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## DOMESTIC VIOLENT EXTREMISM IN THE UNITED STATES MILITARY

BRIEFING PAPER



A PROJECT OF THE CENTER FOR ETHICS AND THE RULE OF LAW  
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## EXECUTIVE SUMMARY\*

The recent seditious conspiracy convictions of Proud Boys leaders Joseph Biggs and Zachary Rehl and of Oath Keepers founder Stuart Rhodes, all former members of the U.S. Armed Forces, have underscored the long-enduring concerns pertaining to potential ties between domestic violent extremism (DVE) and the United States military.<sup>1</sup> While the majority of violent extremism is *not* committed by military service members,<sup>2</sup> the available research on the topic indicates that the DVE problem may be growing, particularly among military veterans.<sup>3</sup> This is disquieting for reasons that extend far beyond the direct harms of DVE activities themselves. For instance, public trust is vital for the proper functioning of the U.S. military and American democracy—and at present trust in the military remains higher than in any other institution of the federal government<sup>4</sup>—but violent extremism by service members may erode this indispensable trust.

This briefing paper begins by outlining potential vulnerabilities to violent extremism within the service member population, with a particular focus on risk factors that may be more prevalent among service members than non-service members. Section One of the paper separates these military-oriented vulnerabilities into four categories. First, *pre-enlistment risk factors* include aspects of pre-enlistment life that may expose service members to heightened risk of susceptibility to violent extremism. The paper notes that service members endure elevated rates of adverse childhood experiences, as compared to the general public; additionally, volunteer enlistees may have a preexisting willingness to engage in violence that exceeds that of the general public. Second, *broad service-related risk factors* include potential causal links between military service and extremist activity, considered in light of existing theories of violent extremism. The paper discusses how service members may morally neutralize violence through combat, engage with radical peers in a tight-knit fraternal environment, and receive access to advanced combat training. Third, *long-term service-related risk factors* include service-related vulnerabilities that take effect

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<sup>1</sup> See e.g., Alan Feuer and Zach Montague, *Four Proud Boys Convicted of Sedition in Key Jan. 6 Case*, N.Y. TIMES (May 4, 2023), <https://www.nytimes.com/2023/05/04/us/politics/jan-6-proud-boys-sedition.html>; Mike Wendling, *Four Proud Boys Guilty In Major US Capitol Riot Case*, BBC (May 4, 2023), <https://www.bbc.com/news/world-us-canada-65307770>; Jeremy Roebuck, *Proud Boys Trial: Zach Rehl, the Right-Wing Group's Philly Leader, and Three Others Convicted in Jan. 6 Sedition Case*, PHILA. INQUIRER (May 4, 2023), <https://www.inquirer.com/news/proud-boys-zach-rehl-sedition-philly-verdict-20230504.html>; Alan Feuer and Zach Montague, *Oath Keepers Leader Convicted of Sedition in Landmark Jan. 6 Case*, N.Y. TIMES (Nov. 29, 2022), <https://www.nytimes.com/2022/11/29/us/politics/oath-keepers-trial-verdict-jan-6.html>.

<sup>2</sup> In this briefing paper, the term “service member” is used to refer to anyone who has experience in the armed forces of the United States. While, typically, service member is a term that would be reserved for those who are actively serving in the United States military, this paper expands it to include reservists, guardsmen, veterans, retired service members, and all other former service members. Even though specific terms exist for each relationship to the services, an approach that analyzes all these relationships is vital to understanding the association between military service and domestic violent extremism. Throughout the paper, the term service member should not be interpreted to include those who are serving in the uniformed services that are not also considered armed forces, for example, the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service.

<sup>3</sup> See e.g., Michael A. Jensen et al., *Extremism in the Ranks and After*, START, 1-2 (2023), [https://www.start.umd.edu/sites/default/files/publications/local\\_attachments/Extremism%20In%20the%20Ranks%20and%20After%20-%20Research%20Brief%20-%20April%202023%20Final.pdf](https://www.start.umd.edu/sites/default/files/publications/local_attachments/Extremism%20In%20the%20Ranks%20and%20After%20-%20Research%20Brief%20-%20April%202023%20Final.pdf).

<sup>4</sup> See, Gallup, *Confidence in Institutions*, (2023) <https://news.gallup.com/poll/1597/confidence-institutions.aspx> (noting Table 2 in particular).

primarily in years following separation from the military. The paper highlights how certain service members may experience a loss of purpose or community following discharge, suffer from the cognitive effects of post-traumatic stress disorder (PTSD) and other mental health-related problems, or face targeted recruitment by violent extremist organizations. Fourth, certain Department of Defense (DoD) policies and practices may increase service members' vulnerability to violent extremism. Some service members may struggle to maintain external support systems due to military assignment practices; others may lose trust in the military as an institution due to dishonest or unethical DoD practices (e.g., coercive recruiting). Additional risk-enhancing DoD practices may include the lowering of recruiting standards during periods of high troop demand and the utilization of separation from service as a facile means to remove identified extremists from the ranks.

Section Two explores factors that may protect service members against participation in violent extremism, organized into three distinct categories. First, *selection-based protective factors* which include both a) the military's ability to screen prospective recruits for specific risk factors (e.g., mental illness and prior criminal record) and b) the self-selecting nature of a volunteer force, which may yield a service member population with greater levels of trust in governmental institutions than the general population. Second, *service may function as a safety net* by providing service members with an outlet for violence, a source of purpose, and a sense of community. Third, *government-backed benefits* may function as protective factors for service members. These benefits include preferential hiring practices for federal employment and various services available through the Department of Veteran Affairs, including mental health care, specialized home loans, and education grants.

Section Three outlines various potential solutions to violent extremism in the military that have previously been proposed by numerous institutions, from the DoD to nongovernmental organizations (NGOs). The paper organizes these proposed solutions into four thematic categories that focus on: media protection, education, junior leadership intervention, and community build-up. First, solutions related to *media protection* aim to safeguard service members against ideologically extreme media content. Proposed initiatives within this category include efforts to foster media literacy and critical thinking on the part of service members, with the intent of helping them identify sources of extremist misinformation or propaganda. Second, *education-based solutions* broadly seek to provide service members with a more detailed understanding of the extremist landscape—the nature of extremism, the recruitment tactics of extremist organizations, the potential steps of radicalization, and so forth. Both the DoD and NGOs have recommended initiatives in this area, geared toward the development of more comprehensive training curricula for active-duty service members, along with outreach plans intended to help the general public support at-risk service members. Third, solutions related to *junior leadership intervention* encourage junior military leaders to adopt a role of monitoring, moderating, and reporting potential extremist behavior. These junior leaders may be uniquely capable of filling this role given their close contact with the majority of service members and the non-escalatory methods of intervention that they could employ. Finally, *community build-up* solutions encourage cooperation between NGOs, the DoD, and the Department of Veterans Affairs to create community-based veterans' organizations, intended to provide veterans with firm systems of social support that reduce the allure of extremist organizations.

Section Four identifies ethical concerns with the proposed solutions, particularly those proposed for implementation by the DOD. Military-led counter-extremism initiatives may alienate particular service members, curtail free expression, limit unit cohesion, and diminish military readiness. Relatedly, any military-led intervention implicates an unavoidable tension between DoD's imperative to remain apolitical and its need to address violent extremism—a topic perceived as highly political. Next, the section addresses

ethical concerns related to technology and discrimination. Although members of the military sacrifice certain rights as a condition of service, any further curtailment of service members' liberties may require special ethical justification. Moreover, limiting service members' access to online extremist content risks silencing counter-extremist voices within the military and may conflict with the duties of technology companies as stewards of public fora for communication.

Finally, Section Five offers two recommendations for countering domestic violent extremism in the military, building on the thematic categories of proposed solutions surveyed in Section Three. First, it recommends an initiative combining elements of *media protection* and *junior leadership intervention* to promote more comprehensive civics education within the armed forces. Broadly, this initiative aims to enhance service members' basic civic knowledge, as well as skills in media literacy and critical thinking. More specifically, we suggest that this civics education program be directed towards junior military leaders, who may be especially well-positioned to influence their subordinates and peers. Second, the paper recommends a *community build-up initiative* encouraging veteran participation in social organizations that eschew the use of unlawful violence. New programs could include, for example, an initiative to employ veterans in research roles at defense-oriented think tanks, or a program through which veterans provide civics-related lessons to students rooted in their service experience. While no single counter-extremism intervention is likely to eradicate, or even substantially reduce, the threat of violent extremism in the military, these recommendations should make at least an incremental contribution to a broader counter-extremism effort.

## Introduction

Military service in the United States has historically been a force for uniting the country, as Americans with different backgrounds and beliefs have come together to pursue a common mission of national defense. According to Gallup polling data, the military is currently the most trusted institution of the federal government, with 64% of those surveyed citing “quite a lot” of trust or a “great deal” of trust in the military.<sup>5</sup> While this level of trust in the military is a decline from previous years,<sup>6</sup> it is high in comparison with the levels of trust for other federal government institutions such as the Supreme Court (25%), the Presidency (23%), and Congress (7%).<sup>7</sup> A high level of trust in the military among the American public is vital for the proper function of the military and American democracy alike, yet it is possible that the participation of service members in acts of domestic violent extremism (DVE) could erode this indispensable trust.

In this briefing paper, the term “service member” is used to refer to anyone who has experience in the armed forces of the United States. While “service member” is a term that would be typically reserved for those who are actively serving in the United States military, this paper expands it to include reservists, guardsmen, veterans, retired service members, and all other former service members. Even though specific terms exist for each relationship to the services, an approach that analyzes all these relationships is vital to understanding the association between military service and DVE.<sup>8</sup>

In the research surveyed, this paper found *no* conclusive evidence that, overall, service members are more likely to engage in DVE than the general public. Rather, until recently, available evidence suggested that service members have participated in acts of violent extremism at a level roughly proportional to their portion of the population. According to the Pew Research Center, presently about 7% of the United States adult population has military experience (a substantial decline from 18% in the 1980s).<sup>9</sup> Meanwhile, the National Consortium for the Study of Terrorism and Responses to Terrorism (START) concluded that “subjects with U.S. military backgrounds represent a small portion (11.5%) of the broader set of extremists who have committed criminal offenses in the United States since 1990” and noted, for example, that only 8.3% of the subjects added to a representative database of U.S. criminal extremists in 2018 “had a nexus to the U.S. Military.”<sup>10</sup> It is worth noting, however, that recent data from START suggests that the rate of service members engaging in DVE is on the rise and, at least in 2021, was higher than that of the general population.<sup>11</sup> Thus, overall, it seems that military service alone is not associated

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<sup>5</sup> For more information on confidence in the military as an institution, including percentages for levels of trust below “a great deal,” see Gallup, *Confidence in Institutions*, (2023) <https://news.gallup.com/poll/1597/confidence-institutions.aspx> (noting Table 2) (last visited Jul. 15, 2023).

<sup>6</sup> Over the last two years, 8% of the polled population has dropped below a “great deal” of trust. Id.

<sup>7</sup> For a complete picture, nongovernmental entities with the most trust include small business (68%) and science, which is tied with the military at 64%. Id. at Tables 1-18.

<sup>8</sup> Throughout the paper, the term service member should not be interpreted to include those who are serving in the uniformed services that are not also considered armed forces, for example, the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service.

<sup>9</sup> Katherine Schaeffer, *The Changing Face of the American Veteran Population*, PEW RSCH. CTR. (Apr. 5, 2021) <https://www.pewresearch.org/fact-tank/2021/04/05/the-changing-face-of-americas-veteran-population/> (last visited Jul. 15, 2023).

<sup>10</sup> Michael A Jensen et al., *Radicalization in the Ranks: An Assessment of the Scope and Nature of Criminal Extremism in the United States Military*, START, 9 (2022), <https://www.start.umd.edu/pubs/Final%20Report%20for%20SAF%20CDM.pdf> (last visited Jul. 15, 2023).

<sup>11</sup> See e.g., Michael A Jensen et al., *Extremism in the Ranks and After*, START 2 (2023), [https://www.start.umd.edu/sites/default/files/publications/local\\_attachments/Extremism%20In%20the%20Ranks%20and%20After%20-%20Research%20Brief%20-%20April%202023%20Final.pdf](https://www.start.umd.edu/sites/default/files/publications/local_attachments/Extremism%20In%20the%20Ranks%20and%20After%20-%20Research%20Brief%20-%20April%202023%20Final.pdf). (last visited May 12, 2023).

with an increased rate of engagement in violent extremism (though this may be changing). Importantly, however, even if service members do not engage in DVE at rates higher than the general population, there are several reasons why even a proportional, or smaller than proportional, rate of their participation in DVE may be specifically concerning.

For instance, service members may be more effective at carrying out violent extremist activity given the extensive military training and combat experience they have gained while serving. Moreover, service members committing ideologically motivated acts of violence could generate a public perception of the military as tolerating such behavior, lead to a decrease in the rate of recruitment of new service members, and damage the political neutrality that the U.S. military must retain. A further cause for concern is the rapid increase in the rate of service members' participation in DVE. Recent research by START indicates that the number of service members who committed extremist offenses in the last decade has increased more than five-fold, in comparison to the period between 1990-2010.<sup>12</sup> While much of that increase is a direct result of the January 6, 2021, events at the United States Capitol, even if these events are removed from the data the concerning trend of violent extremism committed by service members has tripled this last decade.<sup>13</sup> Even though it is veterans—who no longer represent the military in an official capacity—that account for approximately 84% of service member involvement in DVE,<sup>14</sup> their actions and past military association could further degrade the trust that the American public has in the military as an institution.

## 1. Potential Vulnerabilities

This section outlines vulnerabilities to violent extremism that may be especially salient in the military context—that is, risk factors that, when considered with respect to the particularities of military service, might be more prevalent among service members than among non-service members. As a cautionary note, it is important to stress that the potential overrepresentation of certain risk factors within military populations does not imply that service members are more likely *overall* to engage in violent extremism than non-service members. Another important caveat is that existing research proposes myriad risk factors that will not receive detailed discussion in this section; these factors may also apply to service members to the extent that they apply to any individual, but it remains unclear whether such factors are more prevalent in military populations. These generally applicable risk factors include, for example, exposure to misinformation or propaganda,<sup>15</sup> a tendency to engage in conspiratorial thinking,<sup>16</sup> and others.

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<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> See, e.g., James A Piazza, *Fake News: The Effects of Social Media Disinformation on Domestic Terrorism*, 15 DYNAMICS OF ASYMMETRIC CONFLICT 55 (2021) (significant positive association between disinformation and domestic terrorism at the country level); Ines von Behr et al., *Radicalization in the Digital Era: The Use of the Internet in 15 Cases of Terrorism and Extremism*, RAND CORPORATION (2013).

