



Department of Justice

STATEMENT OF

**BRAD WIEGMANN
DEPUTY ASSISTANT ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

AND

**TIMOTHY LANGAN
ASSISTANT DIRECTOR
COUNTERTERRORISM DIVISION
FEDERAL BUREAU OF INVESTIGATION**

BEFORE THE

**SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES
COMMITTEE ON OVERSIGHT AND REFORM
U.S. HOUSE OF REPRESENTATIVES**

AT A HEARING ENTITLED

**“CONFRONTING VIOLENT WHITE SUPREMACY (PART VI): EXAMINING THE
BIDEN ADMINISTRATION’S COUNTERTERRORISM STRATEGY”**

PRESENTED

SEPTEMBER 29, 2021

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Good morning Chairman Raskin, Ranking Member Mace, and distinguished Members of the Subcommittee, and thank you for the opportunity to testify on behalf of the Department of Justice regarding the National Strategy for Countering Domestic Terrorism. Protecting the American people from terrorism and other national security threats has long been the top priority of the Department.

The nature of the threat posed by terrorism – both international and domestic – continues to evolve. The greatest terrorism threat to our Homeland today is posed by lone actors or small cells who typically radicalize online and look to attack soft targets with easily accessible weapons. We see these threats manifested in both Domestic Violent Extremists (“DVEs”) and Homegrown Violent Extremists (“HVEs”), two distinct threats both of which arise in the United States. Individuals who seek to commit violent criminal acts in furtherance of social or political goals stemming from domestic influences – such as racial or ethnic bias, or anti-government or anti-authority sentiments – are described as DVEs, whereas HVEs are individuals inspired primarily by foreign terrorist groups, but not receiving individualized direction from those groups.

Both DVEs and HVEs are often motivated by a mix of socio-political, ideological, and personal grievances, and have focused on readily accessible targets to include houses of worship, retail establishments, and mass public gatherings. The vulnerability of these soft targets, the insular nature of the process by which these individuals radicalize and mobilize to violence, and the limited discussions they typically have with others regarding their plans increase the challenge faced by law enforcement to detect and disrupt these plots before they can cause harm.

Some violent extremists have also continued to target law enforcement and the military as well as institutions or members of the U.S. Government.

Earlier this year, U.S. intelligence and law enforcement agencies issued a joint assessment concluding that DVEs “pose an elevated threat” in 2021. DVEs espouse a range of animating ideologies. The top threats we face from DVEs are from those we categorize as Racially or Ethnically Motivated Violent Extremists (“RMVEs”) and Anti-Government or Anti-Authority Violent Extremists. While RMVEs who advocate for the superiority of the white race were the primary source of lethal attacks perpetrated by DVEs in 2018 and 2019, Anti-Government or Anti-Authority Violent Extremists – specifically, Militia Violent Extremists and Anarchist Violent Extremists – were responsible for three of the four lethal DVE attacks in 2020. Notably, this included the first lethal attack committed by an Anarchist Violent Extremist in over 20 years.

The National Strategy released earlier this summer sets forth for the first time a comprehensive policy to address the many facets of the domestic terrorism threat. The Strategy creates a framework for the Federal Government to understand and share domestic terrorism-related information; prevent recruitment and mobilization to violence; disrupt and deter domestic terrorism activity; and confront long-term contributors to this problem. The Strategy recognizes that activity protected under the First Amendment, including speech espousing an extremist ideology, is not unlawful and that any steps to counter domestic terrorism must therefore be focused on acts or true threats of violence, so as to safeguard Americans’ civil rights and civil liberties. The Department of Justice, including the FBI, has already taken concrete steps to implement the National Strategy, and we will continue supporting our Federal partners and our State, local, Tribal, and territorial (“SLTT”) counterparts to prevent acts of terrorism and to prosecute those who violate our laws.

I.

The National Strategy adopts a whole-of-government approach to preventing domestic terrorism and reducing the factors that fuel it. The Strategy recognizes that, to find sustainable solutions, we must not only disrupt and deter terrorist activities, but also address the root causes of violence. It rests on four essential pillars, which will be implemented across the Federal Government and in coordination with non-federal partners.

First are efforts to understand and share information regarding the full range of domestic terrorism threats. The Strategy recognizes that a thorough understanding of this threat is essential to confronting it effectively. It calls for enhanced domestic terrorism-related research to augment existing analyses that are regularly generated by the FBI and Department of Homeland Security (“DHS”), among others. The Federal Government will also seek to enhance efforts to share this threat information as needed, both internally and with non-Federal partners, including by more quickly providing detailed, unclassified information to SLTT counterparts. The Strategy also directs Federal agencies to illuminate the transnational aspect of domestic

terrorism by placing an increased emphasis on the sharing of relevant information with foreign partners, where appropriate, on the international aspects of the threat.

