, they will be directed to information on that specific individual (Figure 4). Again, basic information about the case is included on the left-hand side of the screen (see Table 2). On the opposite side of the screen, users can view an individual defendant's charges and specific outcomes or click a link that routes users back to an overview of the attached court case. Clicking on a red USC number will navigate to a Count Overview page with general conviction statistics regarding that specific criminal statute.

Counts

Counts data is integrated in ATSCoRR in two ways: via indictee overview pages, and as a separate function to find cases by count outcome. From the indictee overview page, users can click on a specific count to go directly to conviction statistics for that statute. Alternatively, users can select the "Counts" menu tab and conduct a search for cases and offenders based on geographical, ideological, and temporal (indictment date) filters that contain a specific statute of interest. Additionally, based on early feedback from end users, the presentation of count statistics was simplified from multiple charts to one chart that users can interact with to filter a corresponding cases and offenders list (see Figure 5). Clicking on any count outcome, for example, will display only cases in which that statute resulted in that case outcome.

Figure 4. Indictee Overview Page

The screenshot displays the ATSCoRR interface. On the left, the Southern District of Ohio logo is shown above a table of case details. The 'Documents' section features a 'Docket' button and a list of document counts (1, 123, 124, 142). The main document view on the right shows the case title 'USA v. Mohamud', the date filed (04/16/2015), and the date terminated (02/05/2018). It lists the defendant, Abdirahman Sheik Mohamud, and his attorneys, Samuel Harry Shamansky and Anna Amber Akhar, with their contact information and designations.

Table 2: Indictee Details

Variable Name	Description
Aliases	Known aliases used by the defendant, particularly those listed in the court case
Gender	Gender of the defendant
Citizen	Country or countries of citizenship associated with the defendant (as best can be determined) at the time of indictment
Citizen Type	U.S. citizenship status of the defendant
Arrest Date	Date of arrest on charges for defendant
Age Arrest	Defendant’s age at time of arrest on charges
Indictment Date	Date of the original indictment against the defendant in the case
Judgment Date	Date of the judgment against the defendant in the case
Case Outcome	Case result for the defendant
Sentence	Defendant’s sentence, if applicable
Linked Groups	Groups linked to the defendant in the case
Related Cases	Lists court cases considered linked, most often by defendants associated with the same group or cell or incidents
Related Indictees	Lists other defendants considered linked, most often by defendants associated with the same group or cell or incidents
Counts	Each defendant page lists the counts against that defendant, and the outcome of that count. Only counts from the “live” indictment are listed. Each count lists the criminal code section and chapter, the result of the count, and the sentence (if applicable). Users can click on any USC code to view associated statistics and find other cases with that charge.

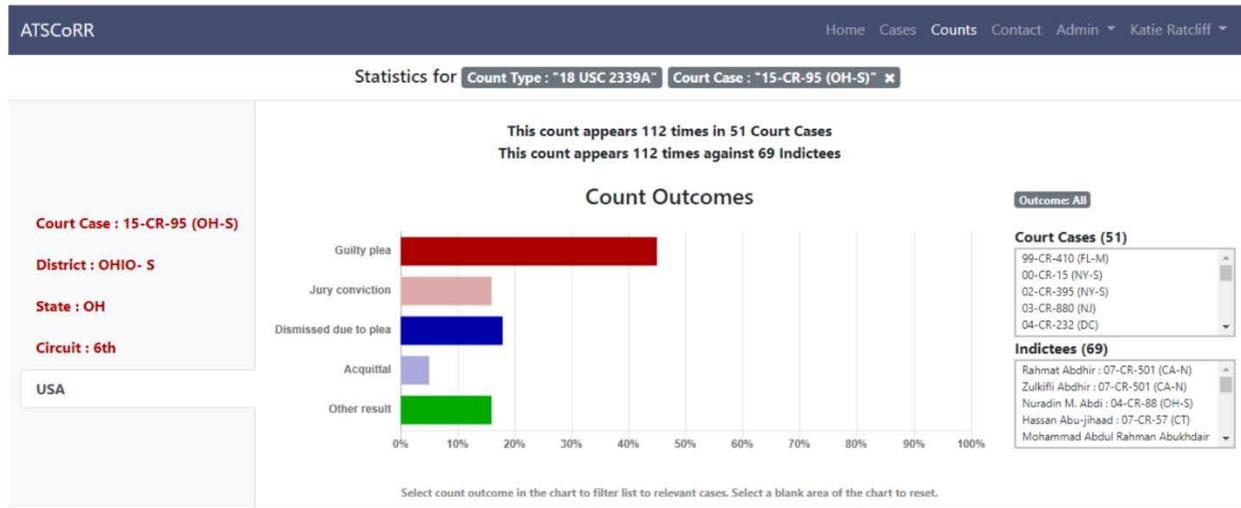
Additionally, users can adjust the geographic filters and view the result of the statute across the United States and down to the court case level. This allows users to see the statute's effectiveness at multiple levels, and to easily navigate to cases and defendants of interest.

At the suggestion of individuals in the Department of Justice National Security Division, ATS counts are presented based on the "main" or "lead" count referenced in the indictment. Indictments will often reference multiple statutes or sections of the criminal code, with one statute most capturing the nature of the charge. In ATSCoRR, for example, an indictment may reference a conspiracy charge (18 USC 371) and a material support of terrorism charge (18 USC 2339B), but the count statistics will be relevant to the material support charge rather than just conspiracy.

A de-identified version of ATSCoRR count conviction statistics dataset (which includes filter variables that can be applied to count statistic searches, including ideological category, indictment date, main count, and chapter) will be available via the National Archive of Criminal Justice Data (NACJD) and will be linked via the Terrorism Research Center (TRC) website upon approval and release by NACJD.

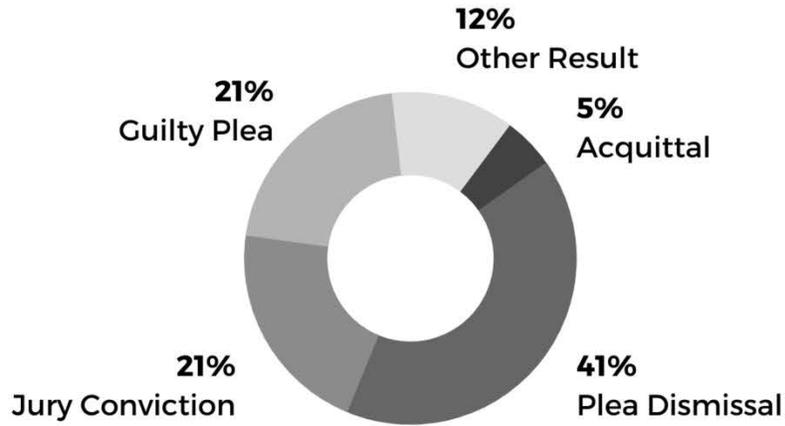
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Figure 5. Count Conviction Statistics Page



Conviction Statistics

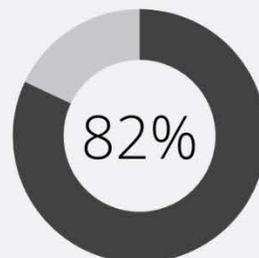
for the 9,202 individual criminal counts in ATSCoRR



5 Most Common USC Chapters

- Monetary Transactions
- Explosive Materials
- Mail Fraud
- Terrorism
- Firearms

Charges Filed Post-9/11 Attacks



PRACTICAL APPLICATIONS

In this section, several examples of ATSCoRR uses are highlighted and suggestions for additional utility in the future. In addition, a draft Use Case document containing specific narratives of these examples has been attached to this final report as Appendix B.

Prosecutorial Strategy

Success in criminal cases, from a prosecutorial standpoint, is most easily measured in conviction rates. Terrorism cases are often complex, and thus, pose several challenges in this regard. The affidavits, charging documents, motions, orders, plea agreements and memorandum available in ATSCoRR provide examples of navigating such applications in a format that allows prosecutors to evaluate the strategies and charges that have “worked” in the past and those that have not, resulting in dismissals or acquittals. For example, one of the resultant charges from the siege of the US Capitol Building was Seditious Conspiracy - a relatively rare statute that has seen mixed success, and the prosecution of which can be complex.

