



Stormfront. The success of the biggest racist hate speech site in the world

by Paola Andrisani

Stormfront was born in the United States in 1990 as the online noticeboard for the nationalist campaign of David Duke, the Louisiana Senate candidate.¹ The name "*Stormfront*" is chosen for its connotations of "political or military front" (like the German Nazi *stormtroopers*) and in analogy with the meteorological fronts that invoke the idea of a tumultuous storm that ends with "*cleanliness*". *Stormfront.org* (which calls itself "The white nationalism community") was later officially founded in 1995 and put online on a Texas provider by Don Black, known for being the leader of the Ku Kux Klan and a member of the National Socialist White People's Party. In 2002, there were 5.000 registered users of the site, rising to 52.000 in June 2005; in December 2008, as a result of reactions to the election of Barack Obama, the first African American president, users reached 133.000. Ten years later, on 31st December 2018, the registered users are 338.000², with the power to reach even more people in the United States. And that's not all. *Stormfront.org* also lands in Italy with a forum section in Italian. In August 2017, the site was blacked out by its own provider, Network Solutions³, due to a legal action brought by the Lawyers' Committee for Civil Rights Under Law⁴. Earlier that month, the same fate befalls the other white supremacists' site, *The Daily Stormer*⁵. But *Stormfront.org* is back online on 29 September 2017. As well as the other site.

In April 2018, the founder of *Stormfront* announced that the forum is temporarily restricting access to "supporter members" (users who donate at least five dollars per month, ed) and that will archive and close the main server due to a "financial crisis". But, despite this, with

¹ See also: Andrisani P., "The perverse intermingling of virtual and "viral" hatred", in Lunaria (edited by), *Chronicles of Ordinary Racism. Third White Paper on Racism in Italy*, 2014, pp. 97-102.

² According to a study conducted in 2014 by the Southern Poverty Law Center's (SPLC) Intelligence Report, many registered *Stormfront* users have been responsible for some of the most horrific hate crimes and mass murder since the site opened. In the five years leading up to 2014, members of *Stormfront* have killed around 100 people. Of these, 77 were massacred by *Stormfront* user Anders Behring Breivik, a Norwegian terrorist notorious for the 2011 massacre in Norway. In this regard see: <https://www.splcenter.org/20140331/white-homicide-worldwide>.

³ See: <https://eu.knoxnews.com/story/news/2017/08/26/white-supremacist-forum-site-stormfront-seized-domain-hosts/604902001/>.

⁴ See: <https://lawyerscommittee.org/lawyers-committee-civil-rights-law-takes-action-leading-shut-stormfront-com/>.

⁵ See: <https://www.independent.co.uk/news/world/americas/charlottesville-neo-nazi-websites-shut-down-daily-stormer-online-hosting-white-supremacist-godaddy-a7893796.html>.



various tricks, the site is still visible and frequented (there are some very current threads, ed) to this day, both in the USA and in Italy⁶.

The start of investigations in Italy

In October 2011, the Rome Police Headquarters, in collaboration with Digos and the Postal and Communications Police Service, launched an investigation into the Italian section of the site ("Italian Patriots and Nationalists", a group of young supporters of ideologies that can be traced back to the National Socialist extreme right). The investigation leads, after about a year, in November 2012, to the arrest of the administrator, ideologist and promoter of the Italian section of the site, two forum moderators and a forum user. One of the arrested would have had relations with Forza Nuova (an Italian far-right political party).⁷

The investigation, the Rome Police Headquarters said in a note, has made it possible to "*acquire concrete evidence against 21 Italian citizens, subject to investigation in order to the crimes provided for by Law no. 654 of 13 October 1975, for having associated themselves, united by an ideological vocation of the extreme National Socialist Right, with the aim of committing more crimes of diffusion on line and through leafleting of ideologies based on superiority of the white race, on racial and ethnic hatred, and incitement to commit acts of discrimination and violence on racial and ethnic grounds*".⁸ According to the Chief of Police of Rome, those arrested "*were at a planning stage and were likely to attack Gypsy camps or other targets of interest to people with this ideology or mentality*". A heavy and at the same time disturbing statement.