Second are efforts to prevent domestic extremists from successfully recruiting and mobilizing individuals to violence. This pillar calls for enhanced Federal support to community partners who can help to prevent individuals from reaching the point of engaging in violent terrorist activity. The Federal Government will strengthen domestic terrorism prevention resources and services through increased educational and technical assistance to community-based partners. We will also augment efforts to address online terrorist recruitment and mobilization to violence through enhanced information sharing with private entities in the technology sector and by exploring innovative new ways to foster digital literacy and build resistance to radicalization.

Third are efforts to deter and disrupt domestic terrorist activity. The Department of Justice, including the FBI, has long been the lead Federal agency to investigate and prosecute criminal activities that constitute domestic terrorism. U.S. Attorney's Offices, Main Justice litigating components, and FBI Field Offices across the country have made domestic terrorism a top priority. The Department has reallocated resources and has requested additional resources to tackle this threat, and we are also tracking domestic terrorism-related cases in new ways in order to better assess our efforts over time. SLTT law enforcement agencies will have access to increased intelligence sharing, training, and other resources to combat domestic terrorism and associated threats. The Strategy also calls for the Federal Government to improve employee screening to enhance methods for identifying those who might pose insider threats related to domestic terrorism, and that work is underway.

Finally, the National Strategy recognizes that the long-term issues that contribute to domestic terrorism in our country must be addressed to ensure that this threat diminishes over generations to come. As mentioned above, the FBI and intelligence agencies have recently assessed, RMVEs driven by a belief in the superiority of the white race continue to pose the greatest domestic violent extremist threat to commit lethal violence against civilians. The Strategy acknowledges that every component of the Government has a role to play in fighting racism and bigotry and advancing equity for all Americans. It also seeks to ensure that Federal and SLTT law enforcement agencies respond to threats of domestic terrorism without bias, and that investigative and prosecutorial efforts are guided strictly by the facts and law. The Strategy also reflects a commitment to denounce and reject violence as an acceptable form of seeking political or social change. These efforts are part of a broader priority to enhance faith in government and address the types of extreme polarization that can sometimes contribute to violence.

II.

The Department of Justice, including the FBI, has already begun implementing a range of efforts reflected in the National Strategy:

- The Department has issued binding guidance to ensure that investigations and prosecutions with a domestic terrorism nexus are better tracked, and that the appropriate components in the Department have visibility into these matters.
- The Department has reinvigorated and expanded the Domestic Terrorism Executive Committee (“DTEC”). Originally created in the aftermath of the 1995 Oklahoma City bombing, the DTEC includes representatives from the U.S. Attorney’s Offices, the National Security Division, other divisions of Main Justice, the FBI, DHS, and other law enforcement agencies. It provides a national-level forum for information-sharing at the leadership level on domestic terrorism matters.
- The Department and the FBI have taken steps to increase the domestic terrorism threat information provided to SLTT partners and to enhance the training available to those partners. For example, the Department will incorporate information specifically related to domestic terrorism — including information on iconography, symbology and phraseology — into existing resources, including the Joint Counterterrorism Assessment Team’s *First Responder’s Toolbox*, and the Department’s *State and Local Anti-Terrorism Training Handbook on Law Enforcement Intelligence*. Additionally, the FBI has recently held multiple regional law enforcement conferences — in Denver, Louisville, and San Francisco — with over 100 SLTT law enforcement agencies, and additional conferences are scheduled in the coming months. These conferences are designed to increase SLTT partners’ understanding of federal civil rights and hate crimes laws, including those that may apply to acts of domestic terrorism; encourage reporting of hate crimes and incidents; and provide best practices on ways to strengthen relationships between law enforcement agencies and the diverse communities they serve.
- The Department’s grant-making components are dedicating additional resources to helping States, localities, and others focus on the domestic terrorism threat. The Department’s Office of Community Oriented Policing Services, for example, is including combatting hate crimes and domestic violent extremism as an area of special consideration in the 2021 Community Policing Development (“CPD”) Microgrants Program solicitation. CPD Microgrants Program funds are used to develop the capacity of law enforcement to implement community policing strategies. The Department’s Bureau of Justice Assistance administers the State and Local Anti-Terrorism Training (“SLATT”) Program, which offers training to SLTT law enforcement officers. The SLATT Program is currently undergoing a curriculum revitalization to enhance training on identifying what terrorism looks like, understanding how to report it to the FBI, and, should the need arise, preparing to respond to an incident. As part of the revitalization effort, on-site training courses are being developed to provide content tailored to different roles: law enforcement, emergency managers, crime analysts, and intelligence analysts. Additionally, for nearly a decade, the Department’s National Institute of Justice (“NIJ”) has