[https://www.rand.org/content/dam/rand/pubs/research\\_reports/RR400/RR453/RAND\\_RR453.pdf](https://www.rand.org/content/dam/rand/pubs/research_reports/RR400/RR453/RAND_RR453.pdf)

<sup>16</sup> See, e.g., Bartlett & Miller, *THE POWER OF UNREASON: CONSPIRACY THEORIES, EXTREMISM, AND COUNTERTERRORISM* (2010). [https://www.researchgate.net/publication/265309723\\_the\\_power\\_of\\_unreason\\_conspiracy\\_theories\\_extremism\\_and\\_counter-terrorism](https://www.researchgate.net/publication/265309723_the_power_of_unreason_conspiracy_theories_extremism_and_counter-terrorism); Bettina Rottweiler & Paul Gill, *Conspiracy Beliefs and Violent Extremist Intentions: The Contingent Effects of Self-Efficacy, Self-Control and Law-Related Morality*, 34 TERRORISM AND POLITICAL VIOLENCE 1485 (2020) (significant positive association between conspiratorial thinking and “violent extremist intentions,” contingent upon additional individual traits); Roland Imhoff et al., *Resolving the Puzzle of Conspiracy Worldview and Political Activism: Belief in Secret Plots Decreases Normative but Increases Nonnormative Political Engagement*, 12 SOC. PSYCHOLOGICAL PERS. SCI. 71 (2020) (significant positive association between conspiratorial thinking and self-reported willingness to participate in “non-normative political engagement”).

With these qualifications, this section discusses potential military-oriented vulnerabilities in four parts. The first three parts follow a temporal sequence, according to the moment in a service member's life at which a particular risk factor first arises; the final part focuses exclusively on DoD policy, given the potentially outsized impact of DoD practices on service members' life trajectories. As such, the four parts include:

- 1) *Pre-enlistment risk factors*—aspects of pre-enlistment life that may expose service members to heightened risk of violent extremism.
- 2) *Broad service-related risk factors*—the potential causal ties between military service itself and extremist activity, considered in light of general social/psychological theories of violent extremism.
- 3) *Long-term service-related risk factors*—service-related vulnerabilities that take effect primarily in years following separation from the military.
- 4) *DoD-specific risk factors*—vulnerabilities to violent extremism generated by the adverse consequences of particular DoD policies and practices.

When used in this section, “violent extremism” refers to violence inspired by a particular system of beliefs, whether political, religious, or otherwise.<sup>17</sup> In some cases, the belief system plays an integral role in motivating an individual to engage in violence;<sup>18</sup> in others, an individual may bear a more nominal attachment to the ideology upon which their violence is ostensibly based.<sup>19</sup> Violent extremism consequently includes (but is not limited to) hate crimes, left-wing anarchist violence, and right-wing anti-government violence.<sup>20</sup> As distinct from common definitions of “terrorism,” violent extremism need not be motivated by a desire to effect political change or alter government policy.<sup>21</sup>

The term “radicalization,” as used here, refers broadly to the process by which an individual develops a disposition toward violent extremism. This process often involves a gradually increasing attachment to a particular ideology; however, as used here, “radicalization” also entails the various social

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<sup>17</sup> For a helpful discussion of defining violent extremism, see Jason-Leigh Streigher, *VIOLENT-EXTREMISM: AN EXAMINATION OF A DEFINITIONAL DILEMMA*, 75-86 (2015).

<sup>18</sup> See, e.g., Blanka Rip et al., *Passion for a Cause, Passion for a Creed: On Ideological Passion, Identity Threat, and Extremism*, 80 J.PERS. 573-602 (2012); Meleagrou-Hitchens et al., *Antisemitism as an Underlying Precursor to Violent Extremism in American Far-Right and Islamist Contexts*, 6-8, 13-22 (2020) (case studies).

<sup>19</sup> See, e.g., Ann-Sophie Hemmingsen & Karin I. Castro, *THE TROUBLE WITH COUNTER-NARRATIVES*, 19-22 (2017); Manni Crone, *Radicalization Revisited: Violence, Politics, and the Skills of the Body*, 92 INT'L AFF. 587, 597-600 (2016); James Khalil, *Radical Beliefs and Violent Actions Are Not Synonymous: How to Place the Key Disjuncture Between Attitudes and Behaviors at the Heart of Our Research into Political Violence*, 37 STUD. CONFLICT & TERRORISM 199, 200, 206-7; Rogelio A Pascual, *Radicalisation Processes Leading to Acts of Terrorism. A Concise Report Prepared by the European Commission's Expert Group on Violent Radicalisation*, 14 (2008) <https://www.researchgate.net/publication/294430062>. For helpful, broader discussions of ideology's role in violent extremism, see Donald Holbrook & John Horgan, *Terrorism and Ideology: Cracking the Nut*, 13 PERSPECT. TERRORISM 2 (2019); Jakob Guhl, *Why Beliefs Always Matter, but Rarely Help Us Predict Jihadist Violence. The Role of Cognitive Extremism as a Precursor for Violent Extremism.*, 14 J. DERADICALIZATION 192-217 (2018).

<sup>20</sup> This conception of violent extremism is consistent with categories of “domestic terrorism” threats used by the United States Congressional Research Service. See Jerome P. Bjelopera, *Domestic Terrorism: An Overview*, 10-35 (Aug. 22, 2017), <https://www.americanvoiceforfreedom.org/wp-content/uploads/2017/09/domestic-terrorism.pdf>.

<sup>21</sup> See, e.g., *Definition of Terrorism by Country in OECD Countries*, <https://www.oecd.org/daf/fin/insurance/TerrorismDefinition-Table.pdf>. More broadly, the definition of “terrorism” is widely disputed. For a brief perspective on this lack of consensus, see Alex P. Schmid, et al., *Terrorism Studies: A Glimpse at the Current State of Research*, 15 PERSPECT. TERRORISM 142-145 (2021).



and psychological influences (not necessarily related to a specific ideology) which contribute to an individual's readiness to engage in violence.<sup>22</sup> Violent extremism and radicalization are related but conceptually distinct.<sup>23</sup> Some individuals may engage in violent extremism without experiencing any substantial process of radicalization;<sup>24</sup> alternatively, some may radicalize without ultimately engaging in violent extremism.<sup>25</sup>

### *1.1. Pre-Enlistment Risk Factors*

For some service members, the path toward violent extremism may begin at a young age. Although scholarly evidence is mixed regarding causal ties between trauma and violent extremism,<sup>26</sup> some research suggests that certain adverse childhood experiences (ACEs)—e.g., parental abuse, parental incarceration, exposure to household drug use—may be positively associated with future participation in violent extremist activity.<sup>27</sup> Service members endure ACEs at a greater rate than the general population,<sup>28</sup> potentially due to some individuals enlisting specifically to avoid hostile childhood environments.<sup>29</sup> This, in turn, suggests that service members are disproportionately exposed to early-life risk factors. ACEs may function as a direct causal mechanism for violent extremism by altering a victim's psychology toward thought patterns conducive to violence. For example, youth may cope with ACEs through violence to “prevent feelings of inadequacy and unworthiness,”<sup>30</sup> establishing a psychological “short fuse”<sup>31</sup> which persists later in life.<sup>32</sup> ACEs may also serve as indirect causal mechanisms by increasing the risk of downstream adverse social outcomes (e.g., unemployment, mental illness) also positively associated with violent extremism in certain populations.<sup>33</sup>

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<sup>22</sup> For discussions of these varying ideological, social, and political influences, see e.g., Bart Schurmann & Max Taylor, *Reconsidering Radicalization: Fanaticism and the Link Between Ideas and Violence*, 12 PERSPECT. TERRORISM 3 (Feb. 2018), <https://www.universiteitleiden.nl/binaries/content/assets/customsites/perspectives-on-terrorism/2018/issue-6/a1-ravndal-and-bjorgo.pdf> (last visited Jul 12, 2023); Donatella della Porta, *Radicalization: A Relational Perspective*, 21 ANNUAL REV. OF POLI. SCI. 461 (2018).

<sup>23</sup> See, e.g., Randy Borum, *Radicalization into Violent Extremism I: A Review of Social Science Theories*, 4 J. STRATEGIC SECURITY 9-10 (2011); United Nations Office on Drugs and Crime, *Radicalization and Violent Extremism*, (2018) <https://www.unodc.org/e4j/zh/terrorism/module-2/key-issues/radicalization-violent-extremism.html>.

<sup>24</sup> *Supra* note 19.

<sup>25</sup> See, e.g., Jamie Bartlett & Carl Miller, *The Edge of Violence: Towards Telling the Difference Between Violent and Non-Violent Radicalization*, 24 TERRORISM AND POLI. VIOLENCE 1 (2012).; Sarah Knight et al., *Comparing the Different Behavioral Outcomes of Extremism: A Comparison of Violent and Non-Violent Extremists, Acting Alone or as Part of a Group*, 45 STUDIES IN CONFLICT & TERRORISM 682-703 (2019).; Garth Davies et al., *They're Not All the Same: A Longitudinal Comparison of Violent and Non-Violent Right-Wing Extremist Identities Online*, PALGRAVE HATE STUDIES 255-278 (2022).

<sup>26</sup> For a helpful review of this evidence, see James Lewis & Sarah Marsden, *Trauma, Adversity, And Violent Extremism*, CTR. FOR RSCH. AND EVIDENCE ON SECURITY THREATS, 11-17 (Aug. 9, 2021) <https://crestresearch.ac.uk/resources/trauma-adversity-and-violent-extremism/>

<sup>27</sup> See, e.g., Michael Wolfowicz et al., *Cognitive and Behavioral Radicalization: A Systematic Review of the Putative Risk and Protective Factors*, 17 CAMPBELL SYS. REV. (2021). See also, Steven Windisch et al., *Measuring the Extent and Nature of Adverse Childhood Experiences (ACE) Among Former White Supremacists*, 34 TERRORISM AND POLITICAL VIOLENCE 1207 (2020); Pete Simi, Karyn Sporer & Bryan F. Bubolz, *Narratives of Childhood Adversity and Adolescent Misconduct as Precursors to Violent Extremism*, 53 J. RSCH. IN CRIME AND DELINQUENCY 536-563 (2016).

<sup>28</sup> John R. Blosnich et al., *Disparities in Adverse Childhood Experiences Among Individuals With a History of Military Service*, 71 JAMA PSYCHIATRY 1041-1048 (2014).

<sup>29</sup> *Id.* at 1042.

<sup>30</sup> Windisch et al. *supra* note 27 at 13.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> For research linking ACEs to future mental illness within service-member populations, see Oscar A. Cabrera et al., *Childhood Adversity and Combat as Predictors of Depression and Post-Traumatic Stress in Deployed Troops*, 33 AM. J. PREVENTIVE MED. 77 (2007); Cynthia A Leard et al., *Do Adverse Childhood Experiences Increase the Risk of Post Deployment Posttraumatic Stress Disorder in US Marines?*, 10 BMC PUB. HEALTH (2010). For research tying ACEs to unemployment, see e.g., Yong Liu et al.,

More generally, given the American military's status as a volunteer force, *self-selection* may yield an overrepresentation of certain risk factors within the service-member population—that is, the type of individual who elects to volunteer for service may be more likely to express certain risk factors for violent extremism than the average individual. As implied above, self-selection effects may explain the overrepresentation of ACEs within the military. Other self-selection effects may pertain to the use of violence. For example, it is possible that those who volunteer for military service already possess an enhanced willingness to engage in violence, as compared to the general population; depending upon their reasons for enlistment, some volunteers may also already (at the time of enlistment) be willing to engage in violence on behalf a particular ideology—e.g., American democratic ideals. Both a willingness to engage in violence and intense passion for a particular ideology correlate positively with violent extremism.<sup>34</sup> As such, it could be the case that the type of individual who volunteers for service is, prior to enlistment, more likely to express these violence-related risk factors, as compared to the general population.

### *1.2. Broad Service-Related Risk Factors: Psychological and Social Theories*

Military service itself may also causally contribute to future violent extremist activity. Theories relating to “moral neutralization” (also termed “moral disengagement”) suggest that “support for violent extremism is higher when actors morally disengage from ethical standards that prohibit violence.”<sup>35</sup> Indeed, large-N studies of adolescents have demonstrated statistically significant associations between moral neutralization and support for violent extremism.<sup>36</sup> Military service members also “morally neutralize” violence as means to justify or cope with the demands of combat service, thereby dampening their aversion to violence writ large.<sup>37</sup> It is possible that such reduced aversion to violence makes veterans especially susceptible to recruitment into (extremist) organizations committed to violence. This hypothesis is also consistent with preliminary research by START, which indicates elevated rates of deployment to combat zones and past combat experience among veterans who engaged in violent extremism.<sup>38</sup>

Moreover, in the context of the United States military, which relies on voluntary service, enhanced willingness to engage in violence may be particularly conducive to radicalization insofar as it represents an enhanced willingness to engage in violence *inspired by a particular set of beliefs*. While not all service members enlist and serve due to ideological motivations, many are inspired by a desire to defend American values or patriotism more broadly.<sup>39</sup> A service member's willingness to risk their life for patriotic beliefs

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*Relationship Between Adverse Childhood Experiences and Unemployment Among Adults from Five US States*, 48 SOC. PSYCH. AND PSYCHIATRIC EPIDEMIOLOGY 357 (2012); Metzler et al, *Adverse Childhood Experiences and Life Opportunities: Shifting the Narrative*, 72 CHILDREN YOUTH SERV. REV. (2017). <https://www.sciencedirect.com/science/article/pii/S0190740916303449>. For an example of a study linking mental illness and unemployment to violent extremism, see LaFree et al, *Correlates of Violent Political Extremism in the United States*, 56 CRIMINOLOGY 233 (Feb. 2, 2018). For more on potential links between mental illness and violent extremism, see notes 66-67. For more on potential links between unemployment and violent extremism, see notes 107, 111.

<sup>34</sup> For research tying violent extremism to one's willingness to engage in violence, see notes 35-37, 51-54. For research tying violent extremism to ideological passion, see note 74.

<sup>35</sup> Nivette et al, *Developmental Predictors of Violent Extremist Attitudes: A Test of General Strain Theory*, 54 J. RSCH. CRIME & DELINQUENCY 755, 757 (2017).

<sup>36</sup> Id at 756, 772-9. For additional research tying moral neutralization/disengagement to support for violent extremism or political violence, see: Aly et al, *Moral Disengagement and Building Resilience to Violent Extremism*, 37 STUD. CONFLICT & TERRORISM 369-385 (Mar. 11, 2014).

<sup>37</sup> See e.g., Elizabeth Stubbins Bates, *Towards Effective Military Training in International Humanitarian Law*, 96 INT'L REV. RED CROSS 795, 806-9 (2014) (summarizing research on moral disengagement in the context of military training).

<sup>38</sup> Jensen et al *supra* note 10 at 32.

