

The Domestic Terror Paradox

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Bracewell's **Seth DuCharme**, former chief of the criminal division in the United States Attorney's Office for the Eastern District of New York, spoke with *The New York Times Magazine* about the case against [Brian Lemley](#) and the challenges of prosecuting alleged domestic terrorists.

Because of First Amendment protections, it is not a crime to merely pronounce yourself a domestic terrorist or claim allegiance to a known violent group, only to violate the law on the group's behalf. A result, the government often can't pursue suspected domestic terrorists.

DuCharme said that in many domestic terrorism investigations, what the suspects say, though revolting, is protected. "Immediately your stomach turns, and you say, 'Why don't we destroy these organizations?'" he said. But federal statutes "unfortunately are going to protect most of this behavior." There is the constant danger, he said, that "we become vulnerable to accusations — and you'd see many of them — of us manufacturing crimes against Americans." This is essentially what Lemley's defense counsel suggested the government was doing.

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