Defendant Behavior

Previous ATS research has shown that, separate from the unique challenge of trying a potentially politically charged case, terrorist defendants themselves behave differently from their conventional criminal counterparts in

federal court. For example, terrorism-related defendants tend to plead guilty less often than most other defendants, and there is a greater chance they will use their case as an opportunity to espouse their beliefs or paint themselves in a way that fosters galvanization of their affiliated movement. These behaviors are exemplified by members of the so-called "Sovereign Citizen" movement. Adherents of the movement are particularly disruptive in court, and ATSCoRR contains numerous examples of not only these filings that prosecutors may encounter, but also the judicial system's response to such motions.

Case Law

In some instances, higher court rulings may present opportunities to appeal terrorism-related convictions adjudicated in lower courts. For example, Supreme Court case rulings *Johnson v. U.S.* (2015) and *Sessions v. Dimaya* (2018) have maintained that some language of federal statutes [i.e., 18 U.S.C. §16(b)] is unconstitutionally vague, including for key concepts like risk and physical force of predicate crimes of violence, and when language is not necessarily based on specific case facts. Such rulings have had direct impact on terrorism-related cases, as similar language has been used in federal statutes to mandate sentence enhancements for terrorists in possession of a firearm who did not commit acts of ideologically motivated violence [i.e., 18 U.S.C. §924(c)]. The informational materials included in the ATSCoRR can be valuable resources

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for stakeholders wishing to learn which terrorism-related cases may be affected by court cases like *Sessions v. Dimaya* (2018).

Secondary Research

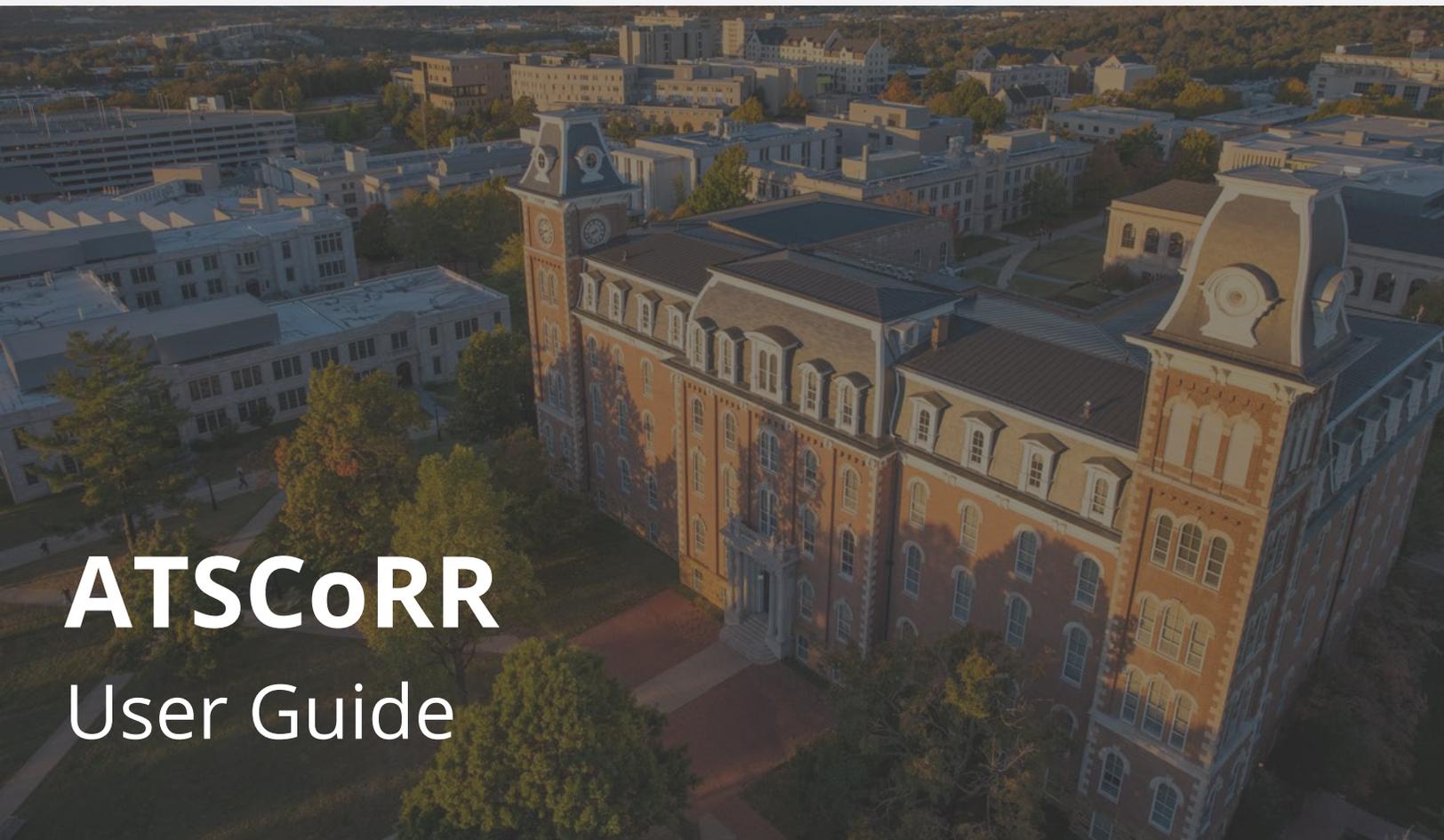
Over the last several decades, ATS personnel have collected and coded variables from thousands of pages of federal court records. While these data are broad and have led to numerous funded projects and published reports, the information drawn from these federal court records and coded into the ATSCoRR are by no means exhaustive and there remains a wealth of information concerning radicalization, investigation, and prosecutorial strategies within the case documents. ATSCoRR removes access barriers, such as navigating the PACER system and case identification, and centralizes these cases in a single location. As such, ATSCoRR can be used by analysts to derive original research and analysis, as is often required by federal agencies for the development of intelligence products.

Future Development

In the future, there could be ways to increase the amount of data made available, the accessibility, and the functionality of the ATSCoRR dependent upon the availability of additional resources. First, the ATSCoRR would ideally continue to be updated with new terrorism-related federal court documents as more recent cases close. Quantitative trends and patterns would automatically be updated based on the information provided by the new cases. Additional resources would also make it possible to expand the scope of cases included on the web platform. For example, adding types of state-level violent extremism cases would present opportunities to comparatively examine criminal justice responses to multiple forms of terrorism and violent extremism in the U.S.

Second, in addition to increasing content, there may be future opportunities to increase the accessibility of the ATSCoRR. Currently, the ATSCoRR is only available to law enforcement, intelligence analysts, and researchers who are funded by NIJ. It could be possible, however, to create an alternate, public-facing version of the ATSCoRR with fewer access restrictions. A future public-facing version of the ATSCoRR may also be funded by nominal user fees.

Third, and finally, the ATSCoRR should continue to evolve in functionality based on the needs of end-users. While one of the core principles of the ATSCoRR was to create a web platform that is simple-to-use with little required training, alternative ways to filter and analyze data may be desired in the future. In addition, users may benefit from the inclusion of other forms of data, such as links to publicly available U.S. Attorney briefs and published works relevant to specific court cases.



ATSCoRR

User Guide



This document is a guide to usage of the American Terrorism Study Court Record Repository (ATSCoRR) website, which is accessible by approved personnel only. Data, documents, and features are subject to change.

