

COUNTERING DOMESTIC TERRORISM

Wednesday, November 3, 2021

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Subcommittee on Counterterrorism, Counterintelligence,
and Counterproliferation,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:32 a.m., in Room 2359, Rayburn House Office Building, the Hon. Andre Carson [chairman of the subcommittee] presiding.

Present: Representatives Schiff, Carson, Quigley, Castro, Welch, Maloney, Wenstrup, Stewart, Crawford, Stefanik, and LaHood.

Chairman Carson. The subcommittee will come to order.

Without objection, the chair may declare a recess at any time.

America is under threat. According to a joint DHS-FBI report mandated by this committee, 2019 was the most lethal year for domestic violent extremist attacks since 1995, the year of the Oklahoma City bombing. The majority of those killed in 2019 were killed by extremists advocating for the superiority of the White race by White supremacists.

One year ago, the Acting Secretary of Homeland Security wrote that White supremacist violent extremists have been exceptionally lethal in their targeted attacks.

This past April, the Intel Committee assessed that racially motivated violent extremists and militia violent extremists, including those who advocate for the superiority of the White race, present the most lethal domestic threat and are most likely to conduct mass casualty attacks.

Just a few weeks ago, Assistant Director Langan testified that the FBI is tracking more than 2,700 domestic terrorism threats.

We have seen the devastation of this threat firsthand in these very halls. On January 6, the Capitol was attacked by insurrectionists who attempted to use deadly force to prevent Congress from counting electoral votes from a fair and free election.

For the first time since the Civil War, America did not have a peaceful transfer of power. Five people died that day. Several Capitol Police officers took their lives in the traumatic aftermath. Many more were injured and still suffer the effects of that assault.

That affected me, too, in deeply personal ways. On January 6, a man was arrested returning to his truck from the riot at the Capitol. He was carrying two pistols. In his truck, according to the FBI, was a small arsenal -- 11 Molotov cocktails, a rifle, a shotgun, and two 9-millimeter pistols and a .22-caliber pistol, both loaded, as well as a

crossbow, several machetes, and a stun gun, along with smoke devices.

That man had something else in his truck. He had a list. My name was on it. Next to my name was written: One of two Muslims in the House of Representatives -- when, in fact, there are three.

As someone who was directly targeted on January 6, this issue is so personal to me. As a former police officer, as a Black man, a Muslim, I am deeply concerned. But, more importantly, as an American, who fights for equity, for democracy, for freedom, I understand it.

As we work to prevent future attacks, we must remember that domestic terrorism tears at the fabric of this country in ways that extend beyond the lives lost. Kenneth Robinson, pastor of Briar Creek Road Baptist Church in Charlotte, North Carolina, told The Washington Post in April that his predominantly Black church, one of several attacked in 2015, remains on edge to this day.

"Trauma is a way of life for us," he said.

Trauma cannot, must not be a way of life for Americans. Domestic terrorism is not new. It arises from hatred and divisions as old as America. And we are all aware that its victims come disproportionately from minority and marginalized communities, but it is evolving and expanding, fueled by disinformation and amplified on social media.

We, too, must evolve to meet this threat. And to effectively counter this threat, we have to name it, we have to understand it, we need to identify the drivers of domestic terrorism so that we can stop it.

Equally important to stopping this threat is how we go about preventing it. Fighting terrorist violence is only one side of the ledger, one part of the balance that must be struck. We must ensure that as we rise to meet the challenge of domestic terrorism, we do so in a way that protects the civil rights and civil liberties of folks.

This is a longstanding challenge in counterterrorism, the need for balance between freedom and security. To maintain that balance, the Intel Community's domestic terrorism mission must remain narrow and Congress' oversight must be rigorous.

I am glad, genuinely so, to see my colleagues across the aisle embrace concerns for protecting civil rights and civil liberties in counterterrorism so that many of us can get some kind of resolve.

To help the subcommittee better understand the domestic terrorism threat, we welcome John Cohen, Senior Official Performing the Duties of the Under Secretary for Intelligence and Analysis at the Department of Homeland Security, and Timothy Langan, Assistant Director for Counterterrorism at the Federal Bureau of Investigation.

We have questions about the gravity of the threat and your agencies' role in responding to it. We will also ask you to help clarify for the American people the limited, but vital role of the IC in its mission.

When most Americans hear "intelligence," they think of a CIA officer recruiting spies or an NSA analyst listening to phone calls.

The collection on domestic terrorism is and must remain different. It consists largely of gathering publicly available information or information gathered in law enforcement investigation. Analysts then review it to better understand the threat and help policymakers mitigate it.

