

HATEWATCH ANALYSIS

Designating Antifa as Domestic Terrorist Organization Is Dangerous, Threatens Civil Liberties

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Amid sustained civil unrest at protests over the killing of George Floyd, President

Donald Trump tweeted Sunday, “The United States of America will be designating ANTIFA as a Terrorist Organization.”

Antifa, short for anti-fascist, is a broad, community-based movement composed of individuals organizing against racial and economic injustice. Those who identify with the label represent a large spectrum of the political left. The Trump administration frequently uses the term to describe any group or individual that demonstrates in opposition to its policies. Far-right extremists use similar tactics.

The move by the president is an unprecedented and alarming development with significant implications for the civil liberties of U.S. citizens, particularly those of color, who are already disproportionately policed. The designation would grant federal law enforcement broad powers, under the federal terrorism code, to surveil and investigate anyone labeled as antifa. It could also allow federal law enforcement to broadly target anyone involved in protests viewed unfavorably by the Trump administration, even retroactively.

President Trump’s announcement is rooted in politics, not the present realities of the terror threat in the U.S. Classifying antifa as a domestic terror organization has been a wish-list item for the president’s allies on the far right and in the conservative mainstream for years. The designation retreads some of the darkest moments in our federal law enforcement’s past, further victimizes communities that have already been wronged and presents a dire threat to the civil liberties of all citizens.

On Saturday, Attorney General William P. Barr issued a statement regarding George Floyd’s death and the resulting protests in several U.S. cities. Barr condemned “anarchistic and far left extremists, using Antifa-like tactics,” and described the outrage of protesters over the death of George Floyd as “real and legitimate.”

Individuals loosely affiliated with antifa are typically involved in skirmishes and property crimes at demonstrations across the country, but the threat of lethal violence pales in comparison to that posed by far-right extremists — a problem that, until the last year, federal authorities virtually ignored.

Discussions around the expansion of the federal terror code to include domestic organizations have largely focused on whether to include white supremacist organizations — recently designated as a national threat priority by FBI Director Christopher Wray. In 2019, 90 percent of the 42 people killed by domestic extremists were

victims of individuals linked to right-wing extremism, according to the [Anti-Defamation League](#).

Classifying antifa as a domestic terrorist threat is reminiscent of the FBI's [prioritization](#) of so-called eco-terrorists in the early 2000s. Following a sustained lobbying effort from fur and biomedical companies, the justice department aggressively pursued radical environmentalists and animal rights activists despite the movement never killing a single person. Although 52 of the 70 prosecutions were not made under anti-terrorism laws, many of the defendants were identified as terrorists in public statements made by the Justice Department.

In 2017, a similar [scenario](#) came to light after a leaked internal report from the FBI identified a category called “Black Identity Extremists” as a threat to law enforcement, specifically in response to police brutality against African Americans. The euphemism can be understood as an attempt to criminalize a broad set of organizations and grassroots movements advocating for the human rights and civil liberties of black people — most notably Black Lives Matter. Such designations are used to instill fear, discredit legitimate protests and serve as justification for [surveillance](#) and the further use of militarized force against citizens by police. The communities that are already overpoliced and have a disproportionate number of victims of officer misconduct suffer the most from the expansion of federal terrorism powers.

Sufficient legal mechanisms already exist to deter credible domestic terror threats. A Brennan Center for Justice report titled “[Wrong Priorities on Fighting Terrorism](#)” states: “Within the field of domestic terrorism, the Justice Department has a history of minimizing far-right violence while aggressively targeting minority activists and far-left protest movements. The latter group has engaged in civil disobedience and vandalism but statistically has presented a much lower danger to human life, which is a key element of the federal definition of terrorism.”

President Trump's tweet offers further criminalization as a response to mourners and protesters demonstrating against abuses of police power. It is dangerous and unjust.

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