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- 08** CASE INFORMATION
- 09** INDICTEE INFORMATION

ABOUT THE PROJECT

The American Terrorism Study Court Record Repository (ATSCoRR) is a secure, web-based platform that includes access to four decades of federal terrorism cases contained in the American Terrorism Study (ATS) database. ATSCoRR is intended to be a tool for government entities, law enforcement, researchers, and intelligence analysts to view ATS-stored court records, legal outcomes, and offender information in a convenient, easy-to-navigate platform. A first release of the ATSCoRR occurred in March 2022.

ATSCoRR was built based on data requests and feedback from end-users, and we continue to seek input on the design, functionality, content, and utility of the website. Court cases and documents are routinely updated, and the project team welcomes any and all suggestions for improvement - to provide feedback, please fill out the Contact form in the menu bar.

ATSCoRR was a collaborative effort between the Terrorism Research Center (TRC) and the Center for Advanced Spatial Technologies (CAST) at the University of Arkansas. For more information about the TRC, please visit our [website](#).

Development of ATSCoRR was funded by the National Institute of Justice (Award Number 2018-ZA-CX-0003). Learn more about the award and NIJ's Research and Evaluation on Prevention and Mitigation of Domestic Pathways to Terrorism research portfolio [here](#).



TYPES OF DATA

COURT CASES

Court Cases are the broadest level of data in ATSCoRR. These include federal court cases and their associated case documents, serving as a grouping feature for related indictees and court cases. Each court case in ATSCoRR also contains a brief (roughly 150 words) summary. Users can view related incident and targeting information. See page 7 for a description of court case variables.

DEFENDANTS

Defendants, also referred to as Indictes in ATSCoRR, are individuals who have been charged in connection with a specific court case. They are linked to court cases and to individual criminal counts and are listed along with basic demographic information - such as their gender, citizenship, and age at arrest - in addition to their case results. Users can view related defendants and related court cases, as well as the group affiliation for each indictee. For a description of indictee variables included, see page 8.

CRIMINAL COUNTS

Criminal counts in ATSCoRR are based off of the "lead" charge of the most recent indictment in the court case. Count-related information includes the specific statute being referenced, as well as information about individual outcomes and outcomes on a broader scale through the count statistics page. Users can find defendants and court cases that include specific statutes in the "Counts" portion of the navigation menu at the top of the screen.

ACCESSING ATSCORR

To begin, click here or go to <https://atscorr.cast.uark.edu> - if you have not previously logged in and saved your information, you will see the login below.



The screenshot shows the login interface for the American Terrorism Study Court Record Repository. At the top is the Terrorism Research Center logo and the text "Welcome to the American Terrorism Study Court Record Repository". Below this are two input fields: "Email address" and "Password". A "Remember Me" checkbox is located below the password field. A "Sign In" button is centered below the checkbox. Below the button are two links: "Forgot Your Password?" and "New User? Request Access". A red circle with the number "1" is placed to the left of the "Email address" field, and another red circle with the number "2" is placed to the left of the "New User? Request Access" link.

1

Existing Users: Enter the e-mail address and password you registered with here then click Sign In. If you don't want to sign in each time you return to ATSCoRR, click "Remember Me".

2

New Users: Individuals who have not previously requested access to ATSCoRR can click here to do so. Registration requires your contact information, affiliation, and email validation.

Troubleshooting Registration Issues



Not all access requests will be approved. Individuals registering with their official law enforcement or government e-mail address will be approved, while others will be approved on a case by case basis as outlined in the project proposal.

When you submit your registration request, you will first need to validate your e-mail address. The automatic validation message will come from atscorradmin@cast.uark.edu. If you do not receive it within a few minutes, please check your spam or junk folder and add the e-mail address to your contacts. Do not reply to the validation e-mail, as it is unmonitored. After you validate your email address, your access request will be sent to Terrorism Research Center personnel for review.

You will receive a separate notification upon approval. If you do not receive approval within 2 business days or have other issues, please reach out to us at trc@uark.edu directly.

SEARCHING AND FILTERING

The screenshot displays the ATSCoRR interface. On the left, a map of the United States is shown with a red overlay on the Midwest region, specifically highlighting Illinois and Indiana. Above the map are three buttons: 'Circuits' (highlighted in red), 'States', and 'Districts'. A circled '1' is placed over the map. On the right, there is a search and filter panel. It includes a 'Select Court Case' dropdown menu with a circled '2' next to it. Below that is a 'Select Indicttee' dropdown menu. The 'Search for Court Case' section contains a dropdown for 'Ideology', input fields for 'Last Name' and 'First Name', a 'Case Name' field, and date pickers for 'Start date' and 'End date'. There is also a checkbox for 'Incident Attached' and a 'Search' button with a circled '3' next to it.

1

The map filter in ATSCoRR is clickable and can be controlled to collate cases at the U.S. federal district, state, circuit, or national level. Filters are reciprocal - for example, if you select the state of Arkansas, the "Select Court Case" menu and "Select Indicttee" menu will automatically be filtered for cases and individuals from Arkansas.

2

Users can go directly to a known court case or indictee overview page by selecting either a Court Case or an Indicttee from the corresponding menu. Once a user selects a specific case or person, they will be taken directly to that overview page. To search for cases, use the "Search for Court Case" section.

3

To find a list of court cases matching certain criteria, use the "Search for Court Case" section. Users can generate a list of cases based on the map filter, a defendant's last or first name, the case name, or based on an indictment date. There are also filters for ideological category and whether or not there is a failed, foiled, or completed act of violence (plot) coded for the case. Incidents can be further filtered by target details.

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NAVIGATING COURT CASES

Clicking on a Court Case will bring up the Court Case overview screen, containing basic information about the case and copies of uploaded court documents.

The screenshot displays the ATSCoRR interface. On the left, a sidebar shows a case overview for 'USA v. Mohamud' in the Southern District of Ohio, including details like the indictment year (2015), defendant name, and a summary. A 'Documents' section in the middle shows a docket with file numbers 1, 123, 124, and 142. On the right, a document viewer shows a 'CRIMINAL DOCKET FOR CASE #: 2:15-cr-00095-MHW-EPD-1' with defendant information and attorney contact details. A navigation gallery at the bottom of the document viewer shows thumbnails of other documents.

1 This area contains information about the case and indictees and a brief summary of the court case. Users can click directly on an Indictee's name to view an Indictee's overview page, click on related Court Cases, and click on "View Incidents" (if applicable) to view associated plot and target information.

2 To navigate case documents, select a number from the middle column labeled "Documents". Each file is labeled according to its equivalent number on the case Docket, or with a nominal label if a Docket was unavailable. To scroll within a document, use the gallery at the bottom or the navigation arrows. Case documents are uploaded as images and cannot be downloaded directly in PDF format. There are a wide variety of case documents available in ATSCoRR, including some that predate the PACER system.

INDICTEE OVERVIEWS

1

Abdirahman Sheik Mohamud

Aliases:	Ayanle
Gender:	Male
Citizen:	United States/Somalia
Citizen Type:	Naturalized citizen
Arrest Date:	2015-04-16
Age Arrest:	23
Indictment Date:	2015-04-16
Judgment Date:	2018-02-05
Case Outcome:	Pleaded guilty to one or more charges
Sentence:	264 Months
Linked Groups:	Al-Nusra Front (ANF)

2

Court Case: 15-CR-95 (OH-S)

Related Cases: None

Related Indictees: None

Counts:

1 18 USC 2339A • Terrorism • Pleaded guilty • Time only • 8 Years • No fine or fine waived • No restitution	2 18 USC 2339B • Terrorism • Pleaded guilty • Time only • 8 Years • No fine or fine waived • No restitution
3 18 USC 1001a • Fraud or false statements • Pleaded guilty • Time only • 6 Years • No fine or fine waived • No restitution	

1 Indictee information contains basis demographic and case-related variables for each indictee. Users can also access related court cases and related indictee overview pages from this page.

2 The counts section for the indictee overview page lists the charges against that defendant and the resulting outcome. Users can click on the USC code (shown here in blue, and appearing in ATSCoRR in red), to access the count statistics page for that charge (see page 9).