So we ask you today: How are you distinguishing from protected speech on these online platforms from conduct on the role of escalation to violence? And how are you working with the private sector, and social media companies in particular, to identify and share information about these threats while still protecting individual privacy rights on these platforms.

We are grateful for your presence, and I stand ready and eager to assist you in your mission, as we all do.

I will now turn to Ranking Member Crawford for any comments he wishes to make.

[The statement of Chairman Carson follows:]

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Mr. Crawford. Thank you, Mr. Chairman.

The Republican members of this committee have consistently raised concerns about the Intelligence Community playing a role in collecting intelligence and conducting surveillance of U.S. persons without a foreign nexus.

Executive Order 12333, which every IC element points to as the guiding principle for their authority, clearly states that the role of the IC is to provide information on foreign security threats and the intentions of foreign powers, organizations, and persons and their agents.

The lane for HPSCI is looking at foreign collection in any nexus between overseas individuals and groups with those in the United States that are plotting violence. But we are not doing that today. This hearing has no classified portion, no opportunity to hear from the witnesses on IC collection of any foreign nexus to domestic violent extremists.

Today's hearing is not the first event the House Intelligence Committee has held this year on domestic terrorism. I hope the intention of the majority is not to communicate that there is an interest in expanding the role of U.S. intelligence entities, their resources or authorities to look inward at U.S. citizens. These carefully authorized capabilities were never intended for domestic use, and we need to have a very clear boundary.

The use of National Intelligence Program funds and authorities should be for targeting foreign threats, not surveiling Americans.

Government action to counter domestic extremism is an area fraught with potential overreach that impacts civil liberties. Over the past few weeks, we have seen the danger of the Federal Government taking action for political purposes.

The Attorney General's memo directing the FBI to hold 94 meetings across the U.S. to look at allegations of threats towards school officials without having any data or

requests from State and local law enforcement points to significant government overreach motivated by politics and intended to intimidate American parents.

I understand that the Attorney General memo references violence and threats of violence. However, General Garland has testified several times in the intervening weeks that the driving force for his memo was a letter from the National School Boards Association which refers to complaining parents as possible domestic violent extremists and the need to use the PATRIOT Act surveillance tools to monitor these threats.

The fact that the Attorney General allowed these complaints to drive government action demonstrates the critical need for vigilance about the role of the Intelligence Community in the domestic arena.

Let me be clear, there is a need for a strong law enforcement role in countering, investigating, and prosecuting domestic terrorism. Anyone who threatens or commits act of violence must face legal consequences. However, there must be a clear boundary between the appropriate role for law enforcement and the surveillance tools of the Intelligence Community.

Moving forward, I hope this committee will get back to focusing on true foreign threats. This subcommittee alone has critical focus areas that need attention: counterterrorism collection shortfalls after the Afghanistan withdraw, counterintelligence threats from multiple foreign actors across all sectors of U.S. society, and the development of bioweapons and other WMDs, just to name a few.

Mr. Chairman, I look forward to working with you on these critical issues central to the committee's jurisdictions.

And I yield back the balance of my time.

[The statement of Mr. Crawford follows:]

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Chairman Carson. Thank you, Ranking Member.

At this time, I want to recognize our distinguished chairman, Chairman Schiff.

Mr. Schiff. Thank you, Chairman Carson, for convening this vital discussion. I am pleased to join in welcoming the witnesses here today.

As our President recently confirmed, domestic terrorism is one of the gravest threats to our values, our democracy, and our security. It is imperative that this committee and the American people understand the scope and complexity of the domestic terror threat and ensure we equip our Intelligence Community with the resources needed to counter it.

Because this threat is complex, coordinated, and evolving, our response must be also. We must continue to improve our understanding and sharing of threat information, find ways to diffuse and deescalate recruitment for and incitement of violence, and confront the causes of and contributors to domestic terrorism, including the extreme and violent ideologies often fomented online through disinformation and false narratives.

We must also acknowledge the persistent role White supremacy and White nationalism have on the frequency and severity of these threats. It is an indisputable fact that a growing proportion of domestic terrorist threats arise from people driven by hatred and a stated desire to harm people because of the color of their skin or their religious beliefs.

This hatred-based violence is, heartbreakingly, not new in America. Our history has long been marred by racially motivated threats against communities of color and other marginalized groups. But we are seeing a sharpened edge to the threat, an increasingly persistent and coordinated effort to terrorize based on these repugnant views.

In short, it is imperative that we proactively identify these threats, break the online radicalization cycle, and bolster the resources necessary to keep America safe.

This is not an effort undertaken solely or even primarily by the Intelligence Community. It will require close coordination among Federal, State, and local law enforcement, as well as collaboration with private sector partners, particularly in the online space.

