

Can Extremism Be Thought of As an Insider Threat?



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ABSTRACT: This paper discusses extremism and insider threats. The issue of concern is whether a person who holds extremist beliefs will at some point become an insider threat. The identification of an insider threat is highlighted, with the understanding that extremism can occur on the far-right and far-left. The paper observes one feature of extremism is that extremists can become mainstream, mainly when the political climate changes. Several existing laws involving extremism are outlined, understanding that there is no one-size-fits-all explanation for extremism

KEYWORDS: Economic Espionage Act of 1996, Executive Order 13587, Extremism, Insider Threats, USA Patriot Act.

INTRODUCTION

The purpose of this essay is to discuss extremism and insider threats. First, a definition of extremism will be provided with several historical examples. Second, the term insider threat will be defined. Third, the paper will address the risks of insider threats by the government while recognizing that insider threats can also occur in businesses. Fourth, the thesis will talk about the effect of an increase in extremism, noting that extremism has evolved into the mainstream in some cases. Fifth, several existing laws that deal with extremism will be outlined, with a remark that there is currently a movement in the United States to pass a domestic terrorism law. Sixth, the legal and policy considerations of uncovering extremism will be highlighted. Finally, the essay will conclude by observing that there is no royal road to dealing with extremism. It is a mixed bag, where no one size fits all.

DEFINITION OF EXTREMISM

According to the Merriam-Webster Dictionary, extremism is “the quality or state of being extreme,”¹ while extreme means “existing in a very high degree,” “going to great or exaggerated lengths,” or “exceeding the ordinary, usual, or expected.”² One way to understand extremism is the qualities or states to be a continuous straight line segment, where extremism occurs at the two ends, or near the ends, of the line segment. The advantage of this image is that one can imagine what extremism may look like from a visual perspective. In taking this image one step further, the region in the middle of the line segment could be considered a moderate quality of state of being, where, according to the Merriam-Webster Dictionary, a moderate is “avoiding extremes of behavior or expression” by “observing reasonable limits.”³ Being moderate is also “tending toward the mean or average amount or dimension.”⁴ Finally, being moderate may be perceived as “having average or less than average quality.”⁵ In other words, being moderate could be construed as being mediocre.⁶

Most people view extremism from the vantage point of the middle of the line segment or a spectrum of beliefs. Examples of extremism abound. For example, near the end of the eighteenth century, the belief that a republican form of government was a better governmental structure than the rule by kings was a radical belief, simply because a republican form of government had not existed on the planet since the time of the Roman Empire.⁷ In the United States during the nineteenth century, Mormons (a nickname for Latter-day Saints) were considered extremists because they believed in the restoration of the Apostolic Age, the building of temples, the calling up of a prophet (first in the form of Joseph Smith Jr., and then Brigham Young, etc.), and the acknowledgment

¹ *Extremism*, MERRIAM-WEBSTER DICTIONARY (n.d.), available at <https://www.merriam-webster.com/dictionary/extremism>.

² *Extreme*, MERRIAM-WEBSTER DICTIONARY (n.d.), available at <https://www.merriam-webster.com/dictionary/extreme>.

³ *Moderate*, MERRIAM-WEBSTER DICTIONARY (n.d.) available at <https://www.merriam-webster.com/dictionary/moderate>.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Gordon S. Wood, *Classical Republicanism and the American Revolution*, 66 CHICAGO KEN LAW REVIEW 1, 13-38 (Apr. 1990), available at <https://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=2785&context=cclawreview>.

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that one could receive continuous revelation from God.^{8 9} Also, in the nineteenth century, the International Workers of the World (commonly known as Wobblies), was believed to be extremists because they considered themselves radical socialists, who wholeheartedly promoted the propaganda by the word and the propaganda by the deed (also known as violent behavior such as killing people or blowing up buildings).¹⁰ In the twentieth century, communists and Nazis were deemed to be extremists.^{11 12} Modernly, the Taliban in Afghanistan are commonly thought to be Islamic extremists, but are currently not a US-designated foreign terrorist organization.^{13 14}

One thing that should be observed about extremism is that if extremist behavior overcomes or dominates the moderate behavior of the times, extremist behavior can become the norm.¹⁵ In other words, what is extreme at one point in time can, under the right conditions, become moderate behavior, where what was one moderate behavior could evolve into extremist behavior.¹⁶ Such an evolution could be thought of as the answer to the question: When is treason not treason? Most people would consider that the question has no answer, but they would be wrong. The correct answer is: When you win.¹⁷ In other words, when the so-called moderate position is usurped by an extremist position, the extremist position may become the moderate position, where the formerly moderate position turns into the extremist position. This is currently happening in Afghanistan, where the Taliban extremists are now in control of the government and where the former republican government is thought by the Taliban to be an extremist position, inconsistent with Wahhabi Islam.^{18 19} Essentially, this evolution of position is a Hegelian dialectic process, where a role reversal is paramount.²⁰

