



Written by [Luis Miguel](#) on February 22, 2021

Garland Suggests Antifa Riots Not “Domestic Terrorism” Because They Happened After Hours

Judge Merrick Garland, who is Joe Biden’s pick to serve as attorney general, [said](#) during a Senate hearing on Monday that he does not place Antifa attacks on federal buildings on the same level as the January 6 Capitol Hill protest — that is, he does not classify it “domestic terrorism” — because the former attacks occurred at night when the facilities were not “in operation.”

Garland made his comments while being questioned by Senator Josh Hawley (R-Mo.).

“Let me ask you about assaults on federal property in places other than Washington, DC — Portland, for instance, Seattle,” Hawley questioned. “Do you regard assaults on federal courthouses or other federal property as acts of domestic extremism, domestic terrorism?”

To which Garland replied:

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Well, Senator, my own definition, which is about the same as the statutory definition, is the use of violence or threats of violence in attempt to disrupt the democratic processes. So an attack on a courthouse, while in operation, trying to prevent judges from actually deciding cases, that plainly is domestic extremism, domestic terrorism. An attack simply on a government property at night, or any other kind of circumstances, is a clear crime and a serious one, and should be punished. I don’t know enough about the facts of the example you’re talking about. But that’s where I draw the line. One is — both are criminal, but one is a core attack on our democratic institutions.

Garland neglected the fact that, while the leftist attacks on federal buildings occurred at night, they were not victimless crimes. In some cases, there were federal employees trapped inside the facilities. In other cases, the Antifa and Black Lives Matter rioters attacked local police and federal officers with explosives, lasers, projectiles, and harmful dangerous devices.

In some cases, supposed “journalists” even have provided cover for the rioters or themselves attacked law enforcement. Over 200 federal officers were injured in Portland alone.

The violent actions in these Democrat-run cities resulted in broken windows and boarded-up courthouses.

Although Garland cited the domestic terrorism statute (18 USC § 2331) to make his case, the definition of “domestic terrorism” contained therein does not state that only acts occurring during business hours



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fall within the definition.

The statute reads as follows:

(5) the term “domestic terrorism” means activities that — (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; (B) appear to be intended — (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the United States

Garland currently serves as a U.S. circuit judge of the U.S. Court of Appeals for the District of Columbia Circuit, having been there since 1997. Barack Obama chose him to fill the Supreme Court vacancy created by the death of Justice Antonin Scalia in 2016, but the nomination was stonewalled by Republicans, who argued that the vacancy should be filled not by Obama, who was in his last term, but by the next president. Donald Trump eventually named Neil Gorsuch to the post.

Also on Monday, Garland defended Kristen Clarke, the attorney tapped to lead the Justice Department’s civil rights division, over comments in which she said blacks are superior to whites.

In a 1994 letter, Clarke [wrote](#), among other things, that “Black infants sit, stand, crawl and walk sooner than whites” and “Melanin endows Blacks with greater mental, physical and spiritual abilities.”

“Would an individual’s past statements as an adult declaring that one racial group is superior to another, would statements like that be relevant to an evaluation of whether such a person should be put in charge of running the Department of Justice’s civil rights division?” Senator Mike Lee (R-Utah) asked Garland.

The prospective attorney general replied: “I’ve read, in the last few days, these allegations about Kristen Clarke, who I’ve also gotten to know, who I also trust, who I believe is a person of integrity, whose views about the civil rights division I have discussed with her and they are in line with my own. I have every reason to want her. She is an experienced former line prosecutor of hate crimes and we need somebody like that.”



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