Mr. Cohen, I am encouraged by your public commitment to work with the private sector on identifying patterns of violence amplified online.

While we must ensure that appropriate IC agencies are able to contribute to the mission of combating domestic terrorism, it is equally important that this committee continues its sustained rigorous oversight of any instance where those efforts could impact Americans' civil rights and civil liberties.

Last year, the committee launched an investigation following serious allegations that the Department of Homeland Security's Intelligence and Analysis office may have played a role in violating First Amendment rights during DHS' response to unrest in Portland, including by collecting intelligence on journalists.

This committee will continue to prioritize oversight to ensure that appropriate reforms are instituted and fundamental civil rights and civil liberties remain protected for all Americans.

I am grateful for the witnesses' testimony today and look forward to our discussion.

And with that, Mr. Chairman, I yield back.

[The statement of Mr. Schiff follows:]

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Chairman Carson. Thank you, Mr. Chairman.

With that, we will start our hearing.

Assistant Director Langan, the floor is yours.

**STATEMENTS OF TIMOTHY LANGAN, ASSISTANT DIRECTOR FOR COUNTERTERRORISM,
FEDERAL BUREAU OF INVESTIGATION; AND JOHN COHEN, SENIOR OFFICIAL
PERFORMING THE DUTIES OF THE UNDER SECRETARY FOR INTELLIGENCE AND
ANALYSIS, DEPARTMENT OF HOMELAND SECURITY**

STATEMENT OF TIMOTHY LANGAN

Mr. Langan. Good morning, Chairman Schiff, Chairman Carson, Ranking Member Crawford, and members of the subcommittee. I am honored to be here today representing the dedicated men and women of the FBI's Counterterrorism Division, and I appreciate the opportunity to be here with you to discuss the current domestic terrorism threat picture.

It goes without saying that the threat from domestic terrorism is heightened and has significantly increased in the last 18 months. Today, I want to take an opportunity to highlight the FBI's investigative and analytical resources that are being used to combat this threat.

First and foremost, the United States faces a complex threat landscape driven by a broad set of violent extremist ideologies. FBI investigations into domestic violent extremists, or DVEs, have more than doubled over the last year, and we are currently conducting approximately 2,700 investigations on domestic violent extremists.

In the FBI's discussion of domestic terrorism threats, we use the words "violent extremism" to define these threats because the underlying political or social positions and the advocacy of such beliefs are not prohibited by U.S. law.

It is always important to remember the FBI cannot open an investigation based

solely on First Amendment protected activity. As such, the FBI divides the domestic terrorism threat into five broad categories.

One, racially or ethnically motivated extremism.

Two, anti-government or anti-authority violent extremism, which has three subcategories -- militia violent extremism, anarchist violent extremism, and sovereign citizen violent extremism.

Number three, animal rights and environmental extremism.

Four, abortion-related violent extremism.

And finally, five, all other domestic threats, which consist of domestic violent extremists with blended or personalized extremist ideologies not otherwise defined under one of the previous categories I mentioned.

We assess that racially or ethnically motivated violent extremists advocating for the superiority of the White race and anti-authority or anti-government violent extremists, specifically militia violent extremists, present the most lethal threats, with racially or ethnically motivated violent extremists most likely to conduct mass casualty attacks against civilians and militia violent extremists typically targeting law enforcement and government personnel and facilities.

From 2010 through 2020, racially or ethnically motivated violent extremists advocating for the superiority of the White race have committed 18 lethal attacks in the United States, killing 70 people, including those in Charleston, Charlottesville, Pittsburgh, and El Paso. They typically targeted large public gatherings and houses of worship.

It is important to remember that preventing acts of terrorism is the FBI's number one priority. The greatest terrorism threat facing our homeland is that posed by lone actors in small cells who typically radicalize online and look to use easily accessible weapons to attack soft targets.

We see this threat within both homegrown violent extremists, or HVEs, who are inspired primarily by foreign counterterrorists, and domestic violent extremists.

We want to assure the subcommittee and the American people that the FBI focuses its efforts on all threats of terrorism and continues to shift resources to remain commensurate with this ever-evolving threat.

In conclusion, consistent with our mission, the FBI holds sacred the rights of individuals to peacefully exercise their First Amendment rights. Regardless of ideology, the FBI aggressively pursues those who seek to hijack legitimate First Amendment protected activity by engaging in violent criminal activity, such as the destruction of property and violent assaults on law enforcement officers that we witnessed on January 6 and during the protests throughout the U.S. during the summer of 2020.

The FBI will actively pursue the opening of investigations when an individual uses, threatens use of force, violence, or coercion in violation of Federal law and in furtherance of social or political goals.

I look forward to answering your questions.

