

DOJ Issues Sweeping New Domestic Terrorism Directive: What the Attorney General's December 4 Memorandum Means for You

A Practical Guidance® Article by Eun Young Choi, Rachel F. Cotton, Deborah A. Curtis, Burden H. Walker, and Sam Callahan Nicholas Casmier Anway, Arnold & Porter Kaye Scholer LLP



Eun Young Choi
Arnold & Porter Kaye Scholer LLP



Rachel F. Cotton
Arnold & Porter Kaye Scholer LLP



Deborah A. Curtis
Arnold & Porter Kaye Scholer LLP



Burden H. Walker
Arnold & Porter Kaye Scholer LLP



Sam Callahan
Arnold & Porter Kaye Scholer LLP



Nicholas Casmier Anway
Arnold & Porter Kaye Scholer LLP

On December 4, 2025, U.S. Attorney General (AG) Pam Bondi issued one of the most consequential internal directives in recent years — an aggressive operational blueprint directing federal law enforcement agencies to implement [National Security Presidential Memorandum-7](#) (NSPM-7), which we have [previously covered](#) on *Enforcement Edge*. The AG's memorandum (Memorandum) reshapes how domestic terrorism will be defined, investigated, charged, and resourced across the federal government.

The key message is unmistakable: federal law enforcement will target individuals, organizations, and funders whom the U.S. Department of Justice (DOJ) contends are “domestic terrorists,” under a definition that links political violence to “anti-fascist” ideologies.

These domestic terrorism investigations are now a centrally coordinated national priority with mandatory procedures and timelines. Below is a focused breakdown of what the Memorandum requires, why it matters, and how organizations should immediately respond.

Redefining Domestic Terrorism

The Memorandum's directives — like the directives in NSPM-7 — focus on acts of “domestic terrorism.” It adopts a broad view of what falls within that term. The Memorandum specifies that DOJ now views “organized doxing of law enforcement,” “mass rioting and destruction,” “violent efforts to shut down immigration enforcement,” and “targeting of public officials or other political actors” as “criminal conduct rising to the level of domestic terrorism.” And it singles out “Antifa-aligned extremists” — i.e., those who “adhere[] to ... extreme viewpoints on immigration, radical gender ideology, and anti-American sentiment” — as a “domestic terrorism threat” that federal law enforcement will prioritize. These definitions focus federal law enforcement agencies on individuals, organizations,

and funders who may be labeled as Antifa or Antifa-related as primary targets for investigations and prosecutions.

Mandatory JTTF Referral and Full-Scope Domestic Terrorism Investigations

The Memorandum states that federal law enforcement agencies must refer any encounter with or suspicion of domestic terrorism to the Joint Terrorism Task Forces (JTTFs) for “the exhaustive investigation contemplated by NSPM-7.” Acts flagged in the Memorandum include “organized rioting, looting, doxing, and swatting; and conspiracies to impede or assault law enforcement, destroy property, or engage in violent civil disorder.” Once an encounter is referred, JTTFs are instructed to use “all available investigative tools” to “map the full network of culpable actors involved,” both inside and outside the United States. This shift in federal law enforcement operations reflects the Trump administration’s whole-of-government approach to targeting Antifa-related groups through coordinated, inter-agency investigations.

Explicit Targeting of “Common Characteristics”

Echoing NSPM-7, the AG focuses on organized groups and networks linked by common characteristics that DOJ associates with Antifa. The AG states that “[m]any ... domestic terrorists and domestic terrorist organizations are united by an anti-fascist platform” and that this ideology is the “clarion call” that “connects a recent string of political violence,” including the assassination of Charlie Kirk. The AG further states that individuals, organizations, and funders associated with this ideology threaten “both citizens’ safety and our ability to self-govern” and directs JTTFs to prioritize such parties’ activities for domestic terrorism investigations.

In a footnote, the Memorandum explicitly disclaims investigations based solely on activities protected by the First Amendment. But by defining the “Common Characteristics of Domestic Terrorists and Organizations” in this manner, individuals and organizations that disagree with the Trump administration undoubtedly will be concerned about federal scrutiny.