The forum was already well known to investigators, both in relation to the many reports received from associations, institutions and private citizens, and for specific complaints made by citizens affected by personal attacks, especially people from the world of culture, politics, information and television. During the preliminary investigation, the judge prohibits the possibility for Italian users to view the hate content posted on the web by issuing a preventive seizure decree⁹ concerning the Italian section of the *Stormfront* forum in its entirety. This type of measure is justified by the need to avoid that, pending the procedure, the site continues to be accessible by users. This is because the concrete possibility for such users to view the incriminated hate content "*would, in fact, lead to the*

⁶ These sites have the ability to change providers very quickly: to the point of using the so-called "dark web" or "deep web", that portion of the Internet that can only be accessed using TOR, The Onion Router, a network that allows navigation on this particular area of the web. The main function of TOR is, in fact, to allow users access to pages with ".onion" domain, keeping their privacy intact: the navigation is in fact completely encrypted. Read about it here: https://www.vice.com/en_us/article/gydmdj/neo-nazi-site-the-daily-stormer-moves-to-the-darkweb-but-promises-a-comeback.

⁷ He is Mirko Viola, 42 years old from Cantù, belonging to the Forza Nuova Lario movement. Read here: <http://www.quicomo.it/cronaca/comasco-arrestati-stormfront.html>.

⁸ See: http://www1.adnkronos.com/IGN/News/Cronaca/Razzismo-incitamento-a-violenza-sul-web-arresti-e-perquisizioni-in-tutta-Italia_313899478429.html.

⁹ Pursuant to art. 321, Criminal Procedure Code, Book IV - Precautionary Measures, paragraph 1.



prolongation of the criminally relevant racist propaganda activity, and xenophobia and incitement to hatred and violence"¹⁰. Furthermore, following the request for indictment, the defendants were "subject to the precautionary measure of custody in prison, pursuant to Article 285 of the Italian Criminal Code, due to the criminally relevant content fed into the network (the so-called *fumus commissi delicti*¹¹) and of the concrete danger that in the absence of the adoption of such a measure, the criminal activity continues to be carried out (the so-called *periculum in mora*)"¹².

In the trial, the journalists Marco Pasqua and Roberto Saviano, the then Director of UNAR, Massimiliano Monnanni, the President of the Jewish Community of Rome, Riccardo Pacifici, three judges from a panel of the Court of Palermo, the Ministry of the Interior and the Presidency of the Council of Ministers, joined the proceedings as plaintiffs.

The first judgement

The Court of Rome, in its ruling no. 884/2013¹³, recognises *Stormfront* as a sort of criminal association set up through the web. The verdict is interesting because it focuses on the way in which the defendants have gone from carrying out a simple propaganda activity, to the more serious one of instigation to commit a crime, up to laying the structural foundations of a real criminal association.

In fact, behind the use of pseudonyms aimed at concealing their true identity, they have placed messages, flyers, images and audiovisual recordings "related to identity issues" on the website. In addition to this form of propaganda entrusted to the network, there has also been the promotion of racist and xenophobic content outside the virtual space, using the most classic techniques of leafleting. These activities have certainly taken on criminal relevance, since they are in contrast with letter a) of art. 1 of the so-called Mancino Law, aimed at sanctioning the propaganda of discriminatory ideas in any way implemented.

¹⁰ As stated in the "Provision for preventive seizure and injunction against Access Providers" issued by the GIP, Dr. Aprile, on 13 November 2012, in case no. 1373/12 RG. All the documents can be found in: Stormfront Process. Acts of the process published by MDA.

¹¹ That is, the "appearance of the commission of a crime", which indicates the existence of indications of guilt on a specific person. The *fumus commissi delicti* is one of the necessary prerequisites for the application of personal precautionary measures.

¹² Also, in the "Preventive seizure measure and inhibitory seizure of Access Providers" issued by GIP, Dr Aprile, cit.