DEFINITION OF INSIDER THREAT

According to the Merriam-Webster Dictionary, an insider is “a person recognized or accepted as a member of a group, category, or organization.”²¹ An insider may also be “a person who is in a position of power or has access to confidential information” or “a person (such as an officer or director) who is in a position to have special knowledge of the affairs of or to influence the decisions of a company.”²² According to Lord, an insider threat is defined as “a security threat that originates from within the organization being attacked or targeted, often an employee or officer of an organization or enterprise,”²³ where a security threat is a malicious

⁸ See generally, Jack Jenkins, *What A 19th Century Campaign To Declare Mormons ‘Non-White’ Tells Us About Modern Islamophobia*, THINK PROGRESS (Feb. 12, 2016), available at <https://archive.thinkprogress.org/what-a-19th-century-campaign-to-declare-mormons-non-white-tells-us-about-modern-islamophobia-231556790c58/>.

⁹ See generally, Donald Scott, *Mormonism and the American Mainstream*, NATIONAL HUMANITIES CENTER (n.d.), available at <http://nationalhumanitiescenter.org/tserve/nineteen/nkeyinfo/nmormon.htm>.

¹⁰ Marie Fleming, *Propaganda by the Deed: Terrorism and Anarchist Theory in Late Nineteenth-Century Europe*, 4 TERRORISM 1-4, 1-23 (1980), available at <https://www.tandfonline.com/doi/abs/10.1080/10576108008435483?journalCode=uter19>.

¹¹ Klaus Meyer, *How to Prevent a Fascist Takeover: Lessons from the Nazi Party’s Rise to Power*, QUARTZ (updated August 18, 2019), available at <https://qz.com/1688816/what-hitlers-rise-to-power-teaches-us-about-modern-extremists/>.

¹² Vladimir Tismaneanu, *Understanding Radical Evil: Communism, Fascism and the Lessons of the 20th Century*, WILSON CENTER (Oct. 31, 2001), available at <https://www.wilsoncenter.org/publication/241-understanding-radical-evil-communism-fascism-and-the-lessons-the-20th-century>.

¹³ Dept. of State Staff, *Foreign Terrorist Organizations*, UNITED STATES DEPARTMENT OF STATE: BUREAU OF COUNTERTERRORISM (n.d.), available at <https://www.state.gov/foreign-terrorist-organizations/>.

¹⁴ CRS Staff, *Terrorist Groups in Afghanistan*, CONGRESSIONAL RESEARCH SERVICE (Aug. 17, 2021), available at <https://crsreports.congress.gov/product/pdf/IF/IF10604>.

¹⁵ Andrej Sotlar, *Some Problems with a Definition and Perception of Extremism within a Society*, POLICING IN CENTRAL AND EASTERN EUROPE: DILEMMAS OF CONTEMPORARY CRIMINAL JUSTICE (Gorazd Mesko, Milan Pagon, & Bojan Dobovsek, eds.) (Faculty of Criminal Justice, University of Maribor, Slovenia Dec. 2004), available at <https://www.ojp.gov/pdffiles1/nij/Mesko/208033.pdf>.

¹⁶ Id.

¹⁷ SHOGUN (Jerry London, dir. 1980).

¹⁸ See generally, Joseph Krauss, *Taliban Take over Afghanistan: What We Know and What’s Next*, ASSOCIATED PRESS NEWS (Aug. 17, 2021), available at <https://apnews.com/article/taliban-takeover-afghanistan-what-to-know-1a74c9cd866866f196c478aba21b60b6>.

¹⁹ Haroun Rahimi, *What the Taliban may be getting wrong about Islamic governance*, AL JAZEERA (Aug. 24, 2021), available at <https://www.aljazeera.com/opinions/2021/8/24/what-the-taliban-may-be-getting-wrong-about-islamic-governance>.

²⁰ See generally, Julie Maybee, *Hegel’s Dialectics*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY (updated Oct. 2, 2020), available at <https://plato.stanford.edu/entries/hegel-dialectics/>.

²¹ *Insider*, MERRIAM-WEBSTER DICTIONARY (n.d.), available at <https://www.merriam-webster.com/dictionary/insider>.