[The statement of Mr. Langan follows:]

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STATEMENT OF JOHN COHEN

Mr. Cohen. Chairman Carson, Ranking Member Crawford, members of the committee, thank you for asking the Department to appear before you today. It truly is a pleasure.

I have found since returning to the Department in January that the opportunity to have open and public discussion with Members of Congress on threat-related issues has been incredibly valuable.

This is an important conversation. I have spent over 35 years working in homeland security, law enforcement, national security, and I have to say that the period of threat that we are in today is one of the most complex, volatile, and dynamic that I have experienced in my career.

And while we are here today talking about domestic terrorism, I am mindful of the fact that, at the same time, we at the Department are working closely with the FBI, with our State and local partners, with our foreign counterparts to deal with a broad range of threats, including an evolving threat posed by foreign terrorist groups, violent crime in the midst of a multiyear increase in cities across the country, efforts by foreign intelligence agencies to collect sensitive information and engage in covert operations within the United States, which includes the use of influence operations and disinformation campaigns intended to sow discord, undermine credibility and confidence in our government, in our government institutions, destabilize our society, inspire acts of violence, and even undermine our relationship with our key allies.

We are dealing with a range of cyber threats, as well as an evolving migration situation along the southern border.

So we have a lot on our plate. But as the Assistant Director indicated, when we look at the issue of lethal threats facing the United States today, the primary terrorism-related threat facing the U.S. comes from lone offenders and small groups of individuals who are motivated by extremist ideologies.

I would like to build on the Assistant Director's opening statement and go a little bit more into detail on the dynamics of the threat that we are seeing based on our analysis at the Department.

This is a threat that is both organizational and individual in its structure. Yes, we have groups of people who will coalesce around extremist ideological beliefs and even engage in violence and destructive behavior in furtherance of those extremist beliefs.

But when we look at lethal attacks that have been conducted in this country over the last several years, it is a very individualized threat.

So what do I mean by that?

As repeatedly assessed by DHS and the FBI, the threat primarily comes from lone offenders who engage in violent activity inspired by extremist beliefs and/or personal grievances, typically cultivated through the consumption of online content.

We have experienced attacks in this country over the last several years that have been motivated by beliefs associated with racial superiority, hatred of immigrants, or others due to their religious beliefs, their gender, their sexual orientation, an individual or group of individuals' distrust of government or government institutions, or even the belief that we shouldn't have a government and we should live in an anarchist-type environment.

This is a trend, as I mentioned before, that didn't just appear over the last year. This is something we began to observe going back to the 2013-2014 time period.

And while, again, looking at lethal attacks in the United States, while the specific

motives behind these attacks vary, analysis tells us that many of the attackers share common behavioral characteristics.

In particular, they are angry, they feel socially disconnected, they are seeking a sense of life meaning, they spend significant time online, and ultimately self-connect with a cause or grievance to justify the use of violence as a way to express their anger and achieve a sense of social connection and self-worth.

A phrase you will often hear we will use in the analytic community is, "It is not the ideology; it is the psychology." And that is a reference to the fact that a major part of the threat environment today is based on the anger that is so prevalent across our society and the belief that violence is an appropriate way to express that anger by a growing number of people within our society.

This is a threat that does not fit neatly into traditional terrorism- or extremism-related definitional categories. Those who engage in violence often self-connect with a combination of extremist beliefs or blend of extremist beliefs and personal grievances.

While the Assistant Director referenced a number for lethal attacks that are associated with domestic terrorism, I would actually argue the numbers of those who have been killed are much higher.

When we look at attacks like Sutherland Springs in Texas, or in Las Vegas, or in other parts of the country, it is very often difficult to discern whether the motive behind the attack is an ideological belief system or a personal grievance or a combination of both.

This is a threat that manifests itself both in the physical and digital environments. Online content, disinformation, false narratives, conspiracy theories spread by foreign nation-states, international terrorist groups, extremist thought leaders fuel much of the

violence we are experiencing.

This is a really important point that was referenced by Chairman Schiff, Mr. Carson, and others recently.

Domestic and foreign threat actors purposely seek to exploit the fractures in our society, the anger and discord associated with our political discourse, to sow discord, inspire violence, and destabilize our society.

Individuals preparing to conduct acts of violence will often discuss their plans online, both in private and public forums.

Understanding all of this is critically important because it provides context to what I am sure we will discuss later today with regard to how the Department has structured itself to work with the FBI and others to address this issue. But if I may focus on a couple sort of key issues.

One, we need to think differently about intelligence. This threat requires we think differently about how we look at information. Pre-incident indicators may be apparent through public action or communication. Covert collection may often not be necessary to capture valuable intelligence. But analysts need to be able to distinguish, as was repeatedly stated by Mr. Crawford, have to be able to distinguish being constitutionally protected speech and threat-related activity.