<sup>39</sup> See, e.g., Ronald R. Krebs & Robert Ralston, *Patriotism or Paychecks: Who Believes What About Why Soldiers Serve* 48 INTER-UNIVERSITY SEMINAR ON ARMED FORCES AND SOCIETY, 27-28 (2022).

may lay the foundation for a willingness to risk life for other (extremist) beliefs—especially if the extremist ideology overlaps with the belief systems underpinning military service. Such is the case, for example, with the Oath Keepers, whose stated ideological commitment to defending the Constitution bears obvious ties to patriotic values embodied by the military.<sup>40</sup>

Military service may also causally contribute to violent extremism by providing a tight-knit social environment in which individuals with extremist tendencies can connect with like-minded service members, collectively enhancing their propensity for violent extremism. Social science theories often present radicalization as an individual phenomenon, by which the individual experiences a gradual cognitive or ideological restructuring, ultimately resulting in endorsement of ideologically inspired violence. Some scholars have suggested that these theories underplay the extent to which an individual’s social environment reinforces the radicalization process.<sup>41</sup> For example, anthropological study of violent extremists in Europe suggests that previous experience with “extremist milieus”<sup>42</sup>—e.g., a gang, cult, or simply a “loose network of friends of family”<sup>43</sup> who are extremists—may enhance radicalization pathways.<sup>44</sup> These findings mirror multiple empirical analyses of risk factors, which find robust associations between the presence of “deviant peers” or “radical friends” and violent extremist behavior.<sup>45</sup> Like-minded peers may function as ideological or strategic mentors, mutually enhancing each other’s understanding of a particular ideology and capacity to engage in political violence inspired by said ideology. The presence of like-minded peers may also increase an individual’s assessment of an ideology’s social acceptability.<sup>46</sup> In the military, the potential for this social group reinforcement of extremist tendencies seems particularly high, given the emphasis placed by the military on creating unit cohesion and cultivating the bonds of brotherhood.<sup>47</sup> Indeed, recent military research demonstrates that the norm of brotherhood has a “fundamental influence on the views and actions of soldiers”<sup>48</sup> and that these influences are especially strong within military subunits (e.g., special forces).<sup>49</sup> While these bonds are usually beneficial, they may have adverse consequences in the context of violent extremism; within this generalized environment of brotherhood, the military may provide an opportunity for active-duty service members with extremist tendencies to find and connect with other extremists, or influence peers lacking such tendencies—peers with whom they may already have unusually strong ties grounded in military fraternity.<sup>50</sup>

In contrast to theories which center the importance of ideology as a catalyst for future violence, alternative explanations focus on violence itself to understand military extremism. As many researchers have suggested, dramatic shifts in ideology or psychology are not a necessary condition for engaging in

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<sup>40</sup> For background on the Oath Keepers, see: Eric McQueen, *Examining Extremism: The Oath Keepers*, CSIS (2021) <https://www.csis.org/blogs/examining-extremism/examining-extremism-oath-keepers>.

<sup>41</sup> See Borum *supra* note 23.

<sup>42</sup> Manni Crone, *Radicalization Revisited: Violence, Politics, and the Skills of the Body*, 92 INT’L AFF. 587, 597-598 (May 6, 2016).  
<sup>43</sup> *Id.*, at 598.

<sup>44</sup> *Id.*, at 587-604, 597.

<sup>45</sup> Wolfowicz et al, *supra* note 27; see generally Sarah Pritchett & Kim Moeller, *Can Social Bonds and Social Learning Theories Help Explain Radical Violent Extremism?*, 23 NORDIC J. CRIMINOLOGY 93 (Feb. 9, 2021).

<sup>46</sup> See Andrew M. Bell, *Military Culture and Restraint Toward Civilians in War: Examining the Ugandan Civil Wars*, 25 SEC. STUDIES 488, 495-6 (2016) (stressing that the adoption of military norms by new service members is strongly influenced by whether these norms are accepted by their more experienced peers).

<sup>47</sup> See e.g., Martin L Cook, *Reflections on The Relationship Between Law and Ethics*, 40 ADELAIDE L. REV. 485, 495 (2019).

<sup>48</sup> Fiona Terry & Brian McQuinn, *The Roots of Restraint in War*, 30 (2018). See also, Bell, *supra* note 46.

<sup>49</sup> *Id.*

<sup>50</sup> This social-group theory is also supported by preliminary research from START, which indicates that active-duty service members who engage in violent extremism have high rates of co-radicalization and co-offending. See Jensen et al., *supra* note 10 at 29.

violent extremism.<sup>51</sup> Some individuals, for a variety of reasons, may have a preexisting proclivity for or fascination with violence, and subsequently attach themselves to ideologically oriented violent extremist groups as a convenient channel or conduit for said violence.<sup>52</sup> Given that the United States military is a self-selecting volunteer population, it could be the case that some who choose to join the military do so (at least in part) in pursuit of violence, and merely transfer their pursuit of violence to an extremist group upon concluding their military service. Participation in the military may offer these individuals the opportunity to develop their skills for employing violence, elevating the future danger they may pose as violent extremists. This method of understanding violent extremism—centering on the attraction of violent acts themselves, rather than underlying ideological or political grievances—aligns with empirical research linking heightened “sensation seeking” (a “desire for novel and stimulating experiences”)<sup>53</sup> to increased support for political violence.<sup>54</sup>

### *1.3. Long-Term Service-Related Risk Factors: Separation and Lasting Effects*

Military service may causally contribute to violent extremism not only through the service itself but also through the necessity of discharge upon the conclusion of service. Many theories of radicalization posit that the path toward extremism begins with some form of personal destabilization or loss—a loss of purpose, significance, or ideological inspiration.<sup>55</sup> Radicalization may follow as individuals, seeking to fill the human need for purpose, attach themselves to a cause with such intensity that they engage in violence in support of said cause.<sup>56</sup> Empirical research supports robust associations between this “loss of significance” phenomenon and the likelihood of committing ideologically motivated violent crime.<sup>57</sup> Applied to the military, veterans may experience a substantial loss of significance upon discharge.<sup>58</sup> While in active duty, service members may find significance in the goal of promoting national security, defending American values, or at minimum achieving the reasonably clear objectives entailed by particular military tasks. Upon discharge, however, service members may lose this purpose and seek to fill the gap with an ideologically related purpose—including those endorsed by certain DVE groups. As such, the process of discharge may place veterans at special risk for violent extremism. Veterans may experience a juncture in which a purpose—one that they are accustomed to defending with violence—is stripped from them. DVE groups consequently constitute a plausible candidate for veterans to regain a sense of purpose, especially if the groups bear ideological proximity to values embodied by military service.

Moreover, discharge not only deprives service members of an ideologically oriented purpose afforded by military service but also of the ideologically oriented *community* represented by the military.

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<sup>51</sup> See, e.g., James Khalil, *Radical Beliefs and Violent Actions Are Not Synonymous: How to Place the Key Disjunctures Between Attitudes and Behaviors at the Heart of Our Research into Political Violence*, 37 *STUD. CONFLICT & TERRORISM* 199-200, 206-7 (Oct. 16, 2013); Hemmingsen & Castro, *supra* note 19 at 19-22.

<sup>52</sup> Hemmingsen & Castro, *supra* note 19 at 19-22; Manni Crone, *supra* note 19 at 597-600.

<sup>53</sup> See Schumpe et al, *The Role of Sensation Seeking in Political Violence: An Extension of the Significance Quest Theory*, 118 *J. PERSONALITY AND SOC. PSYCH.* 745 (2020).

<sup>54</sup> *Id.*, at 743-761.

<sup>55</sup> For a helpful, brief summary of these theories, see Carthy et al., *Counter-narratives for the Prevention of Violent Radicalization: A Systematic Review of Targeted Interventions*, 16 *CAMPBELL SYS. REV.* 4 (2020). For more specific theories, see, e.g., Paul Gill, *A Multi-Dimensional Approach to Suicide Bombing*, 1 *INT’L J. CONFLICT & VIOLENCE* 142 (2007); Robert Agnew, *A General Strain Theory of Terrorism*, 14 *THEORETICAL CRIMINOLOGY* 132-4, 136-149.

<sup>56</sup> Kruglanski et al, *Cognitive Mechanisms in Violent Extremism*, 188 *COGNITION* 116 (2019).

<sup>57</sup> Jasko et al, *Quest for Significance and Violent Extremism: The Case for Domestic Radicalization*, 38 *POLI. PSYCHOLOGY* 815, 822-829 (Oct. 2017)

<sup>58</sup> House Committee on Veterans’ Affairs, *Report on Domestic Violent Extremist Groups and the Recruitment of Veterans*, 14 (2021), <https://democrats-veterans.house.gov/imo/media/doc/Extremism%20Report.pdf> [hereinafter House Committee Report].

A collection of theoretical and empirical research suggests that some individuals may join violent extremist organizations to (at least in part) attain a sense of belonging;<sup>59</sup> this radicalization path seems especially plausible in the context of veterans who join DVE groups with ideological orientations echoing those of the military. A discharged service member leaves a community structure which may be particularly robust, in that it places special emphasis on brotherhood and on close-knit ties between service members. Consequently, veterans may experience especially severe feelings of community loss following separation, generating strong incentives to regain the lost community through participation in military-like organizations.<sup>60</sup> Many American extremist groups (e.g., Oath Keepers) cohere around norms of masculinity, brotherhood, and the use of violence to protect patriotic ideals; these groups also utilize a hierarchical rank system parallel to that of the military and engage in military-style training exercises.<sup>61</sup> Given these similarities between these groups and the military itself, veterans might turn to such groups to regain not only a sense of community in general but also the particular *type* of community that they lost through separation.<sup>62</sup> Discharge thus may function as a risk factor for service members by inducing both a loss of purpose and loss of community.

Relatedly, veterans may face heightened risk of post-discharge radicalization due to targeted recruitment efforts from DVE organizations. As noted above, it is unclear whether veterans are more susceptible than the general population to common recruitment tactics, such as the spread of online misinformation (although generally, service members' experience in moral neutralization and reduced aversion to violence may enhance the effectiveness of these tactics as well, making service members' recruitment into [extremist] organizations committed to violence easier). Regardless, veterans' risk for radicalization may uniquely increase because DVE organizations make special efforts to recruit from the veteran population. Indeed, certain anti-government or militia groups purposefully seek to increase veteran membership through targeted recruitment, both because a) veteran members may bolster a group's credibility and b) veteran members often possess enhanced leadership capabilities and experience engaging in organized violence.<sup>63</sup> These targeted recruitment efforts may render veterans especially vulnerable to radicalization either simply by increasing their exposure to extremist content,<sup>64</sup> or through persuasion via tailored messaging that may be especially convincing to the veteran audience—e.g., through appeals to the same values that may have originally prompted some veterans to join the military: “brotherhood, courageous heroism, and protection of the oath of the Constitution.”<sup>65</sup>

More particular cognitive theories may also suggest a link between the lasting psychological consequences of military service and violent extremism. In particular, empirical research documents a relationship between military service and PTSD, especially for male veterans with combat experience.<sup>66</sup> It

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<sup>59</sup> See, e.g., Randy Borum, *Psychology of Terrorism*, 25-6 (2004); Lyons-Padilla et al., *Belonging Nowhere: Marginalization & Radicalization Risk Among Muslim Immigrants*, FINDING 2 (2015); Speckhard et al., *White Supremacists Speak: Recruitment, Radicalization & Experiences of Engaging and Disengaging from Hate Groups*, 2, 8-10, 22-24 (2022).

<sup>60</sup> See *House Committee Report supra* note 58, at 12-14.

<sup>61</sup> Rachel Goldwasser, *Extremism Among Active-Duty Military and Veterans Remains a Clear and Present Danger*, SPLC (Oct. 12, 2021) <https://www.splcenter.org/hatewatch/2021/10/12/extremism-among-active-duty-military-and-veterans-remains-clear-and-present-danger>.

<sup>62</sup> See *House Committee Report supra* note 58 at 12-14.

<sup>63</sup> Goldwasser *supra* note 60; See, *Id* at 10-11.

<sup>64</sup> For research linking exposure to extreme media and violent extremism sympathies/behaviors, see e.g., Frissen et al., *On the Cumulative Role of Different Types of Media in the Radicalization Puzzle*, 6 RADICALIZATION 153-192 (Feb. 2019); Pauwels et al., *Differential Online Exposure to Extremist Content and Political Violence: Testing the Relative Strength of Social Learning and Competing Perspectives*, 28 TERRORISM & POLITICAL VIOLENCE 1, 14-22 (June 27, 2014)

<sup>65</sup> See *House Committee Report supra* note 58, at 12.

<sup>66</sup> See, e.g., Lehavot et al., *Post-traumatic Stress Disorder by Gender and Veteran Status*, AM J. PREV MED. (Jan. 2018), Kintzle et al., *PTSD in U.S. Veterans: The Role of Social Connectedness, Combat Experience, and Discharge*, Healthcare (Basel) (Aug. 22,

is important to emphasize here that the empirical evidence connecting mental illness to violent extremism is quite ambiguous; statistical significance, effect sizes, and even the direction of the effect vary substantially across different populations, social contexts, and the psychological condition in question.<sup>67</sup> However, multiple studies do identify heightened levels of PTSD symptoms among individuals with violent extremist histories or sympathies, as compared to non-extremist populations.<sup>68</sup> Moreover, with respect to the relevant population and context of this discussion, preliminary research suggests elevated rates of PTSD among American veteran extremists with combat experience, as compared to non-extremist veterans.<sup>69</sup> Psychological theories of extremist activity offer a potential explanation for this tentative link between PTSD and violent extremism—symptoms of PTSD may reduce “cognitive flexibility,”<sup>70</sup> a psychological measure identified as a protective factor against violent extremism.<sup>71</sup> Cognitive flexibility is the capacity of an individual to alternate between distinct patterns of thought or adapt their analytical processes to different contexts;<sup>72</sup> consequently, cognitive flexibility might a) inversely correlate with rigid essentialized thinking/outgroup bias<sup>73</sup> and b) diminish the tendency to unyieldingly attach oneself to an ideological position,<sup>74</sup> both of which may be positively related to extremism.<sup>75</sup> Military service may thus expose veterans to enhanced risk of violent extremism by inducing a particular psychological condition—PTSD—associated with downstream cognitive changes which in turn contribute to extremist activity. Moreover, psychological research on veteran populations indicates an inverse association between “social connectedness” and the severity of veterans' PTSD symptoms.<sup>76</sup> Consequently, some veterans may join DVE groups not only for a sense of community but also as a means to cope (perhaps subconsciously) with

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2018); M.J. Friedman, *Post-traumatic Stress Disorder in the Military Veteran*, 17 *PSYCHIATRIC CLIN. N.AM.* 265, 265-270 (June 1994)

<sup>67</sup> For literature reviews of the conflicting empirical evidence regarding mental illness, see: Gill et al, *Systematic Review of Mental Health Problems and Violent Extremism* (2021); Misiak et al, *A Systematic Review on the Relationship Between Mental Health, Radicalization, and Mass Violence*, 56 *EURO. PSYCH.* 51 (Feb. 2019).

<sup>68</sup> Bhui et al, *Extremism and Common Mental Illness: Cross-Sectional Community Survey of White British and Pakistani Men and Women Living in England*, 217 *BRITISH J. PSYCH.* 547 - 554 (Oct. 2020); Anton W. Weenink, *Adversity, Criminality, and Mental Health Problems in Jihadis in Dutch Police Files*, 13 *PERSPECTIVES ON TERRORISM* 136 (2019).

<sup>69</sup> Jensen et al *supra* note 10 at 37.

<sup>70</sup> See, e.g., Daneshvar et al, *Self-Compassion and Cognitive Flexibility in Trauma-Exposed Individuals With and Without PTSD*, 41 *CURRENT PSYCH.* 2045-2052 (Apr. 10, 2022) (statistically significant difference in cognitive flexibility between “trauma-exposed individuals with and without PTSD”); Walter et al, *More than Symptom Reduction: Changes in Executive Function Over the Course of PTSD Treatment*, 23 *J. TRAUMATIC STRESS* 292-295 (Apr. 2010).

<sup>71</sup> See, e.g., Zmigrod et al, *Cognitive Inflexibility Predicts Extremist Attitudes*, 10 *FRONT. PSYCHOLOGY* 1 (May 7, 2019); Schumann et al, *Does Cognitive Inflexibility Predict Violent Extremist Behavior Intentions?* 27 *LEGAL & CRIMINOLOGICAL PSYCH.* 329-353 (Sept. 2022).