²² Id.

²³ Nate Lord, *What Is an Insider Threat? An Insider Threat Definition*, DATA INSIDER (Sep. 10, 2018), available at <https://digitalguardian.com/blog/what-insider-threat-insider-threat-definition>.

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act whose purpose is to corrupt or steal data, or to disrupt the systems in an organization, or even the entire organization.²⁴ An insider threat need not come from a current employee or stakeholder but can arise from a former employee, board member, or anyone who at some point in time had access to proprietary or confidential information from within an organization.²⁵ Examples of an insider threat could be a contractor, business associate, or even a third party that possessed access to an entity's security practices, confidential information, protected networks, or databases.²⁶ Finally, an insider threat can be characterized as a threat that "cannot be prevented by traditional security measures that focus on preventing access to unauthorized networks from outside the organization or defending against traditional hacking methods."²⁷

ADDRESSING INSIDER THREAT RISK BY THE GOVERNMENT

There are seemingly five keys to addressing insider threats.²⁸ Like any crime, means, motive, and opportunity are critical in resolving a cyberattack.²⁹ According to Felton et al., there are three different types of insider threats.³⁰ First, there are mistake makers who may be current employees, contractors, or business partners who are either pawns in an external attack or unintentionally misuse or expose confidential or personal information because of their carelessness or lack of security awareness.³¹ Second, some malicious insiders may be current or former employees, contractors, or business partners authorized to access confidential or personal information and intentionally abuse the privilege.³² Finally, imposters or outside threat actors may gain confidential or private information through stolen credentials or social engineering.³³

Like any organization, the federal government should take steps to develop an insider threat program by asking the following questions:

- Have classified data been identified?
- Are users educated on data handling procedures?
- What is normal user behavior?
- What is abnormal user behavior?
- Do auditing capabilities exist to identify user access and authorization needs?
- Do identity and access management programs exist?
- Is special attention paid to privileged access?
- Is there a strategy for auditing user access to data?
- Is there an incident response plan in place?³⁴

In building a strategy to prevent and mitigate insider threats, an organization, including the government, should:

1. Know the organization's assets.
2. Continuously assess the security posture of the organization.
3. Create an insider threat program.
4. Enforce the separation of duties and the least privilege principle.
5. Constantly monitor user behavior.³⁵

These are some of the things that a government can do to address threat risks.

²⁴ Linda Rosencrance, *Top 10 Types of Information Security Threats for IT Teams*, TECH TARGET (n.d.), available at <https://searchsecurity.techtarget.com/feature/Top-10-types-of-information-security-threats-for-IT-teams>.

²⁵ Lord, *supra*, note 9.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Rob Felton, Jody Hair, Anne Grahn, Alton Kizziah, & David O'Leary, *5 Keys to Addressing Insider Threats*, SIRIUS EDGE (May 7, 2020), available at <https://edge.siriuscom.com/security/5-keys-to-addressing-insider-threats>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

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EFFECT OF AN INCREASE IN EXTREMISM

Extremist ideologies are complex organisms.³⁶ The far-right movement consisting of white supremacists, neo-Nazis, and sovereign citizens has existed in the United States for years.³⁷ According to Youngblood, these individuals have advocated violence to achieve an ideal social goal.³⁸ However, in the past, the extreme left has also supported using violence, where such acts are known as propaganda by the deed.³⁹ On both extremes of the political spectrum, violence is advocated as a means for political action.⁴⁰

In recent times, American radicals have advocated a variety of techniques to institute their desired social change.⁴¹ According to Alinsky, the so-called rules for radicals include:

- “Power is not only what you have but what the enemy thinks you have.”
- “Never go outside the expertise of your people.”
- “Whenever possible, go outside the expertise of the enemy.”
- “Make the enemy live up to its own book of rules.”
- “Ridicule is man’s most potent weapon. ...”
- “A good tactic is one your people enjoy.”⁴²

As an interesting aside, Alinsky dedicated his book to Lucifer, in Alinsky’s opinion, the giver of light and knowledge.⁴³

Even mainstream politicians have been involved in extremism in their youth. For example, Hillary Rodham Clinton, in her bachelor’s thesis at Wellesley College, discussed Alinsky’s radical theories in great detail.⁴⁴ Thus, one of the effects of an increase in extremism is that it has evolved into the mainstream in some instances.⁴⁵

EXISTING LAWS THAT DEAL WITH EXTREMISM

The purpose of this section of this essay is to list some of the more important laws that address extremism. First, the Economic Espionage Act of 1996 is outlined. Second, the USA. Patriot Act is explained. Third, Executive Order 13587 is discussed. Finally, the essay debates whether w domestic law on terrorism and extremism is needed.

