



# Department of Justice

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**STATEMENT OF**

**MICHAEL C. McGARRITY  
ASSISTANT DIRECTOR  
COUNTERTERRORISM DIVISION  
FEDERAL BUREAU OF INVESTIGATION**

**AND**

**CALVIN A. SHIVERS  
DEPUTY ASSISTANT DIRECTOR  
CRIMINAL INVESTIGATIVE 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 WHITE SUPREMACY (PART II)”**

**PRESENTED**

**JUNE 4, 2019**

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**JUNE 4, 2019**

Good morning, Chairman Raskin, Ranking Member Roy, and Members of the Subcommittee. Thank you for the opportunity to appear before you today. We welcome the opportunity to discuss the FBI’s efforts to combat the threats posed by domestic terrorism and hate crimes. Though we discuss these threats as separate entities and address them from multiple FBI Divisions, they are in no way mutually exclusive. Rather, we apply the expertise, passion, and resources of both the Counterterrorism and Criminal Investigative Divisions to these overlapping threats, working to prevent the threats on the horizon and provide justice to the victims of hate crimes. Because individual incidents may be investigated as both domestic terrorism and as a hate crime, we bring the force of the FBI to bear against any event that may fall into these categories, investigating crimes through the lenses of both Divisions unless or until one avenue is foreclosed or eliminated.

The FBI’s counterterrorism mission is dedicated to the disruption of terrorist actors and the prevention of terrorist attacks in the Homeland. The FBI’s hate crimes mission is to enforce federal civil rights statutes and ensure the protected rights of all persons are preserved. In furtherance of these intersecting missions, our Counterterrorism and Criminal Investigative Divisions are often focused on prevention and enforcement, respectively. While the Counterterrorism Division tends to be more prevention driven, focusing on identifying, disrupting, and dismantling terrorists before they act, our teams devoted to hate crimes

concentrate on the victims of attacks and ensuring they are provided the justice they deserve. We would like to take the opportunity to discuss both of these complementary missions with you in further detail, and to explain how we believe each Division serves as a force multiplier for the other.

## **Domestic Terrorism**

While the threat posed by terrorism has evolved significantly since 9/11, preventing terrorist attacks from foreign and domestic actors remains the FBI's top priority. We face persistent threats to the Homeland and to U.S. interests abroad from foreign terrorist organizations ("FTO"), homegrown violent extremists ("HVE"), and domestic terrorists, also referred to as domestic violent extremists. The threat posed to the United States has expanded from sophisticated, externally directed plots to attacks conducted by self-radicalized lone actors who mobilize to violence based on international and domestic violent ideologies.

The FBI categorizes terrorism investigations into two main programs: international terrorism and domestic terrorism. International terrorism includes cases in which subjects are members of designated FTOs, state sponsors of terrorism, and HVEs. The latter are individuals inside the United States who are inspired by international terrorism who have been radicalized to violence primarily in the United States, and who are not receiving individualized direction from FTOs. Domestic terrorists are individuals who commit violent criminal acts in furtherance of ideological goals stemming from domestic influences, such as racial bias and anti-government sentiment.

Our operational tempo has risen significantly in the last few years and remains high. Still, we, along with our law enforcement partners, face significant challenges in identifying and disrupting HVEs and domestic terrorists who seek to perform terrorist attacks within the United States. This is due, in part, to the ease of online self-radicalization to violence and the corresponding lack of direct connections between known terrorists or FTOs and unknown radicalized violent extremists which shortens the window of opportunity for our investigative teams to identify and disrupt an individual before that individual decides to act.

Domestic terrorism is defined by statute as any act dangerous to human life that violates U.S. criminal laws and appears to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping. The act in question must occur primarily within the jurisdiction of the United States. We assess domestic terrorists pose a persistent and evolving threat of violence and economic harm to the United States; in fact, there have been more domestic terrorism subjects disrupted by arrest and more deaths caused by domestic terrorists than international terrorists in recent years. We are most concerned about lone offenders, primarily using firearms, as these lone offenders represent the dominant trend for lethal domestic terrorists. Frequently, these individuals act without a clear group affiliation or guidance, making them challenging to identify, investigate, and disrupt.