<sup>72</sup> Dina R. Dajani & Lucina Q. Uddin, *Demystifying Cognitive Flexibility: Implications for Clinical and Developmental Neuroscience* (May 3, 2017).

<sup>73</sup> For studies demonstrating a significant inverse association between cognitive flexibility and race essentialism, see: Pauker et al, *The Role of Diversity Exposure in Whites' Reduction in Race Essentialism Over Time*, 9 *SOC. PSYCH. & PERSONALITY SCI.* 948 (Sept. 28, 2017); Jessica S. Leffers, *Downstream Consequences of Racial Essentialism: A Two-Dimensional Approach*, 78 (Jul. 8, 2021). For studies demonstrating a significant inverse association between cognitive flexibility and bias, see: Klauer et al, *Understanding the Role of Executive Control in the Implicit Association Test: Why Flexible People have Small IAT Effects*, 63 *QUARTERLY J. EXPERIMENTAL PSYCH.* 595 (Mar. 1, 2010); Ito et al, *Toward a Comprehensive Understanding of Executive Cognitive Function in Implicit Racial Bias*, 108 *J. PERSONALITY & SOC. PSYCH.* 187-218 (Feb. 2015) (significant inverse association between cognitive flexibility and negative racial attitudes).

<sup>74</sup> *Supra* Zmigrod et al at 2.

<sup>75</sup> For evidence tying group bias to violent extremism, see: Naderer et al, *An Online World of Bias: The Mediating Role of Cognitive Biases on Extremist Attitudes*, 14, 16 (Feb. 2022) (significant positive association between outgroup bias and extremist attitudes); Jensen et al, *Radicalization to Violence: A Pathway Approach to Studying Extremism*, 32 *TERRORISM & POLI. VIOLENCE* 1067 (Apr. 9, 2018). For evidence tying rigid ideological attachments to violent extremism, see research on “obsessive passion”. Bélanger et al, *Supporting Political Violence: The Role of Ideological Passion and Social Network*, 23 *J.S. NURSING* 1191 (Dec. 3, 2020).

<sup>76</sup> Kintzle et al, *supra* note 66 at 4-6.

PTSD. Discharge-induced loss of community thus may function both as a risk factor in itself and as an indirect risk factor by exacerbating PTSD symptoms, which independently constitute risk factors.

#### 1.4. DoD-Specific Risk Factors: Policies and Practices

In light of these broader theoretically informed considerations, several more particular difficulties of active-duty life—difficulties often generated by existing DoD procedures—may function as risk factors for DVE within the military. Service members often lack substantial input into their initial base assignments, which commonly station recruits far from preexisting support systems, family, and friends;<sup>77</sup> as their careers proceed, service members transfer frequently between bases, often without ample time to establish new support systems within the local community.<sup>78</sup> On some military bases, sexual assault,<sup>79</sup> drug use,<sup>80</sup> and other antisocial behaviors proliferate without sufficient recourse or treatment.<sup>81</sup> In combat, service members may witness gruesome or gratuitous violence, even in pursuit of justifiable objectives. Taken together, these troubling conditions could themselves cause or exacerbate mental health difficulties among service members,<sup>82</sup> thereby causing or reinforcing the risk factors discussed above.

Moreover, if service members perceive military leadership (or the federal government) as responsible for their active-duty deprivation, they may begin to lose trust in the military as an institution, a process which itself augments radicalization risks. In isolation, the quality-of-life concerns discussed above may not induce service members to abandon their broader faith in the armed forces as an institution. However, the potential for lost trust seems more plausible when considering these hardships in conjunction with dynamics that strike more directly at the leadership-soldier relationship or the candor of institutionalized military procedures. For example, inquiries from the Government Accountability Office have documented over 1,000 substantiated policy violations by military recruiters within a two-year period (2004-5), including more than 100 cases of coercion and false promises made to prospective enlistees.<sup>83</sup> Further investigative reporting suggests that these false promises included, for example, lying to prospective recruits regarding their probability of serving in combat; coercive tactics included threats of imprisonment made to adolescents hoping to withdraw from provisional enlistment agreements.<sup>84</sup> Service members

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<sup>77</sup> See, e.g., Kenneth W. Kizer & Suzanne Le Menestrel (ed.), *Strengthening the Military Family Readiness System for a Changing American Society*, 126-8 (2018). <https://nap.nationalacademies.org/read/25380/chapter/6>.

<sup>78</sup> See, e.g., Patricia K. Tong et al., *Enhancing Family Stability During a Permanent Change of Station*, RAND CORPORATION, ix-xii (2018) [https://www.rand.org/pubs/research\\_reports/RR2304.html](https://www.rand.org/pubs/research_reports/RR2304.html).

<sup>79</sup> See, e.g., C.A. Castro et al., *Sexual Assault in the Military*, 17 CURRENT PSYCH. REPORTS 1 - 13 (2015); Rachel A. Breslin et al., *2021 Workplace and Gender Relations Survey of Military Members: Overview Report*, OPA, 47 - 9 (2021) <https://www.opa.mil/research-analysis/health-well-being/gender-relations/2021-workplace-and-gender-relations-survey-of-military-members-reports/>.

<sup>80</sup> See, e.g., Charles P. O'Brien et al (ed.), *Substance Use Disorders in the U.S. Armed Forces*, 25-63 (2013), <https://nap.nationalacademies.org/read/13441/chapter/9>. For an anecdotal example, see Meryl Kornfield et al, *Fentanyl Has Taken a Record Toll on the Army. Families Demand Answers*, WASH. POST (Jun. 2023), <https://www.washingtonpost.com/national-security/2023/06/12/fentanyl-overdoses-military-fort-bragg/>.

For a review of statistics related to drug use in the military, see: National Institute on Drug Abuse, *Substance Use and Military Life DrugFacts*, NAT'L INSTI. DRUG ABUSE (Oct. 2019), <https://nida.nih.gov/publications/drugfacts/substance-use-military-life>.

<sup>81</sup> Castro et al, *supra* note 79 at 3-6; Charles P. O'Brien et al (ed.), *Substance Use Disorders in the U.S. Armed Forces*, Ch. 7, 185-223 (2013), <https://nap.nationalacademies.org/read/13441/chapter/9>.

<sup>82</sup> See, e.g., Samuel T. Wilkinson et al, *Marijuana Use Is Associated With Worse Outcomes in Symptom Severity and Violent Behavior in Patients With Posttraumatic Stress Disorder*, 76 J. OF CLINICAL PSYCH. 1174, 1174 - 1180 (2015); Betsy S. O'Brien & Leo Sher, *Military Sexual Trauma as a Determinant in the Development of Mental and Physical Illness in Male and Female Veterans*, 25 INT'L J. OF ADOLESCENT MED. & HEALTH 269, 269 - 274 (2013).

<sup>83</sup> Government Accountability Office, *DOD and Services Need Better Data to Enhance Visibility over Recruiter Irregularities*, GAO, 21, 30-32 (2006) <https://www.gao.gov/assets/gao-06-846.pdf>

<sup>84</sup> ACLU, *Soldiers of Misfortune: Abusive U.S. Military Recruitment and Failure to Protect Child Soldiers* ACLU, 18-23 (May 13, 2008) [https://www.aclu.org/sites/default/files/field\\_document/2008.05\\_soldiers\\_of\\_misfortune\\_report.pdf](https://www.aclu.org/sites/default/files/field_document/2008.05_soldiers_of_misfortune_report.pdf).

affected by these recruitment practices could plausibly lose substantial trust in the military as an institution, given the dishonesty and intimidation channeled through an institutionalized military recruitment process. Moreover, in times of conflict, junior service members may (correctly or incorrectly) perceive certain orders as ethically unsound, especially when they lack knowledge of the broader strategic context or intelligence justifying the order; this, too, could yield suspicion or distrust of military leadership. Perhaps most directly (yet also anecdotally), throughout interviews of soldiers stationed at Fort Hood, interviewees consistently emphasized their “distrust” of military leadership to maintain confidentiality and promptly administer justice for criminal activity on base.<sup>85</sup> These phenomena not only breed discontent but could cast broader doubt on the military’s commitment to achieving its objectives in a legitimate, ethical manner. In tandem with various quality-of-life concerns endured by service members, these particularly trust-eroding experiences could plausibly lead some to lose faith in the military as an institution.

A prominent strand of literature on violent extremism draws links between reduced trust in traditional institutions and one’s propensity for violent extremism.<sup>86</sup> An individual who loses trust in traditional institutions may “seek solace in nontraditional, insalubrious, or radical alternatives,” perceiving that only “challenging convention” can viably promote their goals or values.<sup>87</sup> For example, right-wing vigilante extremists—often motivated by nativist or anti-immigrant sentiments—may pursue violence upon losing trust in local law enforcement to adequately manage perceived security threats;<sup>88</sup> alternatively, politically aspirant individuals may resort to violence upon losing faith in traditional channels of political participation to represent their views.<sup>89</sup>

Extreme caution is necessary when applying this research to the American military. It is unclear whether disillusionment with military leadership is likely to make service members believe that they should use violence to promote their political ideals. However, plausible connections between institutional trust and violent extremism may exist in the American military context. Perhaps, analogously to right-wing vigilantes taking law enforcement into their own hands when they perceive the institution in question to have neglected its duty, service members who lose trust in the military as an institution may seek to promote the military’s purported values through non-military organizations if they believe the military itself has failed to do so. Participation in the Oath Keepers, for example, could represent an impulse to take into one’s own hands the duties of the military—i.e., using force to uphold the Constitution, as both the military and the Oath Keepers claim to do. More simply, perhaps service members who lose trust in the federal government on account of adverse service experiences seek to enact violence against the very institution

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<sup>85</sup> *Report of the Fort Hood Independent Review Committee*, 37, 41-3, 108, 115 (2020),

[https://www.army.mil/e2/downloads/rv7/forthoodreview/2020-12-03\\_FHIRC\\_report\\_redacted.pdf](https://www.army.mil/e2/downloads/rv7/forthoodreview/2020-12-03_FHIRC_report_redacted.pdf):

<sup>86</sup> See, e.g., Adrian Cherney & Kristina Murphy, *Support for Terrorism: The Role of Beliefs in Jihad and Institutional Responses to Terrorism*, 31 TERRORISM & POLI. VIOLENCE 1049 – 1069 (May 3, 2017); Fathali Moghaddam, *The Staircase to Terrorism: A Psychological Exploration*, 60 AM. PSYCH. 161-169 (2005). For statistical analyses, see Finkel et al, *Community Violence and Support for Violent Extremism: Evidence from the Sahel*, POLI. PSYCH., 10-14 (2020) [hereinafter Finkel et al]; *supra* Wolfowicz et al at 31.

<sup>87</sup> *Supra*, Finkel et al at 3.

<sup>88</sup> See, e.g., Martin Laryš, *Far-Right Vigilantes and Crime: Law and Order Providers or Common Criminals? The Lesson from Greece, Russia, and Ukraine*, 22 SE. EUROPEAN & BLACK SEA STUDIES 479, 479-482, 487-488, 492-497 (June 8, 2022); Miroslav Mareš & Tore Bjørgo, *Vigilantism Against Migrants and Minorities: Concepts and Goals of Current Research, Vigilantism Against Migrants and Minorities* 3-8, 11-15 (2022). See generally, Paul H. Robinson, *The Moral Vigilante and Her Cousins in the Shadows*, 2 U. ILL. L. REV. 401 (2015).

<sup>89</sup> See, e.g., Muhammad Iqbal et al, *The Relationship between Existential Anxiety, Political Efficacy, Extrinsic Religiosity and Support for Violent Extremism in Indonesia*, STUDIES IN CONFLICT & TERRORISM, 5-6 (Feb. 2022) (significant inverse association between perceived political efficacy and individual-level support for violent extremism); Holley E. Hansen, et al, *Ethnic Political Exclusion and Terrorism: Analyzing the Local Conditions for Violence*, 37 PEACE SCI. SOCIETY 289-94 (July 4, 2018) (significant positive association between the political exclusion of an ethnic group within a geographic region, and levels of domestic terrorism within that region).



that wronged them, in the form of anti-*government* violence—the most common motivation for service members who engage in violent extremism.<sup>90</sup> For these reasons, adverse service experiences may function as risk factors for violent extremism not merely by reducing service members’ mental health or general well-being, but also by diminishing their trust in the military and government as institutions.

Finally, specific aspects of military recruitment and separation practices may partially explain ties between service members and DVE. With respect to recruitment, the military has historically diminished its enlistment standards during periods of high troop demand or low volunteerism. Lessened standards have permitted, for example, individuals convicted of violent felonies to enlist through increased dissemination of “moral waivers.”<sup>91</sup> For many of the reasons described above, these practices may causally contribute to radicalization by providing those with violent tendencies access to further training in violence or networks of violent peers. Alternatively, empirical analyses demonstrate strong ties between prior criminal activity and violent extremist behavior,<sup>92</sup> suggesting that recruitment practices which permit felons may simply select individuals into the military who would have been at high risk for violent extremism irrespective of military service. Moving forward, challenges associated with diminished recruitment standards may only increase—all branches of the armed forces face record-low recruitment rates.<sup>93</sup> If standards loosen in response, the military will likely admit increasing numbers of individuals who express risk factors for violent extremism. Even if service itself does not causally contribute to future violent extremism, the admission of individuals who express risk factors increases the likelihood that the military as an institution will increasingly become perceptually associated with DVE.

With respect to separation, certain aspects of current military policy may also contribute to violent extremism among service members. Although recent DoD initiatives suggest an attempt to bolster *preventive* measures against extremism in the ranks (e.g., education for veterans regarding DVE groups’ recruitment tactics),<sup>94</sup> the DoD’s present strategy seems fairly unsophisticated with respect to service members who *already* display extremist tendencies—commanders retain wide authority to determine the appropriate remedy, resulting in “non-uniform, scattershot enforcement” which often involves the blunt tool of separation.<sup>95</sup> A strategy of separation, however a) makes no attempt to counteract the underlying causes of extremism in the military and instead merely shifts the problem out of sight, b) imposes greater burdens on local and federal law enforcement who may already lack sufficient resources, and c) may even

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<sup>90</sup> Jensen et al *supra* note 3 at 2.

<sup>91</sup> See Lizette Alvarez, *Recruitment of Felons up in U.S. Army and Marine Corps*, N.Y. TIMES, (April 22, 2008) <https://www.nytimes.com/2008/04/22/world/americas/22iht-army.4.12232382.html>. For a monograph-length discussion, see MATT KENNARD, *IRREGULAR ARMY: HOW THE US MILITARY RECRUITED NEO-NAZIS, GANG MEMBERS, AND CRIMINALS TO FIGHT THE WAR ON TERROR*, (Sept. 17, 2012).

<sup>92</sup> Jensen et al, *The Link Between Prior Criminal Record and Violent Political Extremism in the United States*. Essay. In *Understanding Recruitment to Organized Crime and Terrorism*, 121–46.

<sup>93</sup> Courtney Kube & Molly Boigon, *Every Branch of the Military is Struggling to Make its 2022 Recruiting Goals, Officials Say*, NBC, (June 27, 2022) <https://www.nbcnews.com/news/military/every-branch-us-military-struggling-meet-2022-recruiting-goals-officials-rcna35078>.

<sup>94</sup> *Report on Countering Extremism Within the Department of Defense*, 12 - 13 (2021), <https://media.defense.gov/2021/Dec/20/2002912573/-1/-1/0/REPORT-ON-COUNTERING-EXTREMIST-ACTIVITY-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF>.