THE ECONOMIC ESPIONAGE ACT OF 1996

The Economic Espionage Act (EEA) of 1996, 18 USC § 1831-1839, defined economic espionage as “the theft or misappropriation of a trade secret with the intent or knowledge that the offense will benefit any foreign government, foreign instrumentality, or foreign agent.”⁴⁶ The Act also punishes individuals that receive, purchase, or possess a trade secret that has been stolen or misappropriated, as well as any attempt or conspiracy to commit economic espionage.⁴⁷

Economic espionage usually occurs in two ways. First, a disgruntled employee seeks to misappropriate a firm’s trade secrets for financial gain or to hurt the organization.⁴⁸ Second, a company’s competitor or foreign country steals a trade secret to further its interests.⁴⁹ In many instances, it is usually an insider responsible for gathering corporate or government information for the individual’s employer.⁵⁰ The person may be engaging in economic espionage because of their belief regarding the righteousness of their cause, thereby making them an extremist.⁵¹

³⁶ Mason Youngblood, *Extremist Ideology as a Complex Contagion: The Spread of Far-Right Radicalization in the United States Between 2005 and 2017*, HUMANITIES AND SOCIAL SCIENCES COMMUNICATIONS (Jul. 31, 2020), available at <https://www.nature.com/articles/s41599-020-00546-3>.

³⁷ *Id.*

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³⁹ Fleming, *supra*, note XXX.

⁴⁰ Youngblood, *supra*, note XXX; Fleming, *supra*, note XXX.

⁴¹ SAUL ALINSKY, *RULES FOR RADICALS: A PRAGMATIC PRIMER FOR REALISTIC RADICALS* (Vintage Press 1989).

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⁴⁴ HILLARY RODHAM, *THERE IS ONLY THE FIGHT...: AN ANALYSIS OF THE ALINSKY MODEL*, (unpublished bachelor of arts thesis, Wellesley College), available at <https://blogs.chicagotribune.com/files/hillaryclintonthesis-ocr.pdf>

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⁴⁶ 18 U.S.C. § 1831.

⁴⁷ *Id.*

⁴⁸ HEDIEH NASHERI, *ECONOMIC ESPIONAGE AND INDUSTRIAL SPYING* (Cambridge University Press 2005).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

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THE USA PATRIOT ACT

The purpose of the USA Patriot Act was to prevent and punish individuals who commit terrorist acts in the United States and foreign countries.⁵² When considering extremism, Section 314 of the Act gives law enforcement the legal tools to identify, disrupt, and prevent acts and associated money laundering activities.⁵³ The Act fosters cooperation among law enforcement agencies to share information so that extremists are inhibited from engaging in acts of terrorism, thereby disrupting society.⁵⁴ The actual title of the USA Patriot Act is “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot) Act of 2001.”⁵⁵

The USA Patriot Act stresses the need to protect Americans’ civil rights and civil liberties while rebuking acts of violence or discrimination.⁵⁶ Several sections of the Act emphasize the need to protect all Americans’ civil rights and civil liberties and condemn any acts of violence or discrimination. Section 214 of Title II forbids the use of pen registers and trap and trace equipment when investigating First Amendment activities.⁵⁷ Title X requires the Inspector General of the Department of Justice to appoint an individual to evaluate any allegation of violations of civil rights of civil liberties involving ethnic or racial profiling.⁵⁸ The amendments to the Act expanded the safeguarding of civil liberties by allowing challenges to record production orders by the Federal Bureau of Investigation (FBI), including a nondisclosure order that prevented people from revealing that the FBI attempted to gather information.⁵⁹

EXECUTIVE ORDER 13587

On October 7, 2011, the President of the United States issued Executive Order 13587.⁶⁰ The purpose of the order was to direct the federal government executive branch departments and agencies to “establish, implement, monitor, and report on the effectiveness of insider threat programs to protect national security information (as defined in Executive Order 13526; hereinafter classified information), and requires the development of an executive branch program for the deterrence, detection, and mitigation of insider threats, including the safeguarding of classified information from exploitation, compromise, or other unauthorized disclosure.”⁶¹ Executive Order 13587 created the National Insider Threat Task Force (NITTF), which is an interagency task force that is responsible for creating an executive branch insider threat and prevention program, whereby all federal departments and agencies are required to develop and establish training standards federal employees that directly involved with the insider threat hub.⁶²