CRIMINAL COUNTS

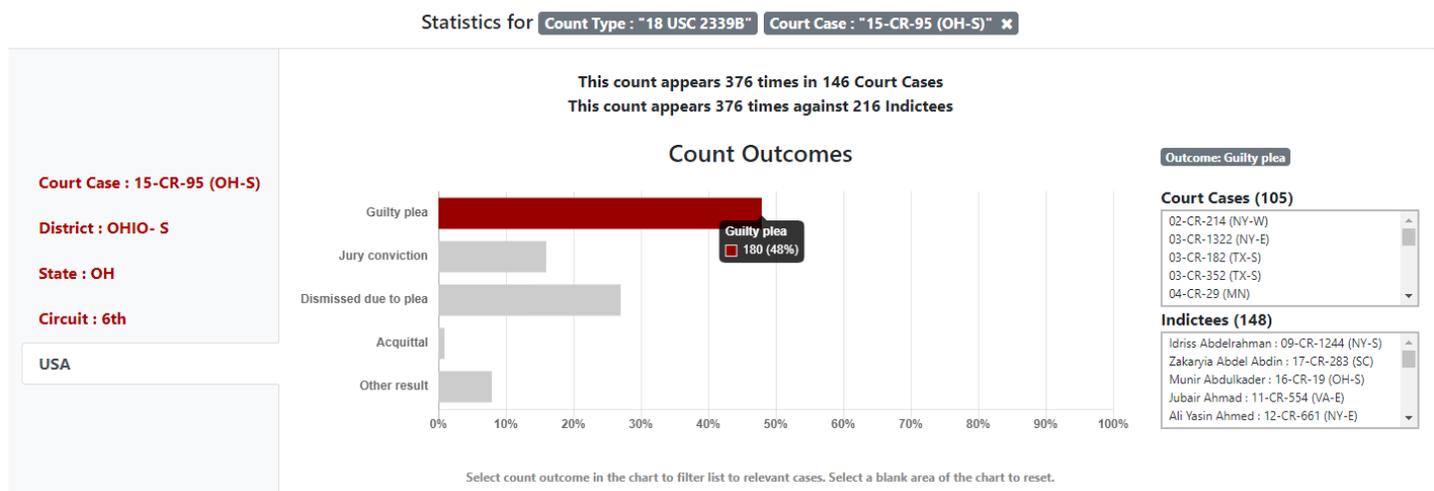
COUNT SEARCHES

Clicking "Counts" on the top right-hand menu will open the Count Statistics search page. Users can search by USC number, ideology, or indictment date. If a prosecutor did not reference a specific paragraph in the indictment, it will not be coded as a paragraph. Again, filters are reciprocal and there is also a map function.

Clicking "Get Statistics" will bring the user to the count-specific statistics page summarized below.

ATSCoRR

Count Statistics



This page is useful to navigate directly to cases or defendants associated with a specific statute. Clicking on a bar in the graph will filter cases and defendants by that case outcome. This is useful if, for example, a user was searching for the application of a specific statute that resulted in guilty pleas. Depending on how the count statistics page was generated (via count search or from an indictee page), users can also change or remove geographic filters on the data and see how the count conviction statistics vary across place.

CASE INFORMATION

Descriptions of the type of information and data attached to each court case.

Court Case	Codes the unique court case number assigned by the court
Case Name	Codes the parties involved in the case as indicated by the court
City	U.S. city the court case occurs in
Indictment Year	Year of the first indictment in the case, or information if no indictment
Defendants	Number of persons indicted in the court case
Number of Counts	Number of criminal counts in the “live” indictment in the court case (e.g., if there is a superseding indictment, this number and other coding reflects the charges in the indictment the case actually proceeds from)
Linked Groups	Groups or movements affiliated with the court case – a group is linked in the ATS if one or more persons indicted in the case was a member of, supporter of, acted on behalf of the group, or has activity and ideological indicators consistent with that of the group
Indictees	Lists the persons indicted in the court case – clicking a name will bring you to that person’s indictee information page
Incidents	Any incidents – clicking View Incidents will open a dialogue box displaying a brief description of the incident and target information
Related Cases	Lists court cases considered linked, most often by indictees associated with the same group or cell or incidents
Summary	Gives a brief summary of the court case

INDICTEE INFORMATION

Descriptions of the type of information and data attached to each indictee.

Aliases	Known aliases used by the defendant, particularly those listed in the court case
Gender	Gender of the defendant
Citizen	Country or countries of citizenship associated with the defendant (as best can be determined) at the time of indictment
Citizen Type	U.S. citizenship status of the defendant
Arrest Date	Date of arrest on charges for defendant
Age Arrest	Defendant's age at time of arrest on charges
Indictment Date	Date of the original indictment against the defendant in the case
Judgment Date	Date of the judgment against the defendant in the case
Case Outcome	Case result for the defendant
Sentence	Defendant's sentence, if applicable
Linked Groups	Groups linked to the defendant in the case
Related Cases	Lists court cases considered linked, most often by defendants associated with the same group or cell or incidents
Related Indictees	Lists other defendants considered linked, most often by defendants associated with the same group or cell or incidents
Counts	Each defendant page lists the counts against that defendant, and the outcome of that count. Only counts from the "live" indictment are listed. Each count lists the criminal code section and chapter, the result of the count, and the sentence (if applicable). Users can click on any USC code to view associated statistics and find other cases with that charge.



ADDITIONAL QUESTIONS?
CONTACT US AT:

TRC@UARK.EDU





ATSCoRR USE CASES

**PRACTICAL APPLICATIONS OF THE AMERICAN
TERRORISM STUDY COURT RECORD REPOSITORY**

A-2

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ABOUT THE PROJECT

The American Terrorism Study Court Record Repository (ATSCoRR) is an online platform that provides access to data and documents stored in the American Terrorism Study database. It was built in collaboration between the Terrorism Research Center (TRC) and Center for Advanced Spatial Technologies (CAST) at the University of Arkansas. This document outlines several examples of cases in which ATSCoRR has been used by practitioners and researchers.

For more information about the TRC and its research, or to request access to the ATSCoRR, please visit terrorismresearch.uark.edu or contact us at trc@uark.edu directly.



Development of ATSCoRR was funded by the National Institute of Justice (Award Number 2018-ZA-CX-0003). Learn more about the award and NIJ's Research and Evaluation on Prevention and Mitigation of Domestic Pathways to Terrorism research portfolio [here](#).



TIMELINE OF SEDITIOUS CONSPIRACY CASES

- **1980s**
Fuerzas Armadas Liberación Nacional, United Freedom Front, Fort Smith Seditious Trial
- **1990s**
New York City Landmark plots
- **2000s**
Portland Seven, Virginia Jihad Network, Jam'iyat Ul-Islam Is-Saheeh, Liberty City Seven
- **2010s**
Hutaree Militia Members
- **2020s**
Oath Keepers Capitol Siege Case