It is important to remember that in line with our mission to protect the American people and uphold the Constitution of the United States, no FBI investigation can be opened solely on the basis of First Amendment-protected activity. Rather, domestic terrorism investigations on individuals are opened on the basis of information concerning the occurrence or threat of violent criminal actions by the individual in furtherance of an ideology.

We understand that your request for today's hearing arises from a concern about Racially Motivated Violent Extremism, which may result in the commission of hate crimes. We appreciate your interest in this issue. Individuals adhering to Racially Motivated Violent Extremism ideology have been responsible for the most lethal incidents among domestic terrorists in recent years, and the FBI assesses the threat of violence and lethality posed by Racially Motivated Violent Extremists will continue. The current Racially Motivated Violent Extremist threat is decentralized and primarily characterized by lone actors. These actors tend to be radicalized online and target minorities and soft targets using easily accessible weapons.

Violent extremists are increasingly using social media for the distribution of propaganda, recruitment, target selection, and incitement to violence. Through the Internet, violent extremists around the world have access to our local communities to target and recruit like-minded individuals and spread their messages of hate on a global scale. The recent attack at the Chabad of Poway Synagogue in Poway, California not only highlights the enduring threat of violence posed by domestic terrorists, but also demonstrates the danger presented by the propagation of these violent acts on the Internet. The attacker in Poway referenced the recent mosque attacks in Christchurch, New Zealand, and we remain concerned that online sharing of livestreamed attack footage could amplify viewer reaction to attacks and provide ideological and tactical inspiration to other domestic terrorists in the Homeland.

We would like to assure you that the FBI takes very seriously the threat of domestic terrorism, and we have aligned our resources to reflect this. Every FBI field office has at least one counterterrorism squad, and some offices have a squad solely dedicated to domestic terrorism investigations. At FBI Headquarters, we have an entire section of agents and analysts dedicated to support and enable field investigations, in addition to intelligence units which provide critical information to decision makers and help the FBI think strategically about the domestic terrorism threat.

As the threat to harm the United States and U.S. interests evolves, we are adapting to and confronting these challenges. In April 2019, the FBI established the Domestic Terrorism-Hate Crimes Fusion Cell to address the intersection of the complementary FBI missions to combat domestic terrorism and provide justice to those who are victims of hate crimes. Comprised of subject matter experts from both the Criminal Investigative and Counterterrorism Divisions, the cell offers program coordination from FBI headquarters. This Fusion Cell helps ensure seamless information sharing across Divisions and augments investigative resources to combat the

domestic terrorism threat, ensuring we are not solely focusing on the current threat or most recent attack, but also looking to the future to prevent the next one.

We also rely heavily on the strength of our federal, State, local, tribal, and territorial partners to combat the domestic terrorism threat. Working with our Joint Terrorism Task Forces across the country, the FBI continues to identify, assess, and disrupt domestic terrorism threats in the Homeland. The Task Force Officers on our Joint Terrorism Task Forces not only serve as force multipliers in the domestic terrorism fight, but also bring invaluable experience and familiarity with the local community to our investigations. Evidence of these critical partnerships is demonstrated by the frequency with which the FBI received domestic terrorism-related tips from these agencies. In conjunction with these partners we constantly collect and analyze intelligence concerning the ongoing threats posed by domestic terrorists. We continue to emphasize the importance of information sharing with both these partners around the country, and with our international partners around the world.

### **Hate Crimes**

Due to the devastating impact hate crimes have on individuals, families, and communities, these crimes are a priority for the FBI's Criminal Investigative Division. The FBI investigates hundreds of cases every year and works to detect and deter further incidents through law enforcement training, public outreach, and partnerships with community groups. Historically, the FBI's investigation of hate crimes focused on crimes in which the perpetrators acted based on a bias against the victim's race, color, religion, or national origin. Investigations were restricted to those where the victim was engaged in a federally-protected activity. With the passage of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, the FBI was authorized to also investigate crimes committed against a person or property motivated by bias against race, religion, ethnicity/national origin, disability, sexual orientation, gender, or gender identity.

The FBI is the lead investigative agency for criminal violations of federal civil rights statutes and we work closely with our local, State, tribal, and federal law enforcement partners around the country in many of these cases, even when federal charges are not brought. FBI investigative resources such as experts in handling electronic devices or data, or forensic expertise from the Evidence Response Team and FBI Laboratory, and agents experienced in identification and proof of bias motivations often provide an invaluable complement to local law enforcement. Many cases are also prosecuted under State statutes such as murder, arson, or State hate crime laws.

Due to a combination of a rise in reported hate crimes, the number of agencies reporting hate crimes to the Uniform Crime Report ("UCR") program, FBI conducted trainings, and a heightened public awareness likely due to several high profile hate crime critical incidents, there was a marginal increase in hate crimes reported in the UCR, as well as the number of FBI hate crime investigations initiated between 2016 and 2018.

Hate crimes incidents are reported by law enforcement agencies throughout the United States to the UCR as part of the Hate Crimes Statistics Act. The Hate Crimes Statistics Program of the UCR is a valuable source of information; it helps the FBI, law enforcement, non-governmental organizations, and the public see the types of hate crime incidents occurring in our country with the hope of addressing those issues in our communities. Participation in the program, however, is voluntary. The FBI highly encourages participation in the Hate Crimes Statistics Program, and routinely provides education and training to both law enforcement and community partners on the importance of identifying and reporting hate crime incidents.

The FBI forwards results of completed investigations to local U.S. Attorneys Offices and the Civil Rights Division at the Department of Justice, which decide whether a federal prosecution is warranted. Many cases are also prosecuted under State statutes such as murder, arson, or more recent local ethnic intimidation laws. Once the State prosecution begins, the Department of Justice follows the proceedings to ensure that the federal interest is vindicated and the law is applied equally among the 94 U.S. Judicial Districts. To be clear, State and federal prosecutions are not mutually exclusive.

Outreach is a critical component of the FBI's civil rights program. The FBI engages with various local and national organizations to identify violations of federal law designed to protect the civil rights of individuals in the United States. Many FBI's field offices participate in working groups with State and local law enforcement partners, as well as community groups within their area of responsibility. These working groups combine community and law enforcement resources to develop strategies to address local hate crime problems.

The FBI Civil Rights Unit developed the national training initiative in 2016. This initiative aims to strengthen the civil rights educational footprint throughout the nation by providing standardized training and materials that field offices may provide to their law enforcement partners, non-governmental organizations ("NGOs"), and community groups. The FBI conducts hundreds of seminars, workshops, and training sessions annually for federal and local law enforcement, minority and religious organizations, and community groups to promote cooperation and provide education about civil rights statutes.

In October 2018, the FBI along with the Civil Rights Division, the Office of Justice Programs, the Community Oriented Policing Service, the Executive Office of United States Attorneys, and the Community Relations Service launched a website as a centralized portal for all of its hate crimes resources for law enforcement, media, researchers, victims, advocacy groups, and other related organizations and individuals. The website aims to educate the public on hate crimes and encourage hate crime reporting.

## **Conclusion**

As we hope we will make clear to you today, the FBI takes very seriously the threats posed by domestic terrorism and hate crimes. Though our investigations are often labeled in the public discourse, the FBI will continue to investigate incidents as both domestic terrorism and a hate crime simultaneously unless or until one avenue is foreclosed or eliminated. The close collaboration between the FBI's Criminal Investigative and Counterterrorism Divisions to combat these threats ensures each investigation evaluates all available charges and utilizes all necessary tools, making certain that regardless of a case classification or indictment category, we are protecting the American people and upholding the Constitution of the United States.

Chairman Raskin, Ranking Member Roy, and Members of the Subcommittee, thank you for the opportunity to testify concerning the evolving terrorism and hate crimes threat to the Homeland. The FBI continues to strive to work and share information more efficiently, and to utilize all lawful investigative techniques and methods to combat these threats to the United States. We are grateful for the support that this Subcommittee and you have provided to the FBI. We look forward to answering any questions you might have on this topic.