Aggressive Charging Strategy

Consistent with AG Bondi’s [previous memorandum](#) outlining “General Policy Regarding Charging, Plea Negotiations, and Sentencing,” issued on her first day in office, the Memorandum instructs DOJ prosecutors to charge “the most

serious, readily provable offenses” in domestic terrorism cases. Additionally, the AG encourages prosecutors to use an extensive set of statutes under Title 18 of the U.S. Code to effectuate this strategy, including conspiracies against the United States (Section 371) and aiding and abetting (Section 2), as well as numerous substantive offenses under Title 18, ranging from assaulting, resisting, or impeding federal officers (Section 111) to picketing or parading with intent to obstruct the administration of justice (Section 1507).

The Memorandum also directs prosecutors to consider firearms and explosives offenses under Title 26 of the U.S. Code (Sections 5845, 5861); obstruction or disruption in or on federal property under 41 C.F.R. § 102-74.390; and tax crimes where “extremist groups are suspected of defrauding the Internal Revenue Service.” The latter may indicate an intent to focus on the tax-exempt status of nonprofits allegedly involved in such activities. Prosecutors must seek all applicable sentencing enhancements, including the terrorism enhancement under the U.S. Sentencing Commission Guidelines Manual §3A1.4. Notably, however, prosecution under the Foreign Agents Registration Act is not mentioned, despite its express reference in NSPM-7 as a statute to be investigated.

The long and varied list of statutes outlined in the Memorandum reflects the broad scope of conduct that DOJ will consider when prosecuting domestic terrorism. Consistent with NSPM-7, the Memorandum signals that conduct traditionally viewed or investigated as protest-related or cyber-enabled crimes — such as picketing or parading with intent to obstruct the administration of justice, or online doxing — may be investigated by JTTFs and could be charged using terrorism-adjacent statutes that carry significant criminal penalties.

A Five-Year Retrospective Review — Beginning Immediately

The Memorandum orders all federal law enforcement agencies to review all files from the last five years involving potential domestic terrorism, focusing on “files and holdings for Antifa and Antifa-related intelligence and information.” Those agencies must then collect and transmit all such intelligence to the Federal Bureau of Investigation (FBI). In particular, the AG directs the agencies to examine past incidents involving attacks on nonprofits; doxing of law enforcement; interference with federal employees, including DOJ and U.S. Department of Homeland Security personnel; and potential unlawful targeting of Supreme Court Justices. The Memorandum states that “JTTFs shall use all available tools to identify all criminal participants in these events, as well as those who organize or financially sponsor those participants” for referral to DOJ.

Because this directive is retroactive, affected organizations should anticipate both new inquiries and renewed inquiries into previously closed or dormant matters.

Creation of a List of Domestic Terrorist Organizations and an Associated Intelligence Bulletin

The Memorandum also directs the FBI, in coordination with JTFs, to “compile a list of groups or entities engaged in acts that may constitute domestic terrorism” and provide it to the Deputy AG. The FBI is tasked with providing updates to the list every 30 days, with the assistance of the counterterrorism, cyber, and criminal divisions at DOJ and the Criminal Justice Information Service’s National Threat Operations Center. This list effectively is a new national domestic terrorism designation process. However, the list does not create a statutory designation akin to the Trump administration’s recent Antifa-related [designations](#) of Foreign Terrorist Organizations (FTOs) and Specially Designated Global Terrorists (SDGTs).

Additionally, the AG instructs the FBI and JTFs to “disseminate an intelligence bulletin on Antifa and Antifa-aligned anarchist violent extremist groups” within 60 days. The bulletin must “describe the relevant organizations’ structures, funding sources, and tactics.” The stated purposes of the bulletin are to support law enforcement investigations and to equip policymakers to “understand the nature and gravity of the threat posed by these extremist groups.”

Taken together, the list and intelligence bulletin likely will have a significant chilling effect on the activity of individuals, organizations, and funders whom the Trump administration may view as opposed to its policies.

Prioritizing New Grants to Law Enforcement

Pursuant to NSPM-7, the AG directs DOJ to prioritize grant funding to state and local law enforcement to support programs to “detect, prevent, and protect against domestic terrorism.” This grantmaking directive means that state and local law enforcement also will be incentivized to effectuate the AG’s domestic terrorism strategy.

Establishing a Tip Line to Dismantle Domestic Terrorist Organizations and Activities

Finally, the AG instructs the FBI to, within 30 days, “establish recommendations to better publicize [its] tip line for

submitting tips related to domestic terrorism.” The AG further instructs the FBI to respond to tips and use them to investigate domestic terrorism, including by identifying cooperators and confidential informants. Consistent with this directive, the Memorandum requires the FBI to “establish a cash reward system for information that leads to the successful identification and arrest of individuals in the leadership of domestic terrorist organizations.” The tip line and cash reward system likely will empower whistleblowers who may view individuals, organizations, and funders as Antifa-aligned, and thus significantly expand the potential sources from which domestic terrorism investigations may originate.