Prevention. One of the tools that the U.S. has used over the past 20 years to prevent terrorist attacks in the United States are Joint Terrorism Task Forces. They are incredibly effective. They have saved lives.

But in the current threat environment, we have come to learn that there have to be other violent prevention activities that complement the JTTFs.

JTTFs may not be enough. Community-based prevention programs can address the threat posed by high-risk individuals who do not reach the investigative threshold

necessary for a terrorism-related investigation.

The Department has expanded the provision of grant funding, training, technical assistance to local communities so that law enforcement, mental health professionals, social service providers, educators, community groups can work together to identify those individuals who are high risk of conducting a violent attack and mitigate the risk posed by those individuals.

This means being able to share at an unclassified level analysis regarding the threat to those entities at the local level so they can be a part of violence prevention activities.

Let me conclude by making a point very strongly, because I agree with the comments that have been made today about the need for law enforcement and intelligence assets not to be leveraged to address constitutionally protected behavior.

We do not at the Department police thought. It is not our job to engage in activities intended to target individuals because of their political beliefs, their social views, their beliefs on race and religion.

It is our job to prevent acts of violence. And regardless of the ideological belief or personal grievances that motivate that violence, it is our job to protect our communities and work to protect the Nation.

Thank you. I look forward to your questions.

[The statement of Mr. Cohen follows:]

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Chairman Carson. Thank you, Mr. Cohen.

With that, I will lead with a question.

Mr. Cohen, you have testified previously about DHS' efforts, including through the Office of Security and the Human Capital Office, to evaluate and open investigations into domestic violent extremist behavior by government employees.

Can you, sir, provide an update on these efforts and describe I&A's current assessment of the steps that White supremacists are taking to infiltrate your organization and law enforcement, as well as military communities more generally?

Mr. Cohen. Thank you, Mr. Chairman, for that question.

Like you, Mr. Chairman, I am a former police officer. I am very proud of my profession. I have worked in law enforcement or homeland security-related activities, as I mentioned, for multiple decades.

Unfortunately, there are those in our community who are susceptible to the same forces that are serving to inspire other members of our society to adopt or self-connect with ideological beliefs.

And when it comes to those of us who are in the national security or law enforcement professions, we have to be extra vigilant to ensure that one's personal belief systems, whether they be extremist or not, do not influence discriminatory actions by those who are entrusted to enforce our laws.

So Secretary Mayorkas has asked the Office of the Chief Security Officer, our human resources office, all of our components to look at open investigations that may be in place regarding individuals who may potentially be engaged in illegal or inappropriate behavior based on their holding or connecting with extremist belief systems.

We are also ensuring that as we look to evaluate new hires and as we seek to evaluate the behavior of our employees, particularly those who are on the front line in

enforcing our laws, they are doing so in a way that is nondiscriminatory and not informed by extremist belief systems.

Chairman Carson. Thank you, sir.

And, Director Langan, do you share my view that active involvement in a White supremacist organization or failing to act against extremist harassment and intimidation is incompatible with effective policing?

Mr. Langan. Yes, of course. To echo the statements of Mr. Cohen, the appropriate vetting and thorough vetting of individuals that are in positions of trust is paramount in this country to ensure that we have people that uphold the values of the Constitution and of the people of the country.

Chairman Carson. Thank you, sir.

Ranking Member.

Mr. Crawford. Thank you, Mr. Chairman.

I would like to reiterate that I think this is entirely inappropriate that we have this hearing in an unsecure setting. I think this would have been better conducted down in the SCIF.

I have a number of questions I would like to direct to both of you. I will do that under a more secure cover and you can reply under secure cover, or possibly we will have an opportunity to conduct a hearing in the SCIF where we can talk about more sensitive information where it is a more relevant and appropriate format and appropriate setting.

I would like to yield to Dr. Wenstrup to allow him to make some comments.

Dr. Wenstrup. Well, thank you.

And thank you, Mr. Chairman.

Thank you both for being here.

You know, as someone who on June 14, 2017, survived what is only recently

determined to be a domestic violent extremist act, I would like to comment on some of that as we frame the discussion here today.

On that particular day, there were 136 rounds fired -- 136 rounds fired. And if not for Steve Scalise being there, the Capitol Police wouldn't have been there and we would have had 20 to 30 Members of Congress killed easily because they were penned in within the baseball field.

God was on our side that day for a lot of reasons it seems that we discovered as we went forward and realized how lucky we were and fortunate we were that day.

The gentleman who attacked us came heavily armed and he had a list of Republicans in his pocket. I wasn't on that list. But any of these lists, obviously, are very disturbing.