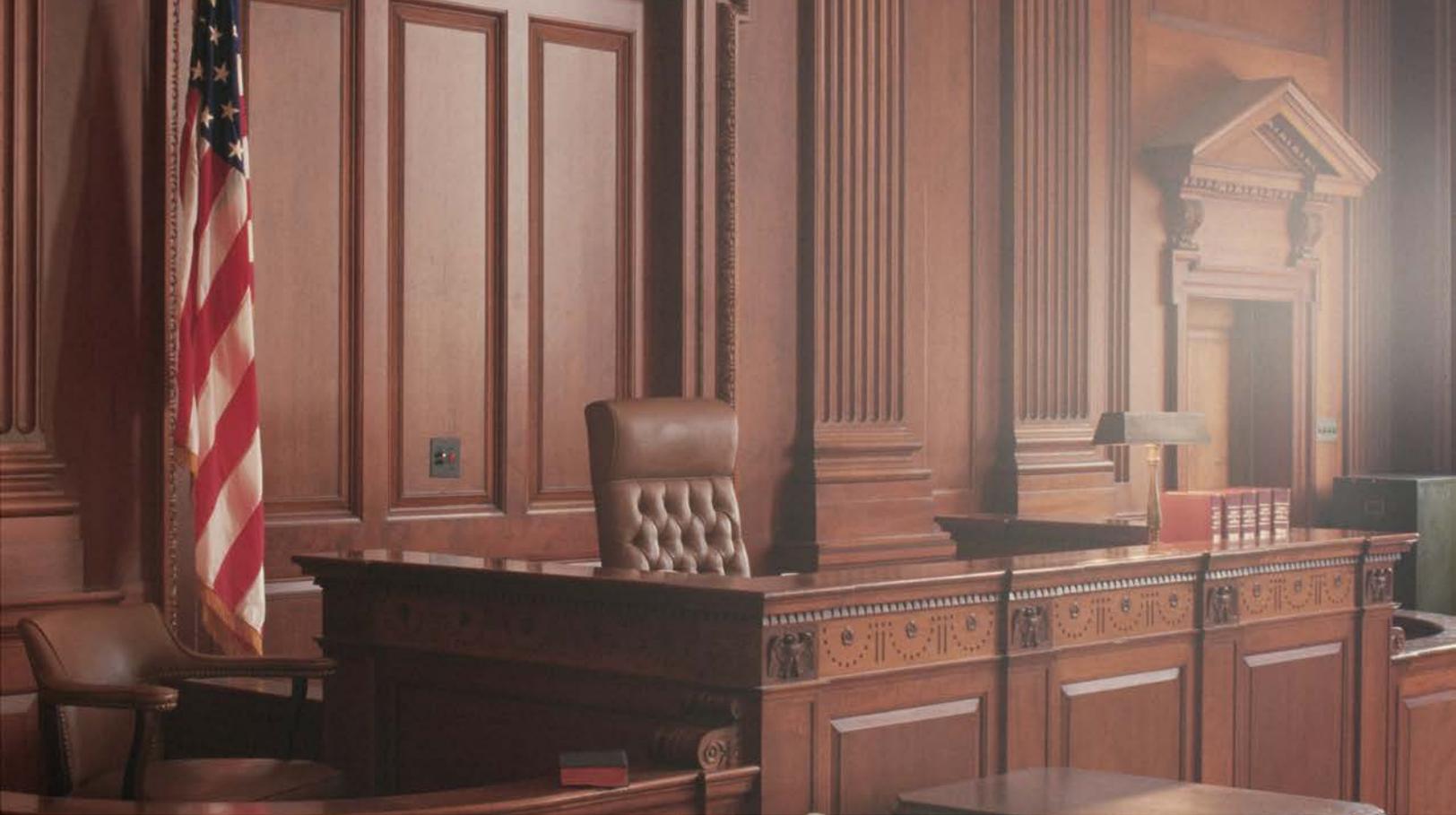
Pictured: Oath Keepers leader Stewart Rhodes who was indicted on Seditious Conspiracy charges in 2022; Photo: Getty Images

EXAMPLE 1: PROSECUTORIAL STRATEGY

Success in criminal cases from a prosecutorial standpoint is most easily measured in conviction rates. Terrorism cases are often extremely complex and pose several challenges to securing convictions. For example, when charging individuals who are not connected to a foreign-based ideology or group, prosecutors must still rely on conventional criminal statutes to try unconventional cases and defendants. ATSCoRR provides examples of navigating such applications in a format that allows prosecutors to evaluate the strategies and charges that have “worked” in the past and those that have not, resulting in dismissals or acquittals.

In 2022, following the January 6, 2021 siege on the U.S. Capitol Building, members of the Oath Keepers, an anti-government extremist militia group were charged with Seditious Conspiracy. When compared with other charges in the ATS database, sedition charges are extremely rare and make up only a small proportion of criminal counts. ATSCoRR includes data on seditious conspiracy charges and provides a unique window into the challenges of trying cases based on the statute.

Further analysis of these cases based on ATSCoRR data and associated documents is available in a research brief [here](#) or by visiting the TRC website.



EXAMPLE 2: DEFENDANT BEHAVIOR

Previous ATS research has shown that federal terrorism defendants behave differently from their conventional criminal counterparts. There is perhaps no group that better exemplifies such differences than defendants who identify as Sovereign Citizens, an ideological movement whose adherents engage in what the Federal Bureau of Investigation has labeled “paper terrorism.”

In federal court, paper terrorism often consists of filing false liens, mounting defenses referencing antiquated legal codes that suggest U.S. courts lack jurisdiction, or filing lengthy bogus motions that can be challenging for prosecutors and other court personnel to respond to appropriately and expeditiously. An example of such documentation can be found on the next page.

Additionally, Sovereign Citizens often see trials and court proceedings as an opportunity to “face the enemy,” and espouse their anti-government ideologies.

For prosecutors and judges who are facing Sovereign Citizen defendants for the first time, having exemplars for how the justice system has responded in previous cases could be useful. ATSCoRR contains hundreds of pages of Sovereign Citizen cases, including some that predate that Sovereign Citizen label, such as the indictment of members of the Sheriff’s Posse Comitatus and the Montana Freemen. With these resources, prosecutors can better prepare themselves for responding to and mitigating the impact of such unconventional strategies.

CASE EXAMPLE: 99-CR-117 (MT)

SOVEREIGN CITIZEN COURT FILING EXAMPLE

Rodney Owen., Rex/sui juri stage
 [c/o their U.S. 'satanic' Reg. (05183-046) per Rev.13:18]
 [of their god, 'Satan'; non-residential mail at] t.d.c.,
 [P.O.Box 68976; SeaTac, F.D.C., 4A-42]
 Seattle
 Washington state
 America Union 'Zip Code' exempt/non-negotiable
 'without the United States'

Docket per: File No. 777
 CL-0096-JF-07-13 et al.,
 Date: 20 May, A.D., 1999
 Time: 4:30 p.m.

Rodney Owen Seal:
 Rodney Owen., office of clerk and recorder
 in and for Justus township, Montana state

in and for Yellowstone county Court for "The United States of America", sitting with the power of a national Judicial circuit Court, Montana state, America Union, Claims Division, in re. MDL SC-CR-007-Montana

Montana People,
 Rodney Owen; LeRoy Michael;
 Daniel E. Petersen; et al.,
 Justices' and Creditors,

vs.

UNITED STATES OF AMERICA,
 a/w/a, United States, i.e.,
 a Federal corporation, per
 Title 28, U.S.C. §3002(15)(A);
 Sherry Scheel-Mattaucci;
 James E. Seykora; Richard W.
 Anderson; James M. Burns;
 John C. Coughenour; Jane and John
 Doe, one thru one thousand, i.e.,
 U.S. citizens,
 Defendants and Debtors.

) Judicial Docket No. CL-0096-JF-07-13 et al.,
 Common Law Venue, original exclusive jurisdiction
 General Appearance in our Commonwealth of Israel.
)
) Notice of Appeal in the Nature of Writ of
) Error Coram Nobis, In Law and fact, per Rules:
) Federal Rules of Criminal Procedure, Rule 32
) (a)(2)(c)(5); Federal Rules of Appellate Procedure
) Rule 3(b)(d), with Rules of Civil Procedure,
) Rule 60 (b); "without prejudice" *2nd Presentment*
) JUDICIAL Notice of 'Facts' by Letter Rogatory,
) Eleventh Amendment a "Bar" in relation to;
) CR-95-51-BLG-JDS; CR-95-117-BLG-JDS; CR-95-117-BLG-JB et al.,
) of necessity, in Law.
)
) "non-negotiable", "without prejudice"