Consistent with the breadth of NSPM-7, the AG’s Memorandum marks a dramatic expansion of federal law enforcement’s efforts to identify, investigate, and prosecute what DOJ views as acts of domestic terrorism. Tax-exempt organizations and their donors likely will be a continued focus of these enforcement efforts. Organizations and funders (including those in the nonprofit sector) should engage internal compliance teams and outside counsel to assess exposure and plan for potential enforcement actions that may follow the Memorandum.

If you have questions about this Enforcement Edge post, please contact the authors or any of their colleagues in Arnold & Porter’s [White Collar Defense & Investigations](#) practice group.

Footnote 1: The Memorandum was [reported](#) earlier this month. Our analysis assumes the reported document is authentic.

Footnote 2: (Section 111); publicly disclosing the personal information of a federal agent (i.e., doxing) (Section 119); obstruction during civil disorders (Section 231); conspiracy against rights (Section 241); conspiracy to impede or injure an officer (Section 372); solicitation to commit a crime of violence (Section 373); arson and explosives offenses (Sections 844(h)-(i)); firearms offenses (Sections 922, 924); major fraud against the United States (Section 1031); killing or attempting to kill a federal officer (Section 1114); mail fraud (Section 1341); wire fraud (Section 1343); destruction of government property (Section 1361); assault on a process server (Section 1501); obstruction of judicial or agency proceedings (Sections 1503, 1505); picketing or parading with intent to obstruct the administration of justice (Section 1507); interference with commerce by threats or violence (Section 1951); money laundering (Section 1956); murder for hire (Section 1958); Racketeer Influenced and Corrupt Organizations (RICO) Act (Section 1962 et seq.); traveling in interstate commerce or using a facility of interstate commerce to organize or incite a riot (Section 2101); providing material support for terrorist activity (Section 2339 et seq.); and seditious conspiracy to prevent, hinder, or delay the execution of any law of the United States Section 2384).

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State Law Surveys & Regulatory Trackers

- [Presidential Executive Actions Tracker](#)
- [National Security Presidential Memorandum-7](#)
"Countering Domestic Terrorism and Organized Violence," 90 Fed. Reg. 47225 (Nov. 30, 2025)
- [Bondi Memorandum for All Federal Prosecutors \(Dec. 4, 2025\)](#)

Eun Young Choi, Partner, Arnold & Porter Kaye Scholer LLP

An accomplished former federal prosecutor, Eun Young Choi brings more than a dozen years of experience at the U.S. Department of Justice (DOJ) in advising clients on a wide range of white collar and national security matters. Eun Young held senior positions across the DOJ, where she served as a leader in its efforts to address technology-based risks to public safety and national security, and regularly represented the DOJ in high-level interagency, international, and public engagements. Drawing on these experiences, Eun Young counsels companies on key areas such as cybersecurity, cryptocurrency, artificial intelligence, and other emerging technologies, along with internal and government investigations and related complex and sensitive matters.

Most recently, Eun Young served as Deputy Assistant Attorney General for National Asset Protection in the National Security Division, where she oversaw the creation of the National Security Cyber Section, which spearheads the DOJ's efforts to disrupt and respond to malicious cyber activity posed by nation-state adversaries; supervised and shaped the DOJ's criminal enforcement programs for sanctions, export controls, economic espionage, foreign malign influence, and the Foreign Agents Registration Act (FARA), including corporate enforcement actions related to national security laws and authorities; and led the DOJ's review of foreign investment, data security, and emerging technology risks to national security. Eun Young was also a founding member of DOJ's Emerging Technology Board, which coordinates and governs the use of AI and other emerging technologies across the Department and its law enforcement components.

Eun Young previously served as the inaugural Director of the National Cryptocurrency Enforcement Team, leading a team of experts drawn from across the DOJ, the FBI, and the SEC, charged with serving as the DOJ's focal point in its efforts to combat the criminal misuse of digital assets. In that role, Eun Young managed and supervised investigations involving cutting-edge exploitation of digital asset technologies and platforms and exchanges that facilitated the criminal use of digital assets. She also served as Senior Counsel to the Deputy Attorney General, where she was responsible for coordinating the DOJ's response to ransomware and other significant attacks against critical infrastructure, and advising the DOJ's senior leadership on strategy for cyber and emerging technology-related issues.