And when I see Mr. Carson on a list, here is someone who not only serves here in Congress, but has served his community as a police officer and is a very decent, good gentleman, it is very disturbing. And I am glad we are addressing these issues, because it has happened on many fronts.

And, Mr. Langan, I mean no offense to you personally, but the fact that it took 4 years and a new Director to have that event on June 14, 2017, termed as domestic violent extremism, as it is defined.

Why did it take 4 years? Because it was a political stunt within the FBI, starting at the head, who has been fired. And you look at that and FISA abuse, and, yes, Americans are angry. They don't have trust in many portions of their government. Those are just a couple of examples.

We all have a responsibility here. We all have a responsibility for people to not have a reason to be angry. We bear some responsibility in that at times. But everybody is responsible for their actions, and we do need to address this.

And in light of what Mr. Crawford said -- and I would agree with him -- if we want to understand the threat and complexity of domestic violence and extremism and to make sure that we are adhering to our civil liberties and to make sure that the Intelligence Community is working within their legal lanes, and if we are to discuss tactics and procedures, I have to submit the questions that I have today for the record and to have them answered in a classified setting. I think that is the appropriate place.

I am glad we are having this discussion, but I think if we really want to get things done as our role on this committee, we need to do it in a classified setting.

And I yield back. Thank you.

Chairman Carson. I think Dr. Wenstrup's comments show the importance of understanding the threat and understanding the warning of the threat so we can counter the threat and keep us all safe.

Chairman Schiff.

Mr. Schiff. Thank you, Mr. Chairman.

And I just want to say at the outset I appreciate that you are doing this hearing in open session. We are having hearings on this in closed classified session. But it is important for the public to understand what the predominant domestic terrorist threat is and the fact that domestic terrorism is dramatically on the rise. And that is not something that we can keep behind closed doors. The public needs to understand the nature of the threat.

I also think that a big part of the reason why there is diminished confidence in law enforcement is the propagation of deep state conspiracy theories about the FBI, which I think are a disservice to the men and women of the FBI, who I think have done a remarkable job throughout our history and who I have worked with since I was a prosecutor 30 years ago. So I appreciate the work that you do.

The Intelligence Community plays an important role in the Federal Government's larger approach to domestic terrorism. That role is purposely narrow. The FBI, I&A, and National Counterterrorism Center are tasked with providing comprehensive analysis of the domestic terrorism threats as well as its drivers.

In essence, as our report makes clear, intelligence analysis in the DT space is merely writing products to better understand the threat and enable policymakers to take steps to reduce it.

These authorities, these narrow authorities within the Intelligence Community to look at domestic terrorism, are not new authorities. And to me it is a bit disturbing that there is now such an attack on these authorities when the predominant threat of domestic terrorism comes from White nationalism.

It shouldn't matter where the predominant threat comes from in terms of the IC's role. The IC has an important role to play. It is not the dominant role, but it is an important role in assimilating this information. And that is true whether the predominant threat comes from White nationalism or it comes from some other source.

And so let me ask you, there is a push by some on the committee to now limit those authorities, and I want to ask you about what the consequence of that would be. And it is proposed that the IC and none of its elements should have a role in domestic terrorism, only when there is a foreign nexus to that threat.

So let me ask you about a hypothetical. Let's say there was an explosion on The Mall that killed dozens of people and in the hours after the explosion it wasn't clear who planted the bomb or what their motivation should be.

Can you both describe before us what role DHS I&A would play, what role the Bureau would play in trying to determine who is responsible for that, and how it might inhibit your work if you were prohibited from doing that investigative or analysis work

until a foreign nexus could be identified?

Mr. Langan. Thank you, Chairman, for the question.

So, unfortunately, that scenario, not necessarily exactly there, but has been played out before. So initially it is very difficult to determine the nature and the motive of an attack that happens throughout the country.

So initially the response from the government, usually local law enforcement, the FBI, DHS, other government agencies, would quickly try to work together to first determine the existence of the continuation of the threat that may have stemmed from that initial action. Then trying to determine the individuals involved, motives, and the planning that went into such.

So as such, the analysis that occurs and the information that is gleaned from that investigation is crucial to determine what caused that incident. So as far as, if you are referring to the analytical nature of intelligence, the FBI is, of course, a two-, dual-hatted agency. We are a criminal organization, criminal investigative organization, and we are also the domestic intelligence service for the United States.

As such, we combine those two missions. We combine gathering information and intelligence to be used in criminal prosecutions along with a national security mission. And we have very distinct lines between how those are used.

But on the initial reaction of the investigation, the initial response, there would be a large combined effort to determine the extent of the purpose of that attack, the extent of those involved, and what planning was involved in that attack.