FILED

MAY 28 1999

By LOU ALEKSICH, JR., CLERK
 Deputy Clerk

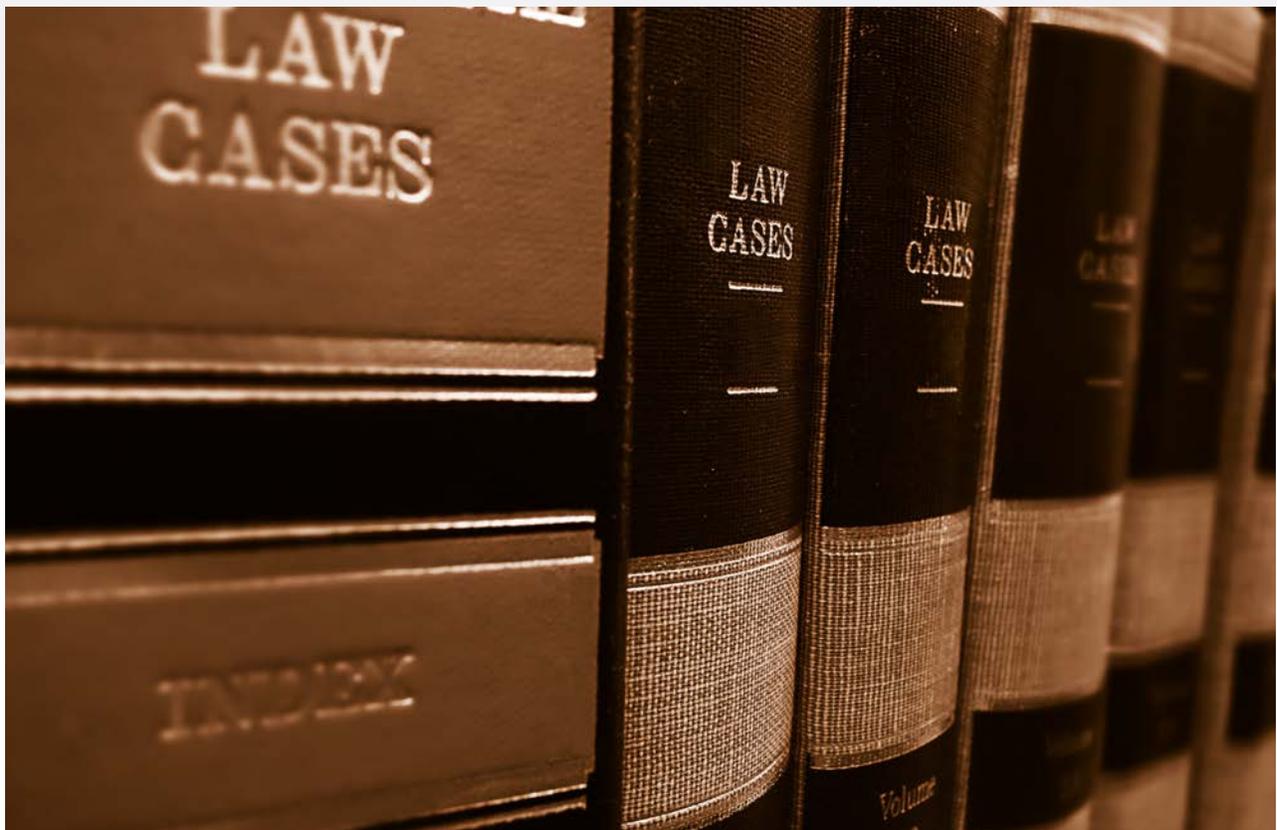
Montana state }
 Yellowstone county } ss. Common Law Affidavit by Rodney Owen.,
 of the following "Facts", to wit:

I, Rodney Owen, a private free white Man jus soli, under my only Living God, "Yahweh", duly expatriated in Revelation 18:4-6 from within the satanic 'United States' Eph. 6:12, Matt. 4:10, and its defacto territories and possessions with its Buck Act "State of . . ."; being a free sovereign Inhabitant People of the Posterity (Rev. 1:6) on the land called Montana republic state, in North America, having never willfully waived my Living God given absolute unalienable common law Rights, nor venue, nor jurisdiction; appearing under Metus, duress as a chained hostage specially due to unlawful seizure by non-registered foreign agents, never appearing voluntary nor generally before the defacto communistic forum of United States citizens public policy, (T.D.C.); common law presentment.

EXAMPLE 3: CASE LAW

In some instances, higher court rulings may present opportunities to appeal terrorism-related convictions adjudicated in lower courts, posing a risk that individuals convicted of terrorism-related activities could have their sentences reduced. For example, Supreme Court case rulings *Johnson v. U.S.* (2015) and *Sessions v. Dimaya* (2018) have maintained that some language of federal statutes [i.e., 18 U.S.C. §16(b)] is unconstitutionally vague, including for key concepts like risk and physical force of predicate crimes of violence, and when language is not necessarily based on specific case facts. While the *Dimaya* case involved immigration, the ramifications of redefining what constitutes a "crime of violence" reach beyond the Immigration and Nationality Act and the crime of burglary.

Such rulings have had direct impact on terrorism-related cases, as similar language has been used in federal statutes to mandate sentence enhancements for terrorists in possession of a firearm who did not commit acts of ideologically motivated violence. The informational materials included in the ATSCoRR can be valuable resources for stakeholders wishing to learn which terrorism-related cases may be affected by court cases like *Sessions v. Dimaya* (2018), and the nature of the motions filed referencing such precedents.



EXAMPLE 4: ORIGINAL RESEARCH AND ANALYSIS

NEED FOR RESOURCES

Over the last several decades, ATS personnel have collected and coded core variables from thousands of pages of federal court records. While the data are broad and have led to numerous funded projects and published reports, the information drawn from these federal court records and coded into the ATSCoRR is by no means exhaustive and there remains a wealth of information about radicalization, investigation, and prosecutorial strategies contained within the case documents.

ATSCoRR removes access barriers, such as navigating the PACER system and case identification, and centralizes these cases in one place. As such, ATSCoRR can be used by analysts to derive original research and analysis, as is often required by federal agencies for the development of internal intelligence products. Additionally, the site provides a window into ATS coding and collection schema, and can provide end-users a baseline from which they can request further data and documents.

EXAMPLES OF COMPLETED REQUESTS

Federal Judge: Requested average sentence length for conviction on material support of terrorism.

FBI Special Agent: How a specific statute had been applied to terrorism in the past, and in which cases.

DHS Intelligence Analyst: Copies of documents containing target information from domestic terrorism cases in a specific state.

NIJ-funded Researcher: List of cases and documents involving females federally indicted on terrorism-related charges since 1990.

Gender and Criminal Justice Responses to Terrorism in the United States

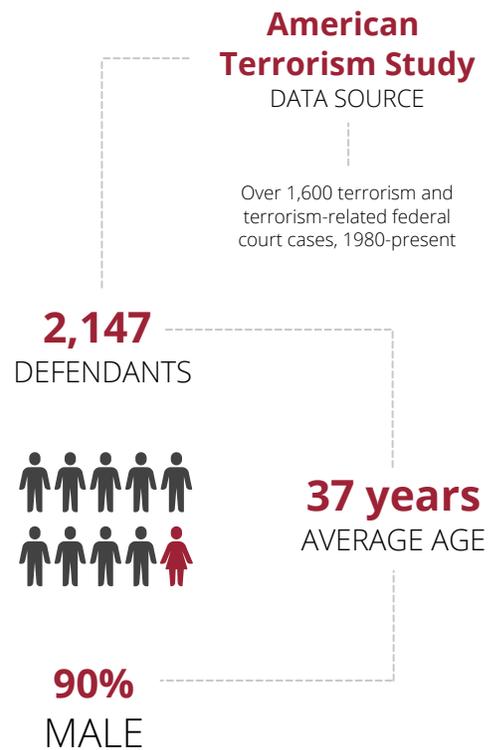
Summer M. Jackson, Katie Ratcliff, and Jeff Gruenewald

SUMMARY

This brief summarizes findings from a recent study published in *Crime & Delinquency* titled "Gender and Criminal Justice Responses to Terrorism in the United States" (available at: <https://doi.org/10.1177/00111287211047535>). Using data from the American Terrorism Study (ATS), this study examines how gender varies across federal terrorism cases, how gender shapes federal terrorism case outcomes, and how combinations of relevant case attributes uniquely impact court outcomes for males and females.