Earlier in her career, Eun Young spent nearly a decade as an Assistant U.S. Attorney for the Southern District of New York, where she served as the Office's lead cybercrime prosecutor, and investigated, prosecuted, and tried novel and significant cross-border cyber and financial crime cases, with a particular focus on computer intrusions and attacks, money laundering, virtual currency, and complex frauds. She successfully led prosecutions involving one of the largest data breaches in history, directed at the financial services sector; the largest business email compromise case brought to date, which targeted two multinational technology companies and resulted in over \$120 million in loss; and tax evasion and money laundering schemes stemming from the Panama Papers scandal.

For her groundbreaking work on enforcement matters, Eun Young was recognized as "Federal Prosecutor of the Year" by the Federal Law Enforcement Foundation and was the recipient of the FinCEN Director's Law Enforcement Award for Cyber Threats, as well as the Beatrice "Bea" Rosenberg Memorial Award for Innovative Work in Criminal Justice by the DOJ.

Rachel F. Cotton, Partner, Arnold & Porter Kaye Scholer LLP

Rachel Cotton, former Deputy Counsel to the President in the Office of the White House Counsel, is a member of the firm's White Collar Defense & Investigations group. Her practice focuses on defending companies, nonprofits, and individuals facing congressional and executive branch investigations, white collar matters, and crisis management.

As Deputy Counsel in the White House Counsel's Office, Rachel advised the President and senior White House officials on legal strategy and managed the White House's legal response to congressional oversight and government investigations involving the President and White House priorities.

Rachel previously held two general counsel roles in Executive Branch agencies, serving as General Counsel to the White House Office of Science & Technology Policy and as Deputy General Counsel in the U.S. Office of Personnel Management. In addition, she served as a counsel for a special investigative committee in the U.S. House of Representatives.

Earlier in her career, Rachel was a partner in private practice.

Deborah A. Curtis, Partner, Arnold & Porter Kaye Scholer LLP

Deborah Curtis, Co-Chair of the White Collar Defense & Investigations Practice, is a trusted advisor to Fortune 500 companies, cleared government contractors, financial institutions, and global technology firms navigating complex, high-stakes matters at the intersection of law, national security, and global regulation. She draws on two decades of invaluable government experience—including holding senior leadership positions across the U.S. Department of Justice, the U.S. Intelligence Community, and the Commerce Department Bureau of Industry and Security (BIS)—to counsel clients facing criminal investigations, regulatory enforcement, congressional inquiries, or sensitive national security exposure.

A former supervisory federal prosecutor, regulatory chief counsel, and Deputy General Counsel at the Central Intelligence Agency, Deborah brings unmatched insight into government decision-making and enforcement strategy. She has personally led or overseen hundreds of federal investigations and, as a prosecutor and a defense attorney, tried nearly 50 cases to verdict. Her background enables clients to anticipate, manage, and resolve risks with discretion, clarity, and strategic foresight.

Key areas of focus:

- **Export Controls & Sanctions:** Representing corporations and individuals in criminal, administrative, and parallel investigations involving the Department of Commerce, Department of State, OFAC, and DOJ. Deborah helped draft the original semiconductor Foreign Direct Product Rule and advises on compliance with the Entity List, MEU List, and ICTS regulations.

- **National Security & Intelligence Investigations:** Defending clients in matters involving classified information, CIPA litigation, FARA, espionage allegations, and the state secrets privilege. Advises high-net-worth individuals and general counsel on how to mitigate reputational and operational risks stemming from government scrutiny or interface.
- **Cross-Border Enforcement & Crisis Response:** Counseling multinational companies in transnational criminal matters, including export/sanctions evasion, illicit trade, terrorism financing, and cartel-related exposures. Regularly coordinates with foreign counsel and leads internal investigations across jurisdictions.
- **Government Engagement & Regulatory Strategy:** Advising companies on interactions with the U.S. Intelligence Community, CFIUS, and enforcement arms of the Departments of Defense and Commerce. Trusted for guidance on strategic disclosures, compliance reviews, and enterprise risk.

Before joining the firm, Deborah served as Deputy General Counsel at CIA, where she oversaw all agency litigation and investigations, including congressional inquiries, criminal prosecutions, and sensitive security matters. She previously served as Chief Counsel for Industry and Security at the U.S. Department of Commerce, where she co-authored landmark national security regulations affecting the technology and telecommunications sectors.

Her government service also includes advising the Pentagon on national security programs and investigations, and holding the rank of Major as a JAG officer in the U.S. Air Force.

Burden H. Walker, Partner, Arnold & Porter Kaye Scholer LLP

Burden Walker, former Deputy Assistant Attorney General for the Consumer Protection Branch at the U.S. Department of Justice, is a member of the firm's Complex Litigation practice. Burden led the Justice Department's efforts to investigate and prosecute fraud and other crimes against American consumers, including violations of the Food, Drug, and Cosmetic Act, the Federal Trade Commission Act, the Consumer Products Safety Act, and other federal consumer protection statutes.

Burden previously served as Senior Counselor to the Attorney General where he managed matters arising from the Justice Department's Criminal Division and U.S. Attorneys' Offices and coordinated the development of DOJ regulations, guidance, and policies regarding corporate, civil, and criminal enforcement, gun safety, controlled substances, as well as charging and sentencing. As a Deputy Associate Attorney General, Burden managed litigation arising from the Civil, Antitrust, and Environment and Natural Resources Divisions.

From 2017 to 2021, Burden served as an Assistant U.S. Attorney for the District of Maryland. He investigated, charged, and tried federal fraud, violent crime, narcotics, and public corruption cases in federal court. During his tenure, Burden led the investigation and prosecution of a Ponzi scheme involving over 1,200 victims across six states and prosecuted a 15-person corruption and drug smuggling ring.

Prior to his government service, Burden spent several years in private practice as a litigation attorney. He previously served as a law clerk to Justice Ruth Bader Ginsburg of the United States Supreme Court and Judge Stephen F. Williams of the U.S. Court of Appeals for the D.C. Circuit.

Sam Callahan, Senior Associate, Arnold & Porter Kaye Scholer LLP

Sam Callahan, former Senior Counsel of the White House Office of Management and Budget (OMB), helps businesses and organizations navigate regulatory threats and successfully challenge government action in court.

A member of the firm's administrative law and appellate teams, Sam has secured major wins at every level of the federal judiciary, including in precedent-setting cases involving the Administrative Procedure Act (APA), constitutional and statutory interpretation, voting rights, and federal appropriations law. He also provides strategic counsel to businesses facing high-stakes federal investigations, negotiations, and executive orders. Sam is a co-founder and editor of the firm's [Major Questions blog](#) and frequently presents on administrative law and regulatory litigation topics.

At OMB, Sam supervised APA litigation and was a principal legal advisor to the Office of Information and Regulatory Affairs (OIRA), the hub of regulatory activity across the Executive Branch. He helped develop government-wide strategy on cross-cutting regulatory issues like the Supreme Court's *Loper Bright* decision, the major questions doctrine, and the Congressional Review Act. Sam also advised senior White House and agency officials on issues of fiscal and budgetary policy, government contracting, and congressional oversight. Sam developed particular expertise on issues of presidential authority, managing OMB's executive orders process, and guiding White House initiatives on artificial intelligence, semiconductors, healthcare, and environmental protection.

Sam clerked for Judge Paul V. Niemeyer of the U.S. Court of Appeals for the Fourth Circuit and Judge Christopher R. Cooper of the U.S. District Court for the District of Columbia. He graduated *magna cum laude* from Harvard Law School, where he was an Executive Editor of the *Harvard Law Review*, and received degrees in economics and trumpet performance from Indiana University. He remains active in music as a member of the Capital City Symphony and as a grants panelist for the National Endowment for the Arts.

Nicholas Casmier Anway, Associate, Arnold & Porter Kaye Scholer LLP

Nicholas Casmier Anway is an associate in Arnold & Porter's general litigation practice.

Before joining the firm, Nicholas served as a law clerk to the Honorable Jerome A. Homes of the U.S. Court of Appeals for the Tenth Circuit and the Honorable Timothy L. Brooks of the U.S. District Court for the Western District of Arkansas.

Nicholas earned his J.D. from Harvard Law School, where he was an editor of the *Harvard Journal of Law and Technology* and a student fellow at the Berkman Kien Center for Internet & Society. He also holds a Master in Public Policy from the Harvard Kennedy School of Government and a Bachelor of Philosophy from the University of Pittsburgh Honors College.

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