¹³ Sentence no. 884/2013 (art. 438 c.p.p.) of 8 April 2013 and filed on 5 June 2013. As many as 61 pages recognising for the first time the conspiracy to commit crimes against a group acting online. A sentence that shows that incitement to racist hatred is also punishable when hiding behind a nickname, and that the right to express one's thoughts should not be confused with the right to incite hatred. The full sentence is available here: http://www.osservatorioantisemitismo.it/wp-content/uploads/2013/11/Sentenza-884.13-dell'8.04.2013-1_stormfront.pdf



This discriminatory activity, carried out by the defendants, was even more threatening when a sort of "proscription list", called "*List of Italian criminals*" (in which the names of people who worked to help migrants, whether by profession or not, were listed) and a document, of the same kind, entitled "*List of Jewish Communities in Italy, Shops, Restaurants, Schools*", in which there was a detailed list of the meeting places of this community, were drawn up.¹⁴

The Court points out that, while "*a mere list does not constitute explicit expression of an idea based on racial hatred*", it is, however, intuitive "*the risk that such information, moreover provided on a website with a clear National Socialist imprint, could also be aimed, instead, at facilitating the commissioning of demonstrative actions or of real punitive expeditions, as could be inferred from the invitations addressed to site visitors to act according to racial conscience*".

The willingness to move from words to deeds so as not to be labelled as "keyboard militants" is made even more evident by the publication on the website of the novel entitled *Turner's Diaries*, considered one of the fundamental texts of white supremacists, in which, alongside the completely imaginative narration of terrorist and racist attacks, information on how to make an explosive device is provided. The risk of emulation that is hidden in the pages of this story is very clear on the part of the defendants, who make it the subject of disclosure¹⁵ not only because of the sharing of ideas that the text carries, but also in the hope of provoking violent reactions in the readers.¹⁶

We are therefore witnessing the "*transformation of the group originally operating only on Stormfront.org into another group, more articulated from the point of view of objectives (which) increases its concrete dangerousness because it tends to create an operative structure aimed, not only the propaganda of discriminatory ideas based on racial hatred through the internet, but also directed outwards for much more concrete purposes*".¹⁷

¹⁴ For further information read: <http://www.ilfattoquotidiano.it/2012/11/16/odio-razziale-eantisemitismo-4-arresti-stormfront-org>.

¹⁵ The potential dangerousness of the disclosure of instructions for the preparation of an explosive device is highlighted by the Court of Rome, which does not fail to recall how this same text was found in the possession of the author of the Oklahoma City bombing in 1995 and cost the lives of dozens of innocent people.

¹⁶ One of the defendants, it is stated in the judgment, states that once the translation work has been completed "there will be people who will surely read them (*Turner's diaries*, ed.) as an impact novel and there will be others who will read it in a superficial and dangerous way", and therefore could be pushed to emulate the actions described in the text. The same judgment highlights the full awareness of the conduct criminally relevant in case of propaganda of such contents (as well demonstrated by the attempt to use computer programs that do not allow to trace the identity of the sender of the materials put on the web in reference to the pages of the novel).

¹⁷ On 24 April 2013, the Supreme Court, Criminal Section III, sentence no. 33179, also ruled on an appeal against the pre-trial detention order no. 3593/2012 of the Rome Court of Liberties of 5 December 2012, issued against one of the defendants, confirming substantially all the reasons expressed by the Court of Rome.



The continuation of the judicial process. From incitement to hatred to de facto criminal association

It was naively thought that the blackout¹⁸ and the arrest of four people would be the last acts of this story. However, it has been underestimated how easy it is to get around the blocks online, using anonymous proxies located in a third country where *Stormfront Italy* is not blocked. The forum is back online again soon, working and used. The forum users themselves explain it, making fun of the investigation and the law.

This triggers a new investigation (operation *Stormfront II*¹⁹) that leads, in November 2013, to the search of thirty-five other people and their homes, to identify the authors of the messages conveying "racial" and ethnic hatred, which appeared online at the time when the site should have been inactive according to the order of obscuration. The preliminary hearing judge of Rome adjudicates twenty-five people, believed to be close to the far right *Stormfront* movement. They are all accused of "*racial hatred, threats, violation of the Mancino law*". The trial begins again, which goes as far as the Supreme Court, passing through the Court of Appeal.²⁰

The Supreme Court, in February 2016²¹, decided to confirm the verdict issued by the Court of Appeal of Rome on February 13, 2014²², which had reduced the penalties with respect to the judgment of first instance: convictions to two years and six months imprisonment for Daniele Scarpino, considered the ideologist of the group, and two years and two months for Diego Masi, Luca Ciampaglia and Mirko Viola.