Data include a sample of 2,147 defendants in terrorism-related cases across several types of legal measures: charge type, number of charges, whether or not the prosecutor references terrorism (e.g., relying on terrorism statutes or referring to a defendant's association with a terrorist movement during adjudication), joint or single prosecution, bail, conviction outcome, and sentence length. While several types of analyses were conducted, only descriptive statistics are presented in this brief.

FIGURE 1 DATA OVERVIEW



KEY FINDINGS

SIMILARITIES ACROSS GENDER

Both male and female terrorism defendants tend to be charged with conventional, non-violent charges, and on multiple counts. Cases also tend to be prosecuted explicitly as associated with terrorism at similar rates across gender.

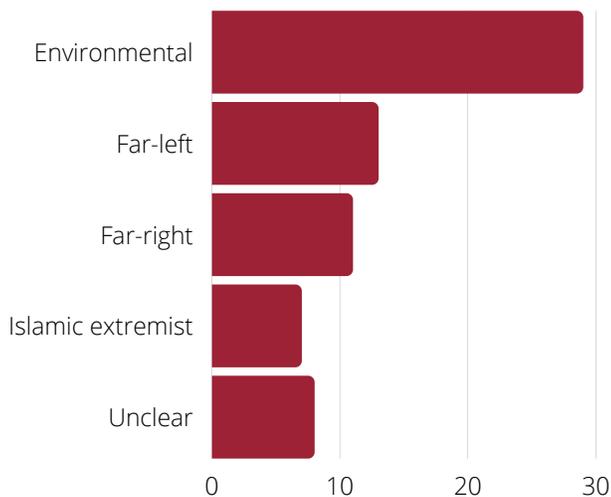
DIFFERENCES ACROSS GENDER

Female defendants are more likely to be indicted with others, more likely to receive bail, slightly less likely to be convicted, and receive shorter sentences. They also tend to be younger and are more often associated with radical environmentalist movements.

EXTRALEGAL FACTORS AND JUDICIAL OUTCOMES

In addition to gender, outcomes including the likelihood of receiving bail, likelihood of conviction, and sentence length are associated with extra-legal factors including ideology, age, and decisions to "politicize" prosecutions.

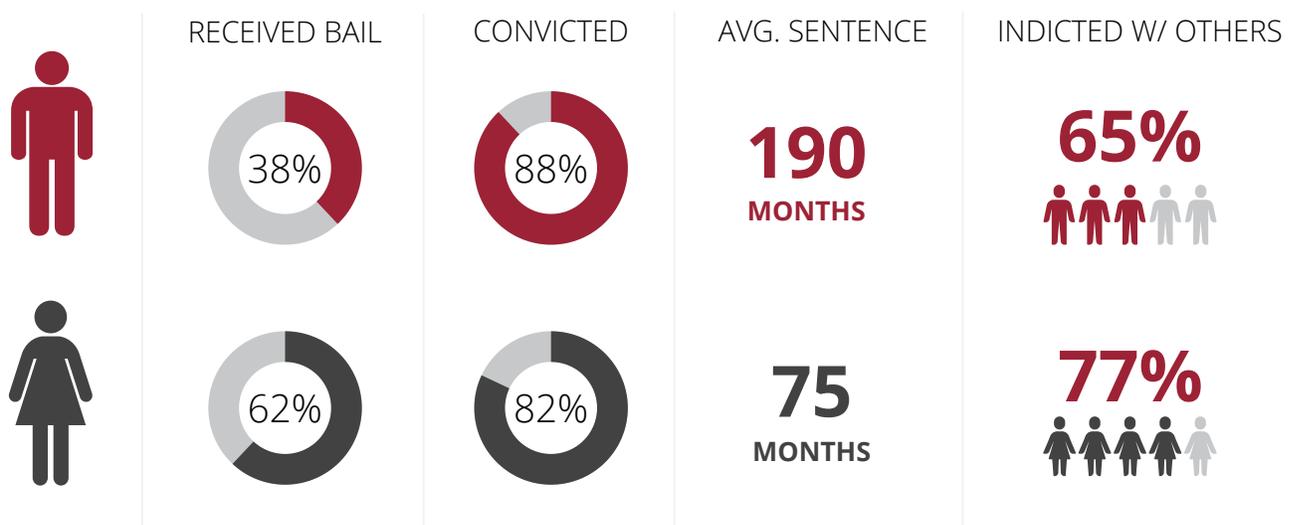
FIGURE 2
PERCENT FEMALE BY IDEOLOGY



While the most common ideology in the sample for both males and females was Islamic extremist, **females make up a higher proportion of the radical environmental movement**, which includes groups such as the Animal Liberation Front (ALF) and Earth Liberation Front (ELF).

Males and females had **similar conviction rates of over 80%**, though males are slightly more likely to be convicted. Convictions are most likely (70%) obtained through guilty pleas, rather than jury trials, for both males and females. Also, male and female defendants are similarly indicted on multiple counts and labeled as terrorists by prosecutors during adjudication, though **males are more likely to be charged with terrorism and similarly charged statutes**.

FIGURE 3
LEGAL OUTCOMES BY GENDER



Previously reported gender disparities in criminal justice responses to conventional forms of crime suggest the need to also examine judicial outcomes across gender in other serious forms of crimes like terrorism. This study found that male defendants were indicted alone more often, received longer sentences, and received bail far less than their female counterparts. It is important to note that while these findings support notions that females are often treated more leniently by the criminal justice system, they do not take into consideration the varying roles that women play in terrorist organizations and the degree to which they engage in political violence.

Future studies should focus attention on the diverse roles these female offenders play in terrorist attacks, how these roles differ across ideologies, and how their group participation shapes criminal justice responses.

ABOUT THE TERRORISM RESEARCH CENTER

The Terrorism Research Center (TRC) is a non-partisan research organization located in Fulbright College's Department of Sociology and Criminology at the University of Arkansas. Their mission is to use the tools of social science and data analytics to promote safer communities, inform evidence-based policies, and train the next generation of researchers and law enforcement professionals. The TRC houses the American Terrorism Study (ATS), a collection of federal terrorism and terrorism-related court records dating back to the 1980s. More than 1,600 court cases and nearly 3,000 offenders are included in the ATS. Variables include legal and demographic measures, as well as geospatial and temporal markers of terrorism incidents and preparatory activities.

The TRC also houses the Bias Homicide Database (BHDB) and Human Trafficking Study (HTS) Database, collaborating with students and researchers at institutions across the country to study issues of terrorism and extremism.

The TRC introduced the [Crime and Security Data Analytics Lab \(CASDAL\)](#) in 2020 to promote multidisciplinary research projects relating to crime and security issues, research partnerships with private and public agencies, and to train students in methods of crime analysis.

For more information about the TRC and our work, please visit terrorismresearch.uark.edu.

ATS DEFINITIONS AND INCLUSION CRITERIA

ATS case inclusion is based on one or more of the following: 1) official designation by FBI or other federal agency as a terrorism or terrorism-related indictment, 2) investigation into the case by the Joint Terrorism Task Force (JTTF), or 3) publicly known case details align with the FBI definition of terrorism: "The unlawful use of force or violence against persons or property to intimidate or coerce a Government, the civilian population, or any segment thereof, in furtherance of political or social objectives."

Additional definitions of ATS variables can be found at terrorismresearch.uark.edu.

ABOUT THIS RESEARCH BRIEF

Contributors

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Katie Ratcliff

TRC Associate Director
& Research Program Manager

Citation

This brief summarizes research from a study recently published in *Crime & Delinquency*. Original: <https://doi.org/10.1177%2F001112872111047535>

To cite this research brief:

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Department of Justice. Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

Seditious Conspiracy Charges in the American Terrorism Study (ATS)

Katie Ratcliff

BACKGROUND

In January 2022, the U.S. Department of Justice announced Seditious Conspiracy charges against members of the anti-government extremist group Oath Keepers in connection to the January 6th (2021) siege of the U.S. Capitol Building. Several have entered not guilty pleas and a trial is expected in July 2022.