<sup>95</sup> For the quoted language, see Kat Stafford & James LaPorta, *Decades of DOD Efforts Fail to Stamp Out Bias*, AP NEWS (Dec. 29, 2021) <https://apnews.com/article/business-donald-trump-loyd-austin-veterans-arrests-aa564fe473dd4c347189bb39ad8a9201> (“Experts interviewed by the AP say there’s also ongoing concern over the military commander’s ability to enact a wide range of administrative and disciplinary actions – including administrative separation or appropriate criminal action – against military personnel who engage in prohibited activities. Commanders essentially have total discretion to determine how to address situations as they arise, which experts say has created non-uniform, scattershot enforcement, with some commanders establishing a no-tolerance approach and others employing weak enforcement of the rules.”). For current DoD procedural guidelines regarding extremism within the ranks, see *Department of Defense Instruction 1325.06*, DEP’T DEF., 12 (Nov. 27, 2009), <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.PDF>.

exacerbate the risk of future violence by discharged service members for many of the reasons outlined above. For example, if an individual perceives their discharge as wrongful government treatment, they may consequently lose trust in the government as an institution. Additionally, non-honorable discharge correlates with more severe PTSD symptoms.<sup>96</sup> To the extent that “scattershot enforcement”<sup>97</sup> also includes cases of excessive leniency (as opposed to separation), this too seems inadequate—lax responses to extremist activity on the part of military leadership may function as tacit, authoritative approval of such behavior, potentially exacerbating the radicalization process. In total, specific aspects of DoD current recruitment and separation practices may do little to reduce the preexisting probability that service members will engage in DVE; if anything, these practices may function as risk factors in themselves by reinforcing other potential contributors to violent extremism.

## 2. Potential Protective Factors

In contrast to the above considerations, various facets of military service may diminish service-member vulnerability to violent extremism. As the discussion below delineates, many putative protective factors derive from the same theoretical constructs that suggest vulnerabilities; through the lens of a single theory, one aspect of military service may indicate a heightened risk for violent extremism, while a separate element of service implies protection against the same. This section organizes protective factors into three distinct categories:

- 1) *Selection-based protection*—the effects of recruitment screening and a self-selecting population.
- 2) *Service as a safety net*—the potential role of military service as an outlet for violence and source of purpose/community.
- 3) *Government-backed benefits*—how existing veteran-specific programs may counteract risk factors for violent extremism.

### 2.1. *Selection-Based Protection: Screening and Self-Selection*

To begin, various *selection*-based phenomena may reduce the incidence of violent extremism risk factors within military populations—i.e., irrespective of any causal effects from service itself, the manner in which the military selects recruits may produce a service member population with lower rates of certain risk factors than the general population. First, recruitment screening procedures may function as a protective factor by simply barring individuals who exhibit particular risk factors from service. Despite complications posed by periodically relaxed enlistment standards (noted above), the military generally screens against individuals with severe mental illness and prior criminal history, both of which correlate with violent extremism to some extent.<sup>98</sup> The screen against prospective recruits with criminal history is perhaps

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<sup>96</sup> *Supra*, Kintzle et al note 66 at 4-6.

<sup>97</sup> Stafford & LaPorta, *supra* note 95.

<sup>98</sup> For research on the link between mental illness and violent extremism, *see* notes 33, 66-67. For research on the link between criminal history and violent extremism, *see* note 99.

particularly notable—multiple empirical analyses have found an especially strong inverse relationship between law abidance and extremist behavior.<sup>99</sup> Law abidance may imply a belief in the legitimacy or normative weight of legal prohibitions, consequently reducing an individual’s willingness to violate the law through violent extremism;<sup>100</sup> alternatively, law abidance may simply indicate a fear of legal sanction, which could deter such individuals from engaging in extremist activity. Regardless of one’s reasons for obeying the law, a general tendency to do so seems to correlate inversely with violent extremism,<sup>101</sup> and the military’s enlistment screening process consequently may function as a protective factor by effectively selecting for law-abiding individuals.

In addition to screening-based selection effects, self-selection may play a role in limiting the connection between military service and DVE—the type of individual who elects to volunteer for service may, for a variety of reasons, be less likely to express certain risk factors for violent extremism than an average individual. For example, service members (at least upon entry into the ranks) may possess greater trust in governmental institutions on average than the general population. In survey data, a substantial proportion of active-duty service members cite patriotic motivations for enlistment, expressing a desire to serve their country;<sup>102</sup> this same desire represents the most commonly selected rationale for *remaining* in the armed forces, in DoD surveys of active-duty Army.<sup>103</sup> These individuals choose to serve their country *through the institutions of government* and reaffirm this choice even after multiple years in the armed forces. This persistent willingness to risk one’s life on behalf of a government institution, under the command of a government institution, may reflect heightened overall trust in governmental institutions within the service-member population—the absence of which may causally contribute to violent extremism, as suggested above. As such, the volunteer-based system of military recruitment may, in practice, function as a protective factor against violent extremism, in that the average individual who chooses to volunteer retains heightened levels of trust in governmental institutions.

## 2.2. *Service as a Safety Net: Outlet for Violence, Source of Purpose, Sense of Community*

Military service itself may causally protect service members against violent extremism. Several of the same theoretical frameworks applied above to vulnerabilities conversely imply this protective function. First, if the military indeed attracts individuals with a preexisting proclivity for violence, service may function as a more legitimate, less socially destructive outlet for those who otherwise would have exercised this proclivity by engaging in violent extremism. Although combat training, as noted above, may enhance an individual’s capacity to engage in future extremist activity, service nonetheless enables individuals to channel violent tendencies toward lawful military objectives rather than criminal activities. Especially for

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<sup>99</sup> Clemmow et al, *The Base Rate Study: Developing Base Rates for Risk Factors and Indicators for Engagement in Violent Extremism*, 65 J. FORENSIC SCI. 29-39 (2020); *supra* Wolfowicz et al at 40 (significant negative effect of law abidance on radical behavior); Jensen et al *supra* note 11 at 29-39.

<sup>100</sup> See e.g., Noémie Bouhana, *The Moral Ecology of Extremism: A Systemic Perspective*, 13 (July 2019) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/834354/Bouhana-The-moral-ecology-of-extremism.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834354/Bouhana-The-moral-ecology-of-extremism.pdf); 13; Rottweiler et al, *Individual and Environmental Explanations for Violent Extremist Intentions: A German Nationally Representative Survey Study*, 39 JUSTICE QUARTERLY 825, 826-7, 838 (Jan. 15, 2021) <https://www.tandfonline.com/doi/pdf/10.1080/07418825.2020.1869807>

<sup>101</sup> *Supra*, note 99.

<sup>102</sup> Woodruff et al, *Propensity to Serve and Motivation to Enlist Among American Combat Soldiers*, 32 INTER-UNIVERSITY SEMINAR ON ARMED FORCES AND SOC. 359 (Apr. 2006)

<sup>103</sup> See *Department of the Army Career Engagement Survey: First Annual Report, 2021*, [https://talent.army.mil/wp-content/uploads/2021/11/DACES-Annual-Report\\_JUNE2021.pdf](https://talent.army.mil/wp-content/uploads/2021/11/DACES-Annual-Report_JUNE2021.pdf): 10, 28-9.

service members who remain in the armed forces for a protracted period of time, service may provide an outlet for violent tendencies for long enough to divert them from future violent extremism; the median age of American violent extremists with service history is 37 years old, potentially implying the existence of a loose age threshold beyond which age-related factors render violent extremism less feasible.<sup>104</sup>

Furthermore, as noted above, certain theoretical analyses of violent extremism place emphasis on the loss of individual purpose as a catalyst for future extremist activity; this same theoretical approach may conversely suggest a protective function of military service. Although many service members likely suffer a loss of purpose upon discharge, the same logic would suggest that service members *acquire* purpose through enlistment. In survey data on active-duty soldiers' reasons for enlistment, prominent responses include a desire to serve one's country, the absence of preferable alternatives, and the preceding occurrence of a "crisis" (e.g., unemployment or divorce).<sup>105</sup> All such responses may indicate that many service members choose to enlist (at least in part) to fill a personal void or regain a lost sense of purpose. As such, although military service may occasionally be responsible for the loss of significance which precipitates violent extremism, it stands to reason that the armed forces conversely may function as a sort of purpose-based "safety net" against extremist activity, providing purpose to a population of individuals who otherwise may have sought it elsewhere, including in violent extremism.<sup>106</sup> The protection provided by this safety net could be quite extensive in duration; some individuals find lifelong vocation through military service, from active-duty to involvement in veterans' organizations post-discharge.

Similarly, this conception of the military as a safety net applies to theories of violent extremism which emphasize an individual's need for *community* as an incentive to participate in extremist organizations. If military service provides purpose to individuals who otherwise may have sought it through violent extremism, the military may also offer a sense of community to those who otherwise would have discovered community through participation in a DVE group. For example, as noted above, service members endure adverse childhood experiences at rates higher than the general population; this may imply that some individuals join the military to gain a sense of belonging not present in their pre-enlistment environment.

### 2.3. Government-Backed Benefits: Military-Specific Programs

Finally, various benefits associated with military service may protect service members against violent extremism by counteracting presumptive risk factors, such as unemployment.<sup>107</sup> Experience in the armed forces provides many service members with transferable skills attractive to employers; advanced individual training in engineering, medicine, or other fields can open post-discharge employment opportunities even for service members who lack a college education. In survey data, a majority of veterans across all experience levels report that military service was "useful in giving them the ... training needed for a job outside the military."<sup>108</sup> Moreover, per federal law, veterans are entitled to preferential hiring for the majority of federal occupations.<sup>109</sup> Despite severe post-separation challenges encountered by many

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<sup>104</sup> Jensen et al *supra* note 10 at 24.

<sup>105</sup> *Supra* Woodruff et al at 359.

<sup>106</sup> For research on the link between loss of purpose and violent extremism, *see* notes 55-57.

<sup>107</sup> For examples of studies supporting a significant association between unemployment and violent extremism *see* LaFree et al *supra* note 33 at 233, 248-253; Yener Altunbas & John Thornton, *Are Homegrown Islamic Terrorists Different? Some UK Evidence*, 78 S. ECON. J. 262, 266-272 (Oct. 2011).

<sup>108</sup> Parker et al, *The American Veteran Experience and the Post-9/11 Generation*, PEW RSCH. CTR. (Sept. 10, 2019) <https://www.pewresearch.org/social-trends/2019/09/10/the-american-veteran-experience-and-the-post-9-11-generation/>

<sup>109</sup> For details, *see* Feds Hire Vets, *Veterans' Preference*, FEDSHIREVETS <https://www.fedshirevets.gov/job-seekers/veterans/veterans-preference/> (last visited Jul. 30, 2023).

service members, the veteran unemployment rate hovers only slightly above that of the general population and diminishes dramatically with time-since-separation,<sup>110</sup> which could indicate that veteran-specific employment benefits counteract the negative employment effects of separation. Taken together, the employment-based benefits of service may consequently shield veterans against extremist activity. As with mental illness, the empirical evidence connecting unemployment to violent extremism is somewhat ambiguous; statistical significance, effect sizes, and even the direction of the effect vary across different populations and social contexts.<sup>111</sup> With respect to the military, American veterans who engage in violent extremism do appear to experience unemployment at rates far above non-extremist veterans,<sup>112</sup> although empirical data remains limited. Unemployment could thus represent one of a mosaic of risk factors which, in select circumstances, coalesce to produce violent extremism, and the employment-based benefits of military service function as a protective factor by hindering such a process.

In a similar fashion, other government-backed military benefits could diminish tendencies toward violent extremism in the military. With few reservations, all active-duty service members and veterans enjoy access to comprehensive health insurance (with coverage for pharmaceuticals and mental health care), specialized VA home loans at discounted rates, stipends for university and vocational courses through the GI Bill, and various other benefits.<sup>113</sup> As with unemployment, empirical research yields varied results when investigating ties between basic standards of living (mental health, financial stability, education level) and violent extremism.<sup>114</sup> Nonetheless, some empirical analyses do suggest that financial stability and education correlate inversely with violent extremism or support for violent extremism.<sup>115</sup> Accordingly, finance-related and education-related government benefits may function as protective factors against violent extremism for individuals with military experience.

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<sup>110</sup> David S. Loughran, *Why is Veteran Unemployment So High?*, RAND CORPORATION, ix-x (2014) [https://www.rand.org/pubs/research\\_reports/RR284.html](https://www.rand.org/pubs/research_reports/RR284.html)

<sup>111</sup> For empirical analyses that support a significant association between unemployment and violent extremism, see note 107. For empirical analyses that undermine the connection between unemployment and violent extremism, see: KAMALDEEP BHUI ET AL, MIGHT DEPRESSION, PSYCHOSOCIAL ADVERSITY, AND LIMITED SOCIAL ASSETS EXPLAIN VULNERABILITY TO AND RESISTANCE AGAINST VIOLENT DERADICALISATION, 4 (Sept. 24, 2014) (no significant association between individual-level unemployment and “sympathies towards violent protest and terrorism”); Jeffrey Treisman, *Social Exclusion and Political Violence: Multilevel Analysis of the Justification of Terrorism*, STUDIES IN CONFLICT & TERRORISM, 12-14, 17 (Mar. 10, 2021) (significant inverse association between state-level unemployment and individual-level support for terrorism, controlling for individual-level unemployment); Alan Krueger, *What Makes a Homegrown Terrorist? Human Capital and Participation in Domestic Islamic Terrorist Groups in the U.S.A.*, 5-6 (2008) (no statistically significant difference in unemployment between population of individuals charged with Islamic terrorist attacks, as compared to a sample of American Muslims).

<sup>112</sup> Jensen et al *supra* note 10 at 25, 32, 37.

<sup>113</sup> For details, see USA.gov, *Military Pay and Benefits*, <https://www.usa.gov/military-assistance> (last visited on Jul. 28, 2023).

<sup>114</sup> For empirical research on the connection between mental illness and violent extremism, see notes 33, 67-68. For examples of conflicting research on the relationship between education levels and violent extremism, see Claude Berrebi, *Evidence About the Link between Education, Poverty, and Terrorism Among Palestinians*, 37-9, 42-5 (Mar. 14, 2003) (education positively associated with violent extremism at the individual level); Krueger and Malečková, *Education, Poverty and Terrorism: Is There a Causal Connection*, 125-8, 131-2, 140-2 (2008) <https://pubs.acaweb.org/doi/pdfplus/10.1257/089533003772034925> (positive association between education level and support for/participation in terrorism at the individual level, but no significant association between education level and terrorism incidence at the country level); Alexander Lee, *Who Becomes a Terrorist?: Poverty, Education, and the Origins of Political Violence*, WORLD POLL., 230 – 4 (April 7, 2011) (at the individual level, inverse association between education and terrorism participation, comparing terrorists to nonviolent activists). For empirical research on the link between financial stability and violent extremism, see C. Christine Fair et al, *Relative Poverty, Perceived Violence, and Support for Militant Politics: Evidence from Pakistan*, 6 POLI. SCI. RSCH. AND METHODS 70-3, 75-8 (Jan. 2018) (at the individual level, significant inverse association between perceived relative poverty and support for militant groups); Jennifer Kavanagh, *Selection, Availability, and Opportunity: The Conditional Effect of Poverty on Terrorist Group Participation*, 55 J. CONFLICT RESOLUTION 116-125 (June 29, 2010) (significant positive association between poverty and participation in terrorism, but only for individuals with a baseline level of education).

<sup>115</sup> Krueger and Malečková, Id.

### 3. Proposed Solutions

Potential solutions for countering DVE in the military have been proposed by numerous institutions ranging from the DoD to various nongovernmental organizations. However, since many aspects of these solutions tend to overlap with each other, for the sake of clarity this paper has identified and grouped the most common solutions thematically. The four major themes this paper focuses on are media protection, education, junior leadership interventions, and community build-up.

Before turning to these themes, it is important to address the activity of the key actor in countering DVE in the military space, namely, the DoD. Although the military already screens against individuals with certain mental health conditions, history of drug use, and prior criminal convictions that could lead to a predisposition to violent or abnormal behavior,<sup>116</sup> these screenings operate primarily at the point of entry into the armed services and are of little use in countering extremist radicalization within the ranks once it foment.<sup>117</sup> Accordingly, the DoD has engaged in numerous efforts to examine extremist behavior in the armed forces and sought solutions to prevent extremist activities.<sup>118</sup>

The most prominent examples of such efforts are the recent 2021 department-wide stand down instructions to guide DoD personnel on the threat posed by extremist activity, ordered by Secretary of Defense Lloyd J. Austin III, and his directive to take a series of immediate actions toward resolving the problem of DVE in the military and to establish the Countering Extremist Activity Working Group (CEAWG)<sup>119</sup> to implement these actions and provide recommendations.<sup>120</sup> The immediate actions directed by the Secretary of Defense were to update regulatory definitions to clarify what is prohibited extremist activity,<sup>121</sup> update the service member transition checklist,<sup>122</sup> standardize screening questionnaires, and commission a study on extremist activity.<sup>123</sup> The CEAWG has also provided multiple recommendations, such as to develop regular training and education on extremism, and to update and modernize related military policies and programs.

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<sup>116</sup> Robert Andrew Cardona & Elspeth Cameron Ritchie, *U.S. Military Enlisted Accession Mental Health Screening: History and Current Practice*, 172 *MILITARY MEDICINE* 31–35 (2007).

<sup>117</sup> *Id.* (“Current accession screening continues to reflect these principles by identifying only gross mental health disability and assessing functional capacity as educational achievement.”).

<sup>118</sup> See *Report on Countering Extremist Activity Within the Department of Defense*, (Dec. 20, 2021), <https://media.defense.gov/2021/Dec/20/2002912573/-1/-1/0/REPORT-ON-COUNTERING-EXTREMIST-ACTIVITY-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF> [hereinafter *Report on Countering Extremist Activity Within the Department of Defense*]

<sup>119</sup> Jim Garramone, *Austin Orders Military Stand Down to Address Challenge of Extremism in the Ranks*, *DOD NEWS* (Feb. 3, 2021) <https://www.defense.gov/News/News-Stories/Article/Article/2492530/austin-orders-military-stand-down-to-address-challenge-of-extremism-in-the-ranks/>

<sup>120</sup> See e.g., *Report on Countering Extremist Activity Within the Department of Defense supra* note 118.

<sup>121</sup> *Id.* at 9 (“The DoD Instruction 1325.06 prohibited service members from “active advocacy” of extremist groups and required the rejection of “active participation.” The instruction was revised to more clearly define “extremist activities” and “active participation” to be much more comprehensive.”).

<sup>122</sup> *Id.* at 12. (“The Military-Civilian Transition Office, the entity responsible for the safe transition of DoD personnel to civilian life, now has language in the Pre-Separation Counseling Script for the Transition Assistance Program reinforcing key language to honor the oath DoD members took and to support and defend the Constitution. The new script also provides numerous tools to assist DoD members to combat extremist activities, including the FBI’s Tip Form and how to make reports to authorities.”).

<sup>123</sup> The study is expected to follow three phases: a review of common frameworks in considering DVE, research involving DVE, and recommendations for countering DVE in the military. The study will also consider a review of approaches used by agencies in considering the prevalence of DVE, and finally, a consideration of the development of recommendations pertaining to “military forces and to DoD civilian personnel and contract employees.” For a more detailed overview of the study, see *Id.* at 14.

At present, DoD efforts to counter violent extremism face fierce opposition in the U.S. Senate.<sup>124</sup> In summer of 2022, the Senate Armed Services Committee (SASC) called on the DoD to discontinue such efforts “immediately.”<sup>125</sup> Moreover, the final version of the 2023 National Defense Authorization Act did not include the vast majority of the House-passed provisions pertaining to DVE in the military.<sup>126</sup>

Recognizing the dynamic nature of the political landscape, however, this section (as well as Section Four) presents and discusses numerous proposed solutions to the problem of DVE in the military that are addressed at or expected to be implemented by the DoD (whether they are proposed by governmental or nongovernmental organizations).

As noted above, the four major themes of solutions this section surveys are media protection, education, junior leadership interventions, and community build-up.

### 3.1. Media Protection

Researchers have offered initiatives on media literacy as a means to “protect [DoD] audiences against violent extremism.”<sup>127</sup> Media literacy programs can “help audiences be curious about sources of information, assess their credibility, and think critically about the material presented.”<sup>128</sup> Developing media literacy training programs tailored for service members could be especially valuable against the current background of proliferating foreign and domestic misinformation.<sup>129</sup> Such programs may help service members consider and evaluate information more critically.<sup>130</sup> Moreover, they could be “critical for deradicalization”<sup>131</sup> when coupled with access to diversified and valid information sources.<sup>132</sup>

Relatedly, extremism researchers found that a key driver of radicalization is “the avid consumption of ... online propaganda.”<sup>133</sup> Accordingly, addressing such online propaganda is crucial. One way to do so that is uniquely available to the DoD is to outright ban service members from accessing certain websites.<sup>134</sup> However, the DoD can also rely on less radical interventions, including those developed by the private sector. One such example is the “Redirect Method” developed by Moonshot, a private company that uses open source data to counter extremism.<sup>135</sup> The Redirect Method’s modus operandi is to place targeted ads “in the search results and social media feeds”<sup>136</sup> of people searching for keywords associated with certain types of online harms.<sup>137</sup> As the name suggests, these individuals are then redirected to alternative content that “responds to and counters socially harmful narratives, arguments and beliefs espoused by the content

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<sup>124</sup> For a brief summary of such opposition, see e.g., Carlin Keally and Andrew Mines, *Amid the Rising Tide of Hate, What Happened to Countering Extremism in the US Military?*, MILITARY TIMES (Mar. 15, 2021).

<sup>125</sup> See e.g., Heidi Beirich, *Republicans: Downplaying the Dangers of Extremism Only Harms Our Troops*, THE HILL (Apr. 25, 2022) <https://thehill.com/opinion/national-security/3966624-republicans-downplaying-the-dangers-of-extremism-only-harms-our-troops/>; John M. Donnelly, *Final NDAA Removes Most House Provisions on Hate Groups*, ROLL CALL (Dec. 14, 2022) <https://rollcall.com/2022/12/14/final-ndaa-removes-most-house-provisions-on-hate-groups/>

<sup>126</sup> Id.

<sup>127</sup> Todd C. Helmus et al., *Countering Violent Extremism in the U.S. Military*, RAND CORPORATION, 7 (2021) [https://www.rand.org/pubs/research\\_reports/RRA1226-1.html](https://www.rand.org/pubs/research_reports/RRA1226-1.html).

<sup>128</sup> Id.; see also Ryan A. Brown et al., *Violent Extremism in America: Interviews with Former Extremists and Their Families on Radicalization and Deradicalization*, RAND CORPORATION (2021) [https://www.rand.org/pubs/research\\_reports/RRA1071-1.html](https://www.rand.org/pubs/research_reports/RRA1071-1.html).

<sup>129</sup> Helmus et al., *supra* note 127 at 7.

<sup>130</sup> Id.

<sup>131</sup> Brown et al., *supra* note 128 at 87

<sup>132</sup> Id.

<sup>133</sup> Helmus et al., *supra* note 127 at 8.

<sup>134</sup> See Helmus et al., *supra* note 127, at 8 n.3 (providing a suggestion in this vein in addition to other methods).

<sup>135</sup> Moonshot, <https://moonshotteam.com/the-redirect-method/> (last visited May 22, 2023).

<sup>136</sup> Id.

<sup>137</sup> Id.; Helmus et al., *supra* note 127 at 8.

for which they were originally searching.”<sup>138</sup> RAND Corporation researchers analyzed this option and stressed that although not much is known about the ultimate effectiveness of the Redirect Method for countering DVE,<sup>139</sup> its “highly targeted nature ... offers a unique opportunity for the DoD to address the presence of extremism in the ranks.”<sup>140</sup> They also emphasized an additional benefit: since this method can operate on a county level, it could be employed selectively “only in counties where U.S. military installations are present,” to provide a far more tailored approach to countering DVE.<sup>141</sup>

### 3.2. Education

Effective education is essential to gaining the knowledge and ability to discern critical information about extremism, which is crucial to countering it.<sup>142</sup> Indeed, the DoD itself (via CEAWG) had proposed an “education and outreach plan,” consisting of “training aids to educate and inform a wide range of audiences regarding the importance of reporting information pertaining to extremist activities.”<sup>143</sup>

One way to disseminate the requisite education in the military is through its Professional Military Education (PME),<sup>144</sup> which it already regularly provides to officers.<sup>145</sup> The Center for a New American Security (CNAS), for instance, provides a recommendation in this regard, suggesting that adapting certain portions of the PME, specifically to incorporate ethics training, can be useful in countering DVE as it may motivate service members to “pursue behavioral change in themselves and their units.”<sup>146</sup>

In a similar vein, the RAND Corporation suggests further key components of a potential training curriculum designed to counter DVE in the military. According to RAND, the DoD “will need to develop a force-wide training curriculum to educate personnel on the threat that extremist groups pose to U.S. military personnel, information on specific extremist groups and recruitment tactics, information on Defense policies with respect to extremism,”<sup>147</sup> as well as on the expectations for service members with regard to these policies.<sup>148</sup> Such training may do more than only educate audiences about the threat of radicalization. It can also serve to “inoculate” service personnel to DVE recruitment efforts so that they “develop strategies for rebuffing extremist arguments and recruitment activities.”<sup>149</sup>

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<sup>138</sup> Id.

<sup>139</sup> Helmus et al. *supra* note 127 at 8.; Ryan Greer & Vidhya Ramalingam, *The Search for Extremism: Deploying the Redirect Method*, WASH. INST. (2020), <https://www.washingtoninstitute.org/policy-analysis/search-extremism-deploying-redirect-method> (last visited May 22, 2023).

<sup>140</sup> Helmus et al. *supra* note 127 at 8.

<sup>141</sup> Id.

<sup>142</sup> Helmus et al. *supra* note 127 at 9.

<sup>143</sup> Id. at 8.

<sup>144</sup> See generally DEVELOPING TODAY’S OFFICERS JOINT OFFICERS FOR TOMORROW’S WAR: THE JOINT CHIEFS OF STAFF VISION AND GUIDANCE FOR PROFESSIONAL MILITARY EDUCATION & TALENT MANAGEMENT (2020), [https://www.jcs.mil/Portals/36/Documents/Doctrine/education/jcs\\_pme\\_tm\\_vision.pdf?ver=2020-05-15-102429-817](https://www.jcs.mil/Portals/36/Documents/Doctrine/education/jcs_pme_tm_vision.pdf?ver=2020-05-15-102429-817).

<sup>145</sup> CARRIE CORDERO ET AL., PROTECTING THE PROTECTORS: PREVENTING AND MITIGATING DOMESTIC VIOLENT EXTREMISM IN THE MILITARY, VETERAN, AND LAW ENFORCEMENT COMMUNITIES (2022), <https://www.cnas.org/press/press-release/new-cnas-report-protecting-the-protectors-preventing-and-mitigating-domestic-violent-extremism-in-the-military-veteran-law-enforcement-communities>.

<sup>146</sup> Id.

<sup>147</sup> Helmus et al. *supra* note 127 at 9.

<sup>148</sup> Id.

<sup>149</sup> Helmus et al., *supra* note 127 at 5. See also Id., at 6. While the DoD stand down sought, in part, to address these issues, such efforts have been described as “reactionary, sporadic, and inconsistent”. See, e.g., Cordero et al. *supra* note 145.



The RAND Corporation also maintains that education on extremism in the military could draw on sources beyond the DoD.<sup>150</sup> For instance, interacting with the civilian world is useful to the DoD counter-DVE efforts, as civilian law enforcement (and other civilian organizations) may possess useful information on groups outside of military institutions and whether any of these groups' members are affiliated with the DoD.<sup>151</sup> Moreover, the DoD can use this information and harness its already existing organizational structures, such as Community Action Teams (CATs),<sup>152</sup> to develop a variety of educational tools that could be disseminated to service members at the relevant installations,<sup>153</sup> thus providing "a viable resource for coordinating strategies to identify and address patterns related to signs ... of extremism."<sup>154</sup>

Similarly, the DoD could draw on the experiences of other governmental departments.<sup>155</sup> For example, the Department of Homeland Security has used a service-equivalent toolkit called the Community Awareness Briefing (CAB) that provides communities with a foundational education in learning to prevent radicalization.<sup>156</sup> RAND Corporation suggests that the CAB could be modified to fit the mission of the DoD by creating a "CAB-like briefing that can be delivered ... to special audiences, such as those in a high-risk unit or installation."<sup>157</sup>

### 3.3. Junior Leadership Intervention

Another tool to prevent violent extremism is to empower junior leaders to address it.<sup>158</sup> Often, junior leaders are the most direct supervisors of enlisted service members and may be the first to identify extremism among them.<sup>159</sup> As researchers at RAND noted, this puts junior leaders in the best position to address such extremism, for instance, through reporting them up the chain of command to initiate official proceedings, as DoD regulations require.<sup>160</sup>

Researchers from CNAS also recognized the importance of junior leaders, suggesting that it is "a leadership responsibility at *every* echelon,"<sup>161</sup> including in the smallest units, to counter DVE through inculcating professional ethics, as the "self-regulating nature of the service ethic ... requires *full* participation,"<sup>162</sup> and that it is important for conversations and dialogues to be proliferated at the "*local* unit level."<sup>163</sup>

However, empowering junior leaders to serve such a role requires recognizing complex considerations and perceptions that may affect them.<sup>164</sup> For instance, if junior leaders consider the military's official investigation and enforcement processes unfair or ineffective, they will be less likely to report their

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<sup>150</sup> MAREK N. POSARD, LESLIE ADRIENNE PAYNE & LAURA L. MILLER, REDUCING THE RISK OF EXTREMIST ACTIVITY IN THE U.S. MILITARY, RAND CORPORATION, 7 (2021).

<sup>151</sup> *Id.* at 12

<sup>152</sup> For a detailed overview of the role of the Community Action Team, see generally Matthew Chinman, et al., *Getting to Outcomes: Operations Guide for U.S. Air Force Community Action Teams*, RAND CORPORATION (2020), [https://www.rand.org/content/dam/rand/pubs/tools/TL300/TL311/RAND\\_TL311.pdf](https://www.rand.org/content/dam/rand/pubs/tools/TL300/TL311/RAND_TL311.pdf).

<sup>153</sup> Posard et al. *supra* note 150 at 11.

<sup>154</sup> *Id.*

<sup>155</sup> Helmus et al., *supra* note 127 at 9.

<sup>156</sup> CENTER FOR PREVENTION PROGRAMS AND PARTNERSHIPS (2023), <https://www.dhs.gov/CP3> (last visited Jul 9, 2023).

<sup>157</sup> Helmus et al., *supra* note 127 at 9.

<sup>158</sup> Helmus et al., *supra* note 127 at 11-12.

<sup>159</sup> *Id.*

<sup>160</sup> *Id.*, see also Kathryn Eklund et al., *On Combatting Extremism in our Army*, MEDIUM (2021), <https://medium.com/leadership-counts/on-combatting-extremism-in-our-army-f77db6522f4c> (last visited Jul 9, 2023).

<sup>161</sup> Cordero et al., *supra* note 145 at 12 (emphasis added).

<sup>162</sup> *Id.*, (emphasis added).

<sup>163</sup> *Id.*, (emphasis added).

<sup>164</sup> Helmus et al., *supra* note 127 at 11-12.

suspicious higher up the chain of command.<sup>165</sup> Likewise, junior leaders could feel socially obligated to *not* report anything at all, due to their loyalty to their subordinates and peers and desire to keep unit cohesion.<sup>166</sup> Moreover, junior leaders may have difficulty determining what type of potentially questionable conduct will rise to the level of extremism they are mandated to report, and may resolve any uncertainty in favor of not reporting, due to the aforementioned considerations.<sup>167</sup>

In addition to taking these considerations into account in the context of reporting, numerous organizations have proposed that countering DVE efforts may benefit from empowering junior leaders to use other, less formal avenues. For instance, junior leaders could make a difference by speaking out against extremism and addressing signs of this problem among their peers and subordinates through peer influence and use of non-punitive means.<sup>168</sup>

### 3.4. Community Build-Up

Nongovernmental institutions have also proposed empowering service members and veterans through community build-up. The RAND Corporation suggests, for instance, taking a “community-based”<sup>169</sup> approach to countering DVE in the military by considering the broader military community (which includes, besides active duty service members, also those in reserve status, their families, and DoD civilian employees).<sup>170</sup> RAND researchers stress that existing community service providers in the military can “provide general guidance on how to break cycles of outrage and hate and to manage personal relationships with [those with] extremist views,”<sup>171</sup> “organize activities to dispel stereotypes and myths promulgated by hate groups,”<sup>172</sup> and “organize real-time . . . sessions with reformed extremists to understand the impact of extremism.”<sup>173</sup> Additionally, “service providers could also alert [military] leaders to signs of misinformation, recruitment, and emerging groups that may be posing a threat to the military community.”<sup>174</sup>

A focus on community build-up is also applicable to veterans. For instance, as mentioned above, one of the immediate actions directed by the Secretary of Defense in 2021 was to add to the service member transition checklist certain provisions on extremist groups and mechanisms enabling veterans to report any potential contacts with such groups.<sup>175</sup> This update did not address veterans’ connection with communities after the service-transition. Yet encouraging strong relationships between the DoD, Department of Veterans Affairs, and community-based veterans’ organizations can serve to prevent violent extremism by minimizing the allure of extremism while also leveraging existing military programs that already support veterans.<sup>176</sup> Indeed, CNAS has suggested that members of professions that form a large part of their

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<sup>165</sup> Id.

<sup>166</sup> See e.g., Terry and McQuinn, *supra* note 48 (stressing the tension between service members’ loyalty to their peers and their duty to report violations).

<sup>167</sup> Helmus et al., *supra* note 127 at 11.

<sup>168</sup> See Eklund et al., *supra* note 160; Jensen et al *supra* note 10, at 43; *C.f.*, *Helping Veterans Thrive: The Importance of Peer Support in Preventing Domestic Violent Extremism*, 117<sup>th</sup> Cong. 7 (2022) (statement of William Braniff, Bd. Member, We the Veterans).

<sup>169</sup> Posard et al., *supra* note 150 at 15-16.

<sup>170</sup> Id.

<sup>171</sup> Id.

<sup>172</sup> Id.

<sup>173</sup> Id.

<sup>174</sup> Id.

<sup>175</sup> See *Report on Countering Extremist Activity Within the Department of Defense* *supra* note 118 at 6.

<sup>176</sup> Cordero et al., *supra* note 145 at 10-11

community and identity, like the military, may miss these features when transitioning out of service, and DVE organizations may appear to provide an appealing substitute.<sup>177</sup> Veteran organizations, however, can credibly offer a sense of “community and mission”<sup>178</sup> that service members may be missing and thus undercut the allure of DVE organizations.<sup>179</sup> START has similarly suggested that building such community institutions would be effective because the “nexus between extremism and the U.S. military is strongest in the veteran community.”<sup>180</sup>

START proposes another means of facilitating successful post-service transition by empowering communities. They suggest using “Public Affairs Officers”<sup>181</sup> to advance “alternative narratives”<sup>182</sup> that promote “positive, prosocial empowerment of veterans”<sup>183</sup> in order to counteract “violent, anti-social narratives that are offered by extremist movements.”<sup>184</sup> (Public Affairs Officers already exist in the military, and their role is to liaise with a variety of audiences to promote public trust.)<sup>185</sup> START researchers also suggested that veterans’ organizations may be especially influential and could take on a key role in conveying information aimed at countering extremists’ messaging that targets veterans.<sup>186</sup>

## 4. Ethical Concerns Pertaining to the Proposed Solutions

### 4.1. *DoD Implemented Initiatives*

Counter-extremism policies, whether proposed by NGOs or governmental institutions, may raise special ethical concerns when such policies are implemented by the DoD and the military themselves, given the authority of military leadership to impose punitive sanctions, the importance of preserving military cohesion and readiness, and the value of maintaining the military’s apolitical identity. As such, this subsection considers the ethics of DoD-led counter-extremism policy in particular. As discussed above, potential DoD-led responses include junior leadership enforcement of policies that prohibit extremist advocacy, along with DoD-generated educational programs to warn against the dangers of extremist belief and recruitment. These initiatives may implicate ethical concerns related to free speech and expression. Any intervention that seeks to prohibit or advise against “extremism” or “extremist activities” necessarily entails defining those terms and consequently identifying particular strands of belief and conduct which meet said definitions (the DoD includes a definition of “extremist activities” in DoDI 1325.06(3)8.c.(1)).<sup>187</sup> The text of this definition seems to apply in a fairly broad, facially unbiased manner—e.g., it includes “advocating or engaging in unlawful force or violence to achieve goals that are political,”<sup>188</sup> which

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<sup>177</sup> Id. at 13.

<sup>178</sup> Id.

<sup>179</sup> Id.

<sup>180</sup> Jensen et al, *supra* note 10 at 43.

<sup>181</sup> Id.

<sup>182</sup> Id.

<sup>183</sup> Id.

<sup>184</sup> Id.

<sup>185</sup> Public Affairs Officers, CAREERS IN THE MILITARY (2022), <https://www.careersinthemilitary.com/career-detail/public-affairs-officers> (last visited Jul 9, 2023).

<sup>186</sup> Jensen et al., *supra* note 10 at 43.

<sup>187</sup> See *Department of Defense Instruction*, DEP’T DEF. 3, 9-11 (Nov. 27, 2009),

<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/132506p.PDF>.

<sup>188</sup> Id. at 1325.06(3)8.c.(1)(b).

presumably encompasses endorsement of both left- and right-wing violent extremism. However, the enforcement of anti-extremist policy is a necessarily subjective process controlled by authorities with their own ideological subjectivities and therefore may result in the denigration of expression based on mere political or ideological disapproval (or be perceived as such). Similarly, educational program(s) against violent extremism may also bear political or ideological bias if not constructed with special care to avoid hyperfocus on a particular subset of violent extremism or extremist ideology. In addition, given these subjective components, the possibility of unequal enforcement of anti-extremist policies raises ethical concerns regarding free speech principles, which traditionally caution against discrimination based on viewpoint—even when two viewpoints are both reprehensible.<sup>189</sup>

Alternatively, even if DoD authorities generate and enforce anti-extremist policies in an unbiased fashion, and even if these initiatives only denigrate unequivocally extremist activity, the approach may nonetheless have a chilling effect on individuals who wish to convey ideologically proximal yet legitimate messages. For example, the DoD’s definition of “extremist activities” includes “advocating widespread unlawful discrimination based on race, color, national origin, religion, sex, gender identity...”<sup>190</sup> Yet, isolating precisely what constitutes discrimination is the subject of much legal, political, and philosophical debate, and this ambiguity may result in both a) over-zealous prescription of expression within the military and b) the chilling of legitimate discussion on sensitive matters.

Furthermore, DoD-led anti-extremist programs may disrupt military cohesion, readiness, and efficacy. Individuals who are pressured to remain silent on issues discussed above may feel alienated by efforts to counter extremism even if they do not engage in extremist activity, hindering their capacity to complete military objectives and cooperate with fellow service members. This concern may become especially acute if anti-extremism programming is led by those responsible for giving vital orders, fostering distrust between leadership and lower-ranking service members. Similar complications could arise if the DoD places greater emphasis on service members’ duty to report on their peers up the chain of command, as noted above; establishing a call-out culture within the ranks could destabilize the confidence necessary to complete challenging tasks in high-intensity environments. Threats to cohesion, readiness, and efficacy raise immediate ethical concerns given the high stakes in human life and well-being generally associated with military objectives.

Additionally, any DoD efforts to discharge extremists or screen against extremists during the recruitment process must confront the question of how to further address those excluded from service. Although the military cannot be expected to admit extremists into its ranks, an alternative approach that identifies extremists, denies admission, and takes no further action likewise seems morally unsatisfactory. The military retains a general prerogative to determine its recruitment policies, but not with complete disregard for their social consequences for civilian life. The military bears an obligation to determine what measures—e.g., coordination with local law enforcement—it must take to reduce the threat that a prospective recruit or discharged extremist poses to the broader community.

Compare this anti-extremism screening with other military screening procedures against certain mental health conditions, history of drug use, and prior criminal convictions. Does the military also hold obligations toward society concerning those denied admission on these grounds? For example, does the military bear any obligation to assist those excluded for mental health conditions in finding treatment? Most

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<sup>189</sup> See, e.g., James Weinstein, *Viewpoint Discrimination, Hate Speech, and Political Legitimacy: A Reply*, 32 CONSTITUTIONAL COMMENTARY 702-706 (Oct. 1, 2017); Joseph Blocher, *Viewpoint Neutrality and Government Speech*, 52 B.C. L. REV. 695, 702-6 (May 1, 2011).

<sup>190</sup> See *supra* note 187 (in particular, instruction 1325.06(3)8.c.(1)(f)).

likely, the military's duties in this respect are comparatively weaker than its duties regarding individuals excluded due to extremist activity. The military may justifiably resist the former duties because its key purpose is to preserve national security, not cure American civil society of its ailments. However, the military's obligation to take further action (beyond simply denying admission) is comparatively greater when the rationale for exclusion from service is evidence of extremist activity. Individuals denied admission on these grounds pose a clear threat to national security, and the military's broad duty to uphold national security implies a duty to guard against such threats, especially when presented by individuals it knowingly excludes from the ranks.<sup>191</sup>

When considering any counter-extremism initiative generated by the DoD, a related broad concern is that any *military-led* effort to combat violent extremism in the ranks risks politicization of the armed forces, given the blurry lines between certain political ideologies and violent extremism in the United States. If the U.S. military becomes perceived as a political entity—an identity it has long resisted—rates of recruitment could decline, raising ethical concerns with respect to readiness and efficacy. The military's outward-facing posture—i.e., its direct communications to, and appearances before, the civilian population—likely function as key determinants of perceived politicization and thus pose great risk if executed untactfully. This concern applies, for example, to the DoD's proposed education and outreach plan, consisting of “training aids to educate and inform a wide range of audiences regarding the importance of reporting information pertaining to extremist activities.”<sup>192</sup> Military-led distribution of anti-extremist pamphlets could easily be interpreted as a military-led public indoctrination or propaganda campaign. This applies to any prospective military outreach that labels itself as a counter-extremism program, including any advertisement referencing extremism or discussion of extremism during recruitment visits. Even if the military makes every effort to approach violent extremism from an apolitical perspective, the topic already bears such a partisan connotation that the military is likely to politicize itself merely by addressing the topic in the first place. Military-led counter-extremism initiatives could, in theory, be better positioned to avoid this concern if they consist of either purely internal measures or outreach measures that forgo public declarations of their counter-extremism intentions; however, such non-transparent measures raise additional ethical concerns related to secrecy and deception, which may ultimately increase the perception of military politicization and decrease institutional trust in the military.

#### 4.2. *Technology, Discrimination, and the Armed Forces*

One question is whether technology-based efforts to counter DVE in the military can fairly be targeted *exclusively* at military personnel. Is it morally permissible for a technological intervention to effectively discriminate against active-duty service members (and former service members), controlling only what *they* encounter in the technological sphere? (Recall, for example, the previously mentioned

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<sup>191</sup> Of course, prior criminal record and mental illness also function as risk factors for violent extremism; however, the military has limited resources available for devotion to initiatives beyond achieving strategic objectives, and thus, arguably, could choose to prioritize only its most stringent national-security duties. Additionally, it is not entirely clear what security-based action the military could take with respect to individuals denied admission for mental illness or criminal record. Mental illness is not, in itself, a generally accepted justification for enhanced societal scrutiny or law enforcement observation; those with criminal history are already known to state authorities. With respect to individuals *discharged* on grounds of mental illness or criminal conviction, the military's ethical calculation may differ. In many cases, a plausible causal link exists between military service itself, and the development of mental illness or antisocial behavior during service. In these cases, the military holds fairly strong obligations to provide treatment or counseling—as a basic ethical principle, actors should work to ameliorate harms they themselves cause. The justification for this obligation, however, does not apply to prospective recruits rejected at the screening stage, and differs from the justification underlying duties held with respect to extremists.

<sup>192</sup> See *Report on Countering Extremist Activity Within the Department of Defense* *supra* note 112 at 18.

proposal to implement Moonshot’s “Redirect” program “only in counties where U.S. military installations are present.”<sup>193</sup>).

Of course, it is not unusual to treat members of the military as distinct from civilians, particularly in legal contexts. Broadly speaking, U.S. law permits greater constraints on the civil liberties of service members, given the heightened risk posed by potentially errant or disruptive behavior in a military setting. Service members often operate under a different penal code, which, for instance, usually does not require unanimity among panel members (i.e., the military equivalent for a jury) for conviction.<sup>194</sup> Indeed, in pursuit of cohesion and key strategic objectives, the Supreme Court has permitted the military to proscribe for its members a great deal of constitutionally protected expression—e.g., political speech critical of the president—that the government may not proscribe in other settings.<sup>195</sup> The status quo legal system already heavily disadvantages service members.

However, an intervention that alters how service members—and only service members—interact with technological platforms may present additional ethical or legal concerns. Arguably, such an intervention could pose a great constraint on liberty; the discrimination could alter what service members see and hear daily: their ability to access new information and learn from their surroundings. Given the key role of social media in contemporary life, both as a tool for expression and education, any unequal treatment on social media platforms should arguably receive heightened scrutiny. It is one matter to target counter-extremist advertisements exclusively at service members through a military-specific Redirect intervention, without directly restricting the content service members may peruse; it is another matter, as the RAND Corporation has also suggested, to outright “limit access to at-risk platforms on DoD internet and Wi-Fi systems,”<sup>196</sup> entirely closing off sections of technological space to service members. Any ethical concerns about censorship apply here, and perhaps with greater force, given that this censorship is unequally applied across populations.