Mr. Schiff. And how would it inhibit your work, Mr. Cohen, if you couldn't undertake the analysis until there was already a conclusion about a foreign link to it?

Mr. Cohen. Mr. Chairman, thank you for that question.

It would impede our ability to gather and analyze information provided by State

and local authorities and the private sector that may be relevant to the attack.

It would preclude our ability to conduct and engage with CBP and others within the Department to do travel pattern analysis to see if we could determine any type of causal link or operational links between individuals who may have been identified as being associated with the attack and others in the United States.

It would impede our ability to look at online activity to see if there were indicators that were associated with the attack that may give us more insight into what we are doing.

It would essentially preclude our ability to engage and support the activities associated with investigating that operation until such time that a foreign nexus was determined.

Mr. Schiff. Thank you, Mr. Chairman. I yield back.

Chairman Carson. The chairman yields back.

Mr. Stewart.

Mr. Stewart. Thank you, Mr. Chairman.

And to the witnesses, thank you for being here. I want you to know that I appreciate that you have served your Nation, and I have no doubt in my mind that you are patriots and that you are protecting and seek to protect American interests and American lives.

This hearing, though, does cause me some concern, and I want to explain that if I could.

I think we have seen in the last few years a breakdown in faith in basic institutions, which my friend Dr. Wenstrup had talked about, including, unfortunately, law enforcement and justice institutions. And after, for example, the last 3 or 4 or 5 years, I think the reputation of the FBI and Department of Justice has been tattered in many

ways.

There is no question, we know now, that there were efforts to deceive the FISA courts. They worked in tandem, some of the leadership within the FBI particularly, but Department of Justice as well worked in tandem with political parties and political candidates to put forward a false narrative that I think a 7-year-old would have viewed it and said this can't possibly be true, and yet they presented it as if it were true.

You had the use of Federal law enforcement to target parents now who simply want to have their kids have a good education, they love their kids, and for them not to be indoctrinated in schools.

We had months and months of rioting, \$22 billion of damage, 27 or 28 people killed, hundreds and hundreds of law enforcement injured, with seemingly no ability to stop it.

And I think the list goes on. There is more that I could mention.

But now we have this effort -- and this is where our concern lies -- we have this effort to use elements of the IC, the Intelligence Community, to potentially surveil or monitor or analyze or evaluate U.S. persons when there is no foreign nexus. In other words, when that U.S. person has no -- virtually no association or any support of any foreign government or group.

And if you want to continue to have people be skeptical of law enforcement, then walk down that road, or create the impression that we are walking down that road.

And that is my fear, that is my concern, that if you allow any of your organizations to team with the IC and the awesome powers that they have.

The NSA, for example, incredible ability to surveil. We all know that. They should never turn that awesome surveillance power on any U.S. person when there is no foreign nexus. Neither should the CIA, neither should the DIA, or any of the elements of

the IC.

If there is no foreign nexus, if there is no tie to any foreign group or organization, that person should not be under the surveillance or under the eye of any of these ICs.

And that is why I think, and I think you do as well, surely, share that concern.

If there is no foreign nexus, then it is a law enforcement matter, which means, therefore, it is not under the purview of this committee, because we are not a law enforcement committee.

I do have some questions, but because of the nature of the questions you won't be able to answer them. And so I will hold them and submit them in writing for your response, again, that we could do in a secure environment.

One final thought, if I could.

I want you to know we have no interest at all in curtailing any of the appropriate authorities. We understand that you have a role to play, and that it is difficult, and you need to use the tools available to you.

All we want is transparency and honesty in how those authorities are employed, and to not expand those authorities, as I have expressed my concern here today.

So, again, we do have some comments and some additional questions. I will submit those in writing. And hopefully we can get a response from you in an appropriate setting.

With that, Mr. Chairman, I will yield back.

Chairman Carson. The gentleman yields back.

Mr. Welch.

Mr. Welch. Thank you very much.

Mr. Cohen, first of all, I want to say that my understanding is that you don't seek to be doing surveillance in a manner that Mr. Stewart and I think all of us object to. Is

that correct?

Mr. Cohen. Yes, Congressman. That is correct. And, in fact, there are significant restrictions on the use of Intelligence Community collection platforms within the domestic environment. So we are not talking about using the awesome power of the NSA against U.S. persons while they are in the United States as we engage in identifying threats of violence.

Mr. Welch. Okay.

Mr. Langan, same thing? I mean, you have different authorities at the -- go ahead.

Mr. Langan. Yes. No. I concur with that as well.

Mr. Welch. All right.

And let me just ask, Mr. Cohen, about in September 18 there were radical right-wing supporters of the January 6 insurrectionists gathered at the Capitol. You have testified that there was similar traffic on public-facing websites to what was seen before January 6, but there was no similar level of violence.