NEED FOR A DOMESTIC LAW AGAINST TERRORISM

After the January 6, 2021 assault on the Capital, there has been renewed interest in passing a domestic terrorist law to make extremism illegal in the United States.⁶³ There were more than 300 suspects arrested for possessing illegal weapons, assault, property damage, and conspiracy.⁶⁴ Most Democrats in Congress are arguing that there is a need for a domestic terrorism law to prevent the rise of so-called far-right extremism.⁶⁵ The problem with the proposed law is that it may be unconstitutional because it could violate the First Amendment rights of free speech.⁶⁶ Besides, law enforcement agencies such as the FBI have argued that there are sufficient

⁵² National Intelligence Staff, *USA Patriot Act*, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (n.d.), available at <https://www.dni.gov/index.php/who-we-are/organizations/ise/ise-archive/ise-additional-resources/2116-usa-patriot-act>.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ BJA Staff, *USA Patriot Act*, BUREAU OF JUSTICE ASSISTANCE (n.d.), available at <https://bja.ojp.gov/program/it/privacy-civil-liberties/authorities/statutes/1281>.

⁵⁷ Id.

⁵⁸ Id.

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⁶⁰ *Executive Order 13587*, INFORMATION SECURITY OVERSIGHT OFFICE (Oct. 7, 2011), available at <file:///C:/Albany%20Law%20School/CSDP%20502/CSDP%20502%20Week%204%20Readings/eo-13587.html>.

⁶¹ National Insider Threat Policy (n.d.), available at <https://fas.org/sgp/obama/insider.pdf>.

⁶² National Intelligence Staff, *Executive Order 13587*, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (n.d.) available at <https://www.dni.gov/index.php/ic-legal-reference-book/executive-order-13587/248-about/organization/national-counterintelligence-and-security-center/nitff>.

⁶³ Greg Myre, *An Old Debate Renewed: Does The U.S. Now Need A Domestic Terrorism Law?*, NATIONAL PUBLIC RADIO (March 16, 2021), available at <https://www.npr.org/2021/03/16/976430540/an-old-debate-renewed-does-the-u-s-now-need-a-domestic-terrorism-law>.

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ Id.

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laws in existence to curb far-right extremism.⁶⁷ When behavior is perceived as extreme from one perspective and regarded as protected free speech from another viewpoint, the question arises.⁶⁸ As of now, this is an open question.

UNCOVERING EXTREMISM

Robinson and Kelly observed that in the years following 9/11, violent extremism has continued to expand.⁶⁹ According to Robinson and Kelly, the social sciences have yet to discover a set of factors that reliably explain the incidence of terrorism either on an individual or a country level.⁷⁰ The authors stated that there is no typical psychological profile of a terrorist, and there is no single path for becoming one.⁷¹ Second, a country's culture does not accurately predict the level of terrorism experienced or created in that nation.⁷² Finally, in and of themselves, religious ideologies do not determine violent extremist behavior.⁷³ What this means is that there is no one-size-fits-all explanation when uncovering extremism and resulting terrorist activities.

Even so, what is known is that the most prominent "push" factor occurs governments curtail civil rights and liberties.⁷⁴ Also, poverty and literacy have a complex relationship with violent extremism.⁷⁵ There is no statistically significant correlation between a nation's GDP or level of literacy and the likelihood that the country will create violent extremists.⁷⁶ However, this lack of a correlation does not mean that economic conditions are not a factor in the production of violent extremists.⁷⁷ On the contrary, numerous examples exist where the lack of wealth of a nation contributed to the development of violent extremists (e.g., Lebanon, Bangladeshi, etc.).⁷⁸ Thus, uncovering extremism is a tricky affair, fraught with problems and difficulties. There is no royal road to be traveled when attempting to find violent extremists.

CONCLUSION

In conclusion, depending on the circumstances, extremism can be considered an inside threat. Whether inside or outside an organization, the legal and policy considerations in addressing violent extremism are diverse and divergent. It appears that each situation is different, and different remedies should be applied based on various conditions. Extremism is like a box of chocolates, where you never know what you will get until you open up the box.⁷⁹

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⁶⁷ Id.

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⁶⁹ Nicholas Robinson, & Catherina Lena Kelly, *Rule of Law Approaches to Countering Violent Extremism*, AMERICAN BAR ASSOCIATION: RULE OF LAW INITIATIVE (May 2017), available at <https://www.americanbar.org/content/dam/aba/directories/roli/misc/rule-of-law-approaches-to-countering-violent-extremism-2017.pdf>.

⁷⁰ Id.

⁷¹ Id.

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⁷⁴ Id.

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