Furthermore, the very fact that service members already bear many constraints on their civil liberties, as compared to civilians, may constitute a reason to *avoid* imposing further constraints on them, rather than a justification for further constraints. Although status quo limitations on service members may have compelling national security rationale, they nonetheless substantially restrict service members’ civil liberties. These liberties constitute a special category of prized entitlements for a reason—to lose them, generally, deals a blow to the quality of one’s social and political life. Thus, limiting service members’ civil liberties even further may require an extraordinary justification, especially when such limitation entails denying them, and only them, access to certain kinds of online content.

Moreover, a policy limiting service members’ access to extremist material seems to overlook the potential benefits of *preserving* such access. Service members could serve as valuable, respected advocates against extremism by directly responding to radical online messaging.<sup>197</sup> Given the high degree of public trust in the military, counter-messages from anti-extremist service members could be perceived as especially credible; likewise, service members at risk for radicalization may be more likely to accept counterarguments presented by other service members. An intervention that bars all service members, irrespective of their ideological disposition, from accessing extremist content may hinder radicalization for

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<sup>193</sup> Helmus et al, *supra* note 127 at 8.

<sup>194</sup> See *Military Courts – Martial Under the Military Justice Act of 2016*, CONG. RSCH. SERV., 24 (Aug. 28, 2020).

<sup>195</sup> Elizabeth Beaumont, *Rights of Military Personnel*, FIRST AMEND. ENCYCLOPEDIA (2009) <https://www.mtsu.edu/first-amendment/article/1131/rights-of-military-personnel>.

<sup>196</sup> Helmus et al, *supra* note 127 at 8.

<sup>197</sup> For an analogous suggestion regarding veterans’ organizations, see Jensen et al., *supra* note 10 at 37.

some but also prevent others from encountering counterarguments presented by sources they may find particularly trustworthy.

Technology companies have ethical obligations as well to mitigate the harm that their platforms cause to users, given that companies profit substantially from those same users' contributions to these platforms.<sup>198</sup> In this sense, companies may hold an especially stringent duty to counter the online radicalization of service members, if violent extremists with military experience cause greater societal harms than the average (non-service-member) extremists. On the other hand, technology companies function as stewards of contemporary public fora for communication in so far as they manage platforms that constitute an essential component of expression, education, and even identity-formation in modern life.<sup>199</sup> As stewards of such a central communicative asset, they may bear responsibilities to keep said asset as freely accessible as possible to any population, including service members.

## **5. CERL Recommendations**

This section offers two recommendations to address violent extremism in the military. These recommendations are not intended to be a comprehensive solution to this problem; no single counter-extremism intervention is likely to eradicate, or even substantially reduce, the threat of violent extremism in the military. As noted above, service members face a multiplicity of potential risk factors, often arising at different moments in life and from disparate social and political sources. Consequently, many different strategies will be necessary to address the diverse reasons and pathways by which service members come to engage in violent extremism. This paper recommends two initiatives:

- 1) An initiative to promote basic and comprehensive civics education within the armed forces. Broadly, this recommended educational program seeks to enhance service members' basic civic knowledge, as well as skills in media literacy and critical thinking. More specifically, this civics education program should be tailored to junior leaders within the military, who may be especially well-positioned to influence their subordinates and peers. Civics education may function as a preventive measure; rather than waiting for extremism to arise in the military, addressing the issue post-hoc through separation practices, and subsequently exacerbating the problem, civics education aims to protect service members against factors conducive to violent extremism before they develop.
- 2) An initiative to encourage veteran participation in social organizations that share values with both the military and certain DVE organizations, but do not endorse the use of violence. This strategy acknowledges an ideological overlap between certain DVE groups and the military and posits that some service members may be attracted to DVE groups in part because of this overlap. Promoting veteran participation in alternative, non-violent, ideologically similar organizations could offer veterans the ideological affinity and sense of purpose provided by DVE without the associated risk of violence.

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<sup>198</sup> Caitlin R. Carlson & Luc S. Cousineau, *Are You Sure You Want to View This Community? Exploring the Ethics of Reddit's Quarantine Practice*, 35 J. MEDIA ETHICS 202, 207 – 209 (Sept. 11, 2020).

<sup>199</sup> Id.

### 5.1. Civics Education

All U.S. service members are required to take an oath to “support and defend” the Constitution.<sup>200</sup> For this requirement to be meaningful, service members must have basic knowledge of what the Constitution says. But do they? The longstanding national trend of deprioritizing civics education in the K-12 education system,<sup>201</sup> coupled with the absence of a general requirement in the U.S. military to provide civics education to service members, suggests they do not. Worse, because the function and role of service members in society differ from those of non-service members, the definition and scope of what *is* basic civic knowledge for each population are likely to differ in many respects. Yet this important distinction is generally overlooked, raising additional doubts as to whether service members have the basic civic knowledge necessary for their roles.

A key danger stemming from potential deficiencies in service members’ civic knowledge is that it can render them susceptible to misinformation about critical civic and rule of law matters, such as the scope of constitutional rights (e.g., the right of *peaceful* assembly) or the nature of democratic institutions and processes (e.g., the electoral college, mail-in ballots). This susceptibility, in turn, can be exploited by extremist organizations that use misinformation, disinformation, or both, to appeal to service members’ patriotism, and recruit them into their ranks.

Therefore, to develop tools and resources to promote civics education among service members, a collaborative initiative between the U.S. military and civilian organizations in the civics education and rule of law space is needed. The goal of such an initiative would be to design training and educational programs that equip active-duty service members at all levels of rank and seniority with the civic knowledge necessary to uphold their oath to support and defend the Constitution.

Furthering this goal would require proceeding in three sequential and analytically distinct stages. First, a conceptual stage: identifying precisely which constitutional provisions and civic concepts service members must know. Second, an empirical stage: assessing empirically whether and to what extent service members possess such knowledge. Third, an integration stage: establishing working group(s) of military leadership and civics education experts to engage in a data-driven dialogue about how to enhance civic knowledge among U.S. service members, produce recommendations for military civic education programs that are specifically tailored to the identified needs and empirically assessed civic knowledge levels of service members, and subsequently, facilitate the design and implementation of these programs.

Civics education programs of this sort should initially be tailored to junior commissioned and non-commissioned officers, who, due to their close contact with the majority of service members, can powerfully influence both their subordinates and their peers. As with every education program expected to be implemented by the military, this paper cautions that this civics education initiative must be careful to avoid the aforementioned dangers of becoming (or being perceived as) political propaganda or an indoctrination campaign and risk alienating service members.

This caution is especially important if such an initiative provides not only basic but a more comprehensive civics education to service members, which, due to its breadth, may also be more contentious. Still, there may be substantial benefits for a civics education initiative to focus not only on basic civic knowledge, but also on civic-related skills such as critical thinking<sup>202</sup> and media literacy, leading

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<sup>200</sup> See e.g., Enlistment Oath, 10 U.S.C. §502 (1956) (requiring each person enlisting in an armed force to support and defend the Constitution of the United States).

<sup>201</sup> See National Assessment of Educational Progress Civics Assessment, <https://nces.ed.gov/nationsreportcard/civics/>

<sup>202</sup> See Civics Secures Democracy Act, S. 879, 117th Cong. (2021) (a high school civics bill that centers around democratic political thought and American history)



to a broader understanding of the role service members could play in preventing violent extremism. Such an initiative could also take social media into account, informing service members of how social media algorithms<sup>203</sup> or propaganda campaigns work.<sup>204</sup>

Admittedly, it is uncertain whether a basic or even comprehensive civics education initiative would prevent violent extremism. As pointed out by Search for Common Ground, an international nongovernmental organization that promulgates a training curriculum for countering violent extremism, “general assumptions and proven education theories of change may not be relevant or appropriate in conflict contexts and complex environments where additional variables can upset the traditional change pathways.”<sup>205</sup> Empirical evidence, detailed research, and complex findings are rare in the field of preventing violent extremism, even more so in the military.<sup>206</sup> While research in related contexts has been encouraging,<sup>207</sup> further research in the military domain (such as the empirical investigation proposed above) is necessary to design informed, data-driven civics education initiatives in the military.

## 5.2. *Non-Violent, Ideologically Oriented Social Organizations for Veterans*

The putative values and goals of certain DVE groups overlap with those of the military, particularly in the case of groups that claim to defend American values or otherwise have patriotic motivations. As suggested above, some veterans may turn to DVE groups to fill an ideological gap created by discharge, or to alleviate the distress of losing a patriotic purpose by adopting an ideologically related one. If so, a successful intervention may seek to meet this ideological need by encouraging veteran participation in nonviolent organizations with ideological leanings and goals similar to both the military and certain DVE groups.

Efforts to engage veterans in these activities should begin reasonably promptly following discharge—the initiative should aim to intervene before veterans turn to more socially destructive organizations. On average, veterans who engage in violent extremist activities do so 15 years after their military service concludes,<sup>208</sup> suggesting a fairly broad (but not unlimited) window of opportunity during which intervention can occur.

Such an intervention could involve the creation of new programs or placing greater emphasis on veteran inclusion in existing programs. The most obvious candidate organizations are those with government associations, where participation in said organization entails serving one’s country and perhaps defending American interests in a non-violent manner. Any candidate organization should be as nonpartisan as possible to increase its appeal to a diverse veteran population, as veteran participation in organizations

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<sup>203</sup> Shoshana Zuboff, *Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (2019); Antoinette Rouvroy, “Of Data and Men” *Fundamental Rights and Freedoms in a World of Big Data* (Jan. 11, 2016).

<sup>204</sup> Jason Stanley, *How Fascism Works: The Politics of Us and Them* (Sept. 4, 2018)

<sup>205</sup> Rebecca Herrington, *Emerging Practices in Design, Monitoring, and Evaluation for Education for Peacebuilding Programming*, SEARCH FOR COMMON GROUND, 30 (Oct. 2015) <https://www.sfcg.org/wp-content/uploads/2016/06/Emerging-Practice-Guide.pdf>. For additional reading on Search for Common Ground’s curriculum on countering violent extremism, see generally Search for Common Ground, *Countering Violent Extremism: An Introductory Guide to Concepts, Programming, and Best Practices*, SEARCH FOR COMMON GROUND, <https://www.sfcg.org/countering-violent-extremism/> (last visited Jul. 28, 2023).

<sup>206</sup> Sara Ziegler & Anne Aly, *Countering Violent Extremism: Developing An Evidence-Base for Policy and Practice*, HEDAYAH, 9 (1st. ed., 2015) (demonstrating the need for more empirical research in violent extremism).

<sup>207</sup> See e.g., Ian Jamison, *Measuring Open-Mindedness* (2017), <https://institute.global/sites/default/files/articles/Measuring-Open-Mindedness.pdf> (last visited Jul 15, 2023). (describing a program enabling children from different cultures to virtually ‘meet’ via videoconferencing and blogging and showing a marked increase in ‘open-mindedness’ and empathy which is then seen to act as an inoculation against extremist views).

<sup>208</sup> Jensen et al., *supra* note 10 at 10.

with similarities to left- or right-wing DVE groups along the dimension of partisanship could lay the foundation for future adoption of broader elements of DVE groups' ideology.

Several existing organizations may fit this description, and thus might already be alleviating a loss of purpose induced by discharge. For example, veteran advocacy organizations such as the Military Officers Association of America (MOAA) essentially function as political interest groups, lobbying for pro-veteran legislative reform and providing chapter members with benefits packages (e.g., employment assistance, exclusive discounts).<sup>209</sup> (Other organizations similar to the MOAA include AMVETS, the NCOA, and AUSA.<sup>210</sup>) Membership could enable veterans to continue serving their country through participation in an organization that promotes the general well-being of service members. Admittedly, the number of MOAA members engaged in advocacy may be limited; for many local chapter members, the organization likely functions more as a social gathering place and information source. Additionally, the MOAA's issue focus is fairly narrow—it is tailored almost exclusively to the promotion of veteran-oriented legislation, rather than broader national security priorities or even benefits for active-duty service members. Although advocating for improved VA healthcare, for instance, could certainly be meaningful for many veterans, it may not be sufficient to replace the purpose attached to military service itself, in which service members can perceive themselves as active participants in missions to defend the homeland. Nonetheless, the MOAA and similar organizations could serve as a basis for future counter-extremism initiatives, on the theory outlined above. Efforts could be made to increase the geographical coverage of local chapters, thereby enhancing the ease of access for veterans (especially for those residing in rural areas). Existing separation transition programs could place greater emphasis on the availability of the MOAA and similar organizations to recently discharged veterans. Even if such an intervention ultimately has only a modest effect on violent extremism, it would seem to constitute a low-risk, low-cost counter-extremism initiative with innocuous side effects (greater veteran participation in advocacy programs) and the benefit of mitigating DVE, even if only at the margins.

Beyond expanding the role of existing organizations, this paper recommends creating two new initiatives to assist veterans in repairing the post-discharge loss of purpose. First, it recommends establishing a federal program to employ veterans at research positions at organizations that study defense, national security, or foreign policy (e.g., the RAND Corporation, Atlantic Council). This paper recognizes that training large numbers of veterans to become high-level policy researchers may not be feasible, given the limited number of positions available and the level of education required. However, many lower-level research positions, such as research assistants, involve essential and enriching tasks, such as data collection and literature review, on subject matters closely related to veterans' military experiences. While these research positions are often filled by students and recent graduates, a new initiative could offer a portion of these positions to veterans. Such an initiative would enable veterans to promote research that aims to defend American interests, values, and the military itself, allowing veterans to retain a purpose similar to that of military service without turning to DVE organizations.

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<sup>209</sup> For general information on MOAA benefits, see *Why Join MOAA*, MILITARY OFFICERS ASS. AM. <https://www.moaa.org/content/join-moaa/why-join-moaa/>. For general information on MOAA advocacy, see MOAA Government Relations Staff, *MOAA's 2022 Legislative Priorities*, MILITARY OFFICERS ASS. AM. (Dec. 27, 2021) <https://www.moaa.org/content/publications-and-media/news-articles/2021-news-articles/advocacy/moaa-2022-legislative-priorities/>.

<sup>210</sup> The stated acronyms represent the following organizations. AMVETS means American Veterans (<https://amvets.org/>); NCOA means Non-Commissioned Officers Association (<https://www.ncoausa.org/>); AUSA means Association of the US Army (<https://www.ausa.org/>).

Second, this paper recommends creating the Veterans for Civics Education Initiative, an initiative through which veterans provide lessons on constitutional values and American government to K-12 students. While many civics education programs already exist, a program with veterans as the educators would provide students with a unique perspective on civil liberties and constitutional values—the perspective of individuals who risked their lives to defend those values. This organization could alleviate the loss of purpose generated through discharge by enabling veterans to continue protecting American principles in a nonviolent manner—sharing those principles with younger generations. To avoid the perception of indoctrination or government overreach, each veteran educator should receive substantial freedom to shape their civic message informed by their unique personal experience in military service. Concerning public-private status, the program could perhaps receive federal funds, similar to, for example, many private universities; however, the program would ideally retain only private employees, and avoid taking actions that generate a public perception of federal entanglement with the individual messages expressed by veteran educators.