Why do you assess there was less violence at that event?

Mr. Cohen. So that is a really interesting question, Congressman, and I think it provides a good illustration of what we are doing and what we are not doing.

As we were evaluating activity in online communities and platforms commonly used by violent domestic extremists, we saw discussions that focused on an event to be held in Washington, D.C., on September 18.

Initially, we did not see any references to violence. So we did not collect information, we did not disseminate information until we began to see woven into those conversations specific calls for violent and illegal acts -- the kidnapping of a Member of Congress, the attack of liberal churches, attacks against Jewish facilities. We began

seeing calls by counterprotesters to come to D.C. and engage in violent acts.

When we began seeing a nexus with violent activity, that is when we began working closely with the FBI. We began additional analysis. We worked with State and locals. And we issued public statements referring to the potential threat.

And to some degree what we have come to believe is that our focus on these events and the security measures that are put in place in response actually serves as a deterrent effect to acts of violence.

Mr. Welch. Thank you.

And what about just the process of sharing information in partnerships with State and local governments where we get a database of what these threats are? Can you address the need to do that, have better and more reliable statistics?

Mr. Cohen. I will defer to the Assistant Director to talk about it from an investigative perspective. But as I mentioned in my opening statement, there are examples where acts of violence, acts of targeted violence had been prevented by threat management strategies employed at the local level.

So it is critical that local authorities, whether it be law enforcement or others, have an understanding of the threat, have an understanding of the behavioral indicators associated with a threat, so they can recognize those behaviors and those indicators should they be present in the community.

Mr. Welch. So would it be helpful to basically institutionalize a reporting requirement at the State and local level so that that information is available and not just sometimes made available?

Mr. Cohen. I believe it would be, yes.

Mr. Welch. Anything to add?

Mr. Langan. No. I think that could be useful, sir. And, again, as far as sharing

and disseminating information, currently, the foundation of which we use it are our JTTFs, which we have over 200 throughout the country. And then, in addition, producing intelligence products that go out to a much wider distributed audience as well.

Mr. Welch. I share the concern expressed by my Republican colleagues about individual rights and civil liberties. And let me -- we don't have that much time, so I will start with you, Mr. Cohen.

What are the agencies doing to ensure that individual civil rights and civil liberties are protected?

Mr. Cohen. My analysts and the individuals who engage in information gathering, they have to receive training so that they are able to distinguish between constitutionally protected activity and that that may be threat related.

We have extensive oversight that involves our lawyers from the Intelligence Law Division, our intelligence community oversight officer, but also our privacy and our civil rights and civil liberties officer.

I say this and I mean this as somebody who, again, I have been a police officer, I have arrested a lot of people, I am very focused on conducting operations to protect the country. My two closest partners in the Department today are the privacy officer and the civil rights and civil liberties officer.

Even the perception that we are infringing on people's constitutionally protected rights will undermine, I think as correctly pointed out, would undermine the credibility of our efforts to protect our communities from violence.

Mr. Welch. Thank you very much.

I yield back as I am out of time. Thank you.

Chairman Carson. The gentleman yields back.

Mr. LaHood.

Mr. LaHood. Thank you, Mr. Chairman.

I want to thank the witnesses for your service to the country. And I share the comments of Mr. Crawford. I wish we were in a classified setting for much of this hearing today. And I will have some questions that I will submit in a secure format.

Having said that, Mr. Cohen, you talked -- both of you talked about the importance of local law enforcement and working together and how impactful that is on your investigations and the work that you do on both levels when it comes to domestic violence.

In a prior life, I spent time as a Federal prosecutor and actually headed up a JTTF, and that experience of working with local law enforcement, whether it is a sheriff's department, local police department, State troopers, is obviously the foundation of much of what you guys do.

Having said that, as I look at this movement to defund police, get rid of departments, I can't think of anything that would be more disruptive and more problematic to the work that you do at the local level to disrupt than that. I am wondering if you could comment on that.

Mr. Cohen. Thank you, Congressman.

This won't be a surprise to anybody who knows me. I believe that law enforcement is an important part of our society. There are men and women who work in law enforcement each and every day who are focused on safeguarding the community, who go to work each day, put their lives at risk, so that they can help the country be a better place.

Policing or law enforcement in our country has to be nondiscriminatory. Enforcement actions should not be carried out driven by implicit or overt bias. We should do everything we can to make sure law enforcement engages in their day-to-day

activities in a legal, nondiscriminatory manner.

Mr. LaHood. Well, having said that, I am happy that last night we saw a rejection in Minneapolis of replacing and defunding the police in Minneapolis. I think that speