

Attorney General Nessel's Testimony for the Subcommittee on Intelligence and Counterterrorism

Chairwoman Slotkin, Ranking Member Pfluger, and distinguished members of the Subcommittee on Intelligence and Counterterrorism, good morning and thank you for the invitation to appear before you today. My name is Dana Nessel and I am the Attorney General – and Chief Law Enforcement Officer - of the great state of Michigan. I'm honored to be with you this morning and I share in your commitment to explore ways that we can better confront, and combat issues related to domestic terrorism. It is my firm belief that this growing threat is one of the most serious national security issues that we face and that it must be addressed in a bipartisan manner with local, state, and federal agencies partnering together to ensure that this country – and our democracy – is defended against *all* enemies, both foreign and *domestic*.

Michigan is no stranger to the threat of domestic terrorism. In many ways, my state has served as ground zero for anti-government militia extremism since the 1990's when it was discovered that the Michigan Militia had ties to Oklahoma City bombers Timothy McVeigh and Terry Nichols. Though it has been more than 25 years since the Oklahoma City bombing, acts of domestic terrorism still tear at the very fabric of this country. Just last year, my office charged 8 leaders and associates of the anti-government extremist militia, Wolverine Watchmen, with supporting a terroristic plot to kidnap and kill the Governor of our state; to hold members of our state legislature hostage in our state capitol for days before ultimately destroying it; and, planning to harm law enforcement officers who protect and serve our state residents. The U.S. Attorney's Office charged another 6 individuals stemming from the same investigation. In addition, Michigan has recently seen a deluge of threats to legislators, judges and other government officials on both sides of the political aisle. In just the past 6 months, we have issued charges against individuals in 5 separate cases for threatening public officials. And that's just the tip of the iceberg - we've been asked to review so many cases that my department had to establish a special procedure for complaint intake and add additional prosecutorial resources to handle complaint review.

Though the factual nature of the claims may be different, my experience in Michigan has demonstrated that acts of domestic terrorism are not focused on one political party or even one branch of government and the threat that they present is ever rising. Moreover, anti-government militia extremism and racially motivated violent extremism are not unique to Michigan.

FBI Director Christopher Wray has acknowledged in testimony before the Senate earlier this month that far-right-wing extremists **are the most significant domestic terrorism threat** facing the United States. In his testimony, he stated

that at any given time, the FBI has approximately 2,000 domestic terrorism investigations, and has repeatedly warned of the mounting domestic terror threat in recent years. He has acknowledged that racially motivated violent extremists are also one of the most significant domestic terrorism threats. Of these, the most lethal attacks over the last few years have involved white supremacists.

In light of this serious and growing threat, I have expanded my Department's Hate Crimes Unit to now include Domestic Terrorism because of the overlap of extremist ideologies. I have also directed my department to work with FBI and Michigan State Police and to prioritize these cases for prosecutorial review. Luckily, Michigan is uniquely situated to address domestic terrorism because of the Michigan Anti-Terrorism Act. This act went into effect with bipartisan support in April of 2002 after the 9/11 terrorist attacks. Our legislature recognized that laws should be enacted to adequately address the threats of terrorism against targets in our state. These statutes criminalize domestic terrorism by providing state prosecutors with the tools to prosecute as 20-year felonies:

- acts of domestic terrorism
- providing material support or resources for terrorism
- hindering prosecution of terrorism
- communicating true or false threats of terrorism
- disrupting telecommunications of public safety, education, or government operations; and,
- obtaining blueprints or security diagrams for terrorism to vulnerable targets like school buildings, houses of religious worship, stadiums, and infrastructure

In addition to the Michigan Anti-Terrorism Act, my office has utilized or could utilize Michigan gang statutes to charge individuals acting on behalf of a group and statutes that criminalize the impersonation of a police officer and the training with firearms and explosives in furtherance of a civil disorder.

While Michigan has a robust array of laws to address domestic terrorism, many states and federal prosecutors do not. For example, while federal prosecutors have laws that address providing material support for designated "foreign terrorist organizations," there are no laws to address domestic terrorists, or "homegrown" violent extremists. This is a gap that my Department has used our state laws to fill, but to fully combat domestic terrorism across the country, changes to federal criminal laws must be made. Moreover, because we are on the frontline of this battle, federal funding is needed for state law enforcement offices - like mine - so that we can dedicate staff and resources to this cause. If states are doing the heavy lifting, they must be adequately resourced.

Lastly, and importantly, I want to emphasize that terrorism is a messaging crime. Domestic terrorists seek to send a message of fear to intimidate and coerce the conduct of government. Government must send its own message back by labeling extremist violence as domestic terrorism. Labels matter. Prosecuting hate-motivated attackers as terrorists sends the clear message that the threat of extremism is just as significant when it is based on domestic political, religious, or social ideologies as it is when based on violent jihadism.

We need bipartisan and aggressive solutions to the problem of domestic terrorism because acts of domestic terrorism don't just harm the target of the crime, they threaten the very foundations of our democracy. The January 6 capitol riots sparked an important national conversation about the potential dangers of domestic terrorism. But confronting this threat requires more than talk—it requires swift action. For these reasons, I applaud this Committee for taking this important step and starting this conversation and I appreciate the opportunity to share with you the actions we are taking in Michigan to address this growing crisis.

I am ready to work with you in all ways possible to help fight terrorism within our borders; to keep our citizens safe; and to keep the wheels of our democracy turning.

Thank you.