To provide context, this brief offers an overview of 11 Seditious Conspiracy cases included in the American Terrorism Study (ATS) since 1980. In total, these cases involve nine groups (a.k.a. "cells" or "plots") and 78 defendants charged with Seditious Conspiracy (18 USC § 2384), a relatively rare charge that comprises less than one half percent of the over 18,000 counts accounted for in the ATS database and differs from the more common charge of conspiracy (18 USC § 371).

USAGE OF THE STATUTE

The number of persons charged with Seditious Conspiracy has generally been in decline over the last forty years, though there were several cases in the early 2000s. In the 1980s, roughly half of Seditious Conspiracy charges resulted in convictions against thirty-three defendants, but those not convicted of Seditious Conspiracy were ultimately not convicted on any charge. This included a high profile case of 10 white supremacists acquitted of all charges in a 1988 trial in Fort Smith, Arkansas.

In some of these early cases, defendants were already serving prison time for convictions associated with their alleged conspiracies, leading some to suggest they were being prosecuted for the same crimes twice. Prior to 2022, the charge was most recently filed against nine members of the Michigan-based Hutaree Militia. This case resulted in two thirds of defendants being acquitted of all charges or having their cases dismissed, and no Seditious Conspiracy convictions.

Previous ATS research has found that federal prosecutors may pay a price in the form of lower conviction rates for invoking explicitly political labels against defendants. They may have little incentive to complicate cases by charging defendants with Seditious Conspiracy if they believe they can successfully obtain convictions and appropriate sentences based on conventional criminal statutes (e.g., weapons-related or murder charges). In addition, Seditious Conspiracy legally requires collaboration between multiple individuals, while terrorists and violent extremists have increasingly turned to "lone actor" tactics over the last few decades.

18 USC § 2384 SEDITIONOUS CONSPIRACY



2 or more people subject to U.S. jurisdiction

CONSPIRE TO...

- overthrow,
- put down,
- levy war against, or
- use force to: destroy, oppose authority of, prevent/hinder/delay execution of any law, seize/take/possess U.S. property contrary to authority of



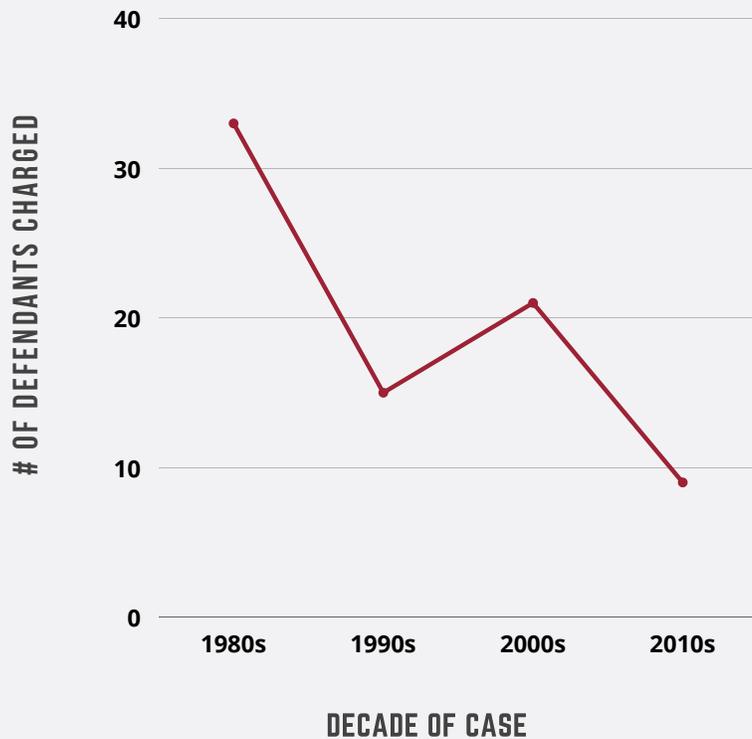
...THE U.S. GOVERNMENT.

Source: Legal Information Institute



Punishable by up to 20 years of imprisonment and/or a fine.

OVERVIEW OF SEDITIOUS CONSPIRACY CASES AND DEFENDANTS



11
COURT CASES

78
DEFENDANTS

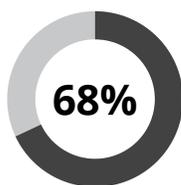
- 1980s**
Fuerzas Armadas Liberación Nacional, United Freedom Front, Fort Smith Sedition Trial
- 1990s**
New York City Landmark plots
- 2000s**
Portland Seven, Virginia Jihad Network, Jam'iyyat Ul-Islam Is-Saheeh, Liberty City Seven
- 2010s**
Hutaree Militia Members

CASE OUTCOMES

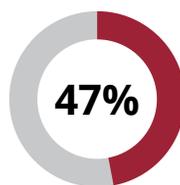
The outcomes of Seditious Conspiracy cases are varied. While those federally prosecuted for conventional crimes negotiate a guilty plea by a wide margin (roughly 90 percent), previous ATS research has shown that terrorism-related defendants are more likely to receive a jury trial, and Seditious Conspiracy defendants are no exception. Around one third of defendants either had their charges voluntarily dismissed or pleaded guilty, while the remainder went to trial.

Of the 78 defendants examined for this research brief, each charged with one count of Seditious Conspiracy, 68% were ultimately convicted, but roughly 30% of those convictions were obtained via other counts. Convictions were more likely when the defendants were connected to a foreign ideology, rather than domestic movements. While most received the maximum prison sentence once convicted, with the average penalty being approximately 17 years, one defendant charged in connection with the Puerto Rican Independence group Fuerzas Armadas de Liberación Nacional received only probation.

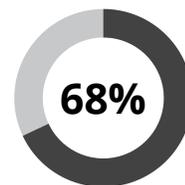
OF SEDITIOUS CONSPIRACY DEFENDANTS...



... ultimately went to trial (case not dismissed and no guilty plea).



... were convicted on the charge of Seditious Conspiracy.



... were ultimately convicted on any charged count.

This resource was prepared by the author(s) using Federal funds provided by the U.S.

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ABOUT THE TERRORISM RESEARCH CENTER

The Terrorism Research Center (TRC) is a non-partisan research organization located in Fulbright College's Department of Sociology and Criminology at the University of Arkansas. Their mission is to use the tools of social science and data analytics to promote safer communities, inform evidence-based policies, and train the next generation of researchers and law enforcement professionals. The TRC houses the American Terrorism Study (ATS), a collection of federal terrorism and terrorism-related court records dating back to the 1980s. More than 1,600 court cases and nearly 3,000 offenders are included in the ATS. Variables include legal and demographic measures, as well as geospatial and temporal markers of terrorism incidents and preparatory activities.

The TRC also houses the Bias Homicide Database (BHDB) and Human Trafficking Study (HTS) Database, collaborating with students and researchers at institutions across the country to study issues of terrorism and various forms of extremism.

The TRC introduced the [Crime and Security Data Analytics Lab \(CASDAL\)](#) in 2020 to promote multidisciplinary research projects relating to crime and security issues, research partnerships with private and public agencies, and to train students in methods of crime analysis.

For more information about the TRC and our work, please visit terrorismresearch.uark.edu.

ATS DEFINITIONS AND INCLUSION CRITERIA

ATS case inclusion is based on one or more of the following: 1) official designation by FBI or other federal agency as a terrorism or terrorism-related indictment, 2) investigation into the case by the Joint Terrorism Task Force (JTTF), or 3) publicly known case details align with the FBI definition of terrorism: "The unlawful use of force or violence against persons or property to intimidate or coerce a Government, the civilian population, or any segment thereof, in furtherance of political or social objectives."

Additional definitions of ATS variables can be found at terrorismresearch.uark.edu.

ABOUT THIS RESEARCH BRIEF

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