As the Supreme Court has had the opportunity to clarify on the point²³, "*constitutes conspiracy to incite violence for reasons of race, ethnicity and religion, also a structure that makes use of the new communication tools made possible thanks to the internet, both for the dissemination of content extolling racism, as well as to maintain contacts between affiliates and to carry out proselytizing activities*".

¹⁸ The investigators claimed that, since a letter rogatory was not enough (since the central server of the organization is in the United States, where the legislation on this point is different from the Italian one), they would have notified the main Italian providers to make access to the site impossible. However, using some computer tricks, users continued to upload videos, cartoons and posts with anti-Semitic, xenophobic and even homophobic content. We talked about it here: <http://www.cronachediordinarazzismo.org/stormfront-ancora-attivo-dopo-loscuramento-e-la-condanna/>.

¹⁹ See here a note: <https://www.poliziadistato.it/articolo/30866>.

²⁰ For more information, read also: Salvi G. (Attorney General of the Republic at the Court of Appeal of Rome), "Appunti per una relazione sul terrorismo di destra", *Questione Giustizia*, April 27, 2018, available here: <http://www.questionejustizia.it/stampa.php?id=1628>.

²¹ Supreme Court (Criminal), section I, judgement no. 34713 of February 16, 2016.

²² Court of Appeal of Rome, Judgment n. 01288/2014 of 13 February 2014

²³ Supreme Court (Criminal), section I, judgement no. 34713 of February 16, 2016.



The virtual space was therefore "manipulated" by the defendants for the realization of criminal conduct that took place actively on the national territory, and that did not end in the mere activity of incitement to hatred online, but that extended to the conclusion of "*agreements relating to activities not strictly related to the Stormfront site, such as physical meetings (and therefore not only virtual) between the defendants, leafleting activities aimed at propaganda of discriminatory ideas to be carried out in Italy in public places, fundraising to be allocated to the activities of the group.*"

The exemplariness of the *Stormfront* case, therefore, lies precisely in its ability to have passed easily from propaganda of racist ideas on the web to incitement to crime, right down to concrete action. While the importance of this judgement consists in the affirmation of the legal principle that the web can no longer be considered a "free zone" where people can freely incite, spread, apologise for racist, xenophobic and anti-Semitic ideologies.

However, the story never seems to end. In fact, still in June 2019 (after about 7 years, ed.) Roberto Saviano has to appear before the judges of the I Criminal Section of Rome in another (yet another) trial of a group of defendants accused of having written anti-Semitic phrases on the Italian forum of *Stormfront* and spread "ideas based on racial hatred", inciting to commit acts of violence. This trial is an unfinished segment of the investigation of Prosecutor Luca Tescaroli (the same that has already led to four convictions, confirmed by the Supreme Court).

In February 2020²⁴, the same prosecutor asked for almost 50 years' imprisonment for a total of 23 other people who were users of the platform (and for three others, there was the prescription). The accusations are, depending on the positions, always the same, i.e. threats and defamation "aimed at incitement to discrimination and violence on racial, ethnic and religious grounds, by spreading ideas based on the superiority of the white race"²⁵. If the judge were to agree with the accusation once again, this would be yet another heavy sentence against the managers/collaborators of this platform, who, despite the blackouts, resist undaunted, inside and outside the web.

In fact, despite the sentences already issued and the arrests, racist discourse continues to be conveyed in the most varied and even more subtle forms, and also through other groups, channels and platforms. And the thing that worries the most is the absolute unawareness

²⁴ See here: <https://www.adnkronos.com/fatti/cronaca/2020/02/03/stormfront-chieste-condanne-1Gbp5qTUBaNBEzQa7LuYEJ.html>.

²⁵ The Prosecutor has declared that "*reprehensible, criminally relevant conduct has surfaced, which is part of the criminal phenomenon of "hate speech" with the concrete prospect of implementing hate behaviour, and of incitement to violence by means of leafleting, translation of texts advocating a the fight without quarter against "niggers", "Jews", "Hispanics" and "gypsies" and containing practical information on how to make ordnance, up to the formulation of a project for the realization of an operational structure for the realization of their aims in a concrete way*".



and unconsciousness of the majority of people, with respect to the dangers that lie beyond the keyboard and the screen: i.e. when hate slips from virtual to real.