administered a domestic violent extremism and domestic terrorism research program. Last year, NIJ published a review of the most up-to date research and an analysis highlighting areas where more work is needed. In FY 2021, NIJ will fund research that improves understanding of the process of radicalizing to terrorism, reintegration of offenders incarcerated for terrorism-related offenses, and terrorism prevention programs. The President's FY 2022 Budget includes a \$4 million increase for NIJ to further research the causes of radicalization to terrorism.

- The Department has also recently announced several initiatives aimed at preventing or more effectively responding to hate crimes, some of which also qualify as acts of domestic terrorism. For example, the Attorney General has appointed a Hate Crimes Coordinator to centralize the Department's efforts to combat hate crimes. Beginning on October 1, 2021, the FBI will elevate hate crimes and criminal civil rights violations to its highest-level national threat priority, which will increase resources for hate crimes prevention and investigations and make hate crimes a focus for all of the FBI's field offices. Additionally, on June 30, 2021, the FBI launched a National Anti-hate Crimes Campaign involving all 56 FBI field offices to encourage reporting of hate crimes and hate incidents. The campaign leverages outdoor advertising, billboards, radio streaming, and social media to encourage and build public awareness of hate crimes and encourage reporting to law enforcement.

To support these efforts, the Department is seeking substantial additional resources. The President's Budget for Fiscal Year 2022 includes over \$100 million in additional funds to ensure that we have the analysts, investigators, and prosecutors needed to counter the threat posed by domestic terrorism.

III.

As the National Strategy makes clear, any approach to addressing the challenge of domestic terrorism must also safeguard the civil rights and civil liberties that are fundamental to American society. As in all of its domestic investigations, the FBI's investigations into domestic terrorist activities are governed by a comprehensive set of guidelines designed to ensure respect for the rights and liberties of the American people. The Attorney General Guidelines for Domestic FBI Operations recognize that it "is axiomatic that the FBI must conduct its investigations and other activities in a lawful and reasonable manner that respects liberty and privacy and avoids unnecessary intrusions into the lives of law-abiding people."

The Attorney General first adopted comprehensive guidelines governing domestic investigations in the late 1970s, in response to the findings of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the "Church Committee"). That Committee had uncovered abuses in the Federal Government's surveillance of civil rights groups and other domestic political organizations, and it recommended fundamental reforms to the Government's intelligence gathering practices.

The guidelines first adopted in the wake of the Church Committee’s reports significantly shifted the Department’s approach to investigating domestic security threats. Those guidelines have been revised and updated in the intervening years to employ more robust protections for civil rights and civil liberties.

The current guidelines prohibit the FBI from engaging in investigative activities directed at U.S. persons “solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States.” Additionally, across all of its investigative activities, the FBI must consider “such factors as the effect on privacy and civil liberties . . . and potential damage to reputation,” and use the “least intrusive method feasible” when carrying out an investigation.

The Attorney General Guidelines and related implementing policy documents, including the FBI Domestic Investigations and Operations Guide, create several other requirements aimed at safeguarding civil liberties. For example:

- They categorize investigatory activities at different levels (assessments, preliminary investigations, and full investigations) and impose specific requirements for the initiation and conduct of each those activities, with the least burdensome requirements attaching to early-stage activities, and more robust showings required to engage in more intrusive activities.
- They make clear that it is “vitaly important” in any matter that could create the appearance that an investigation might involve First Amendment or constitutionally protected activity that the FBI document the authorized, well-founded basis for the investigative steps it intends to pursue.
- They provide useful examples of scenarios demonstrating the distinctions between constitutionally protected speech versus advocacy that is intended and likely to incite imminent violence or lawless action.

The Department’s guidelines and the National Strategy for Countering Domestic Terrorism both recognize that, in the United States, espousing an extremist ideology is not a crime, nor is expressing hateful views or associating with hateful groups. But where an individual tries to impose or promote an ideology through acts of violence, often on a mass scale, those acts can be among the most serious crimes we confront as a society. At the Department of Justice, we are committed to protecting all Americans from such attacks, regardless of the motivation. No matter who is behind the violence and intimidation, we will use every tool at our disposal to deter and disrupt domestic terrorists and bring them to justice.

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We appreciate the opportunity to discuss these issues with you, and we would be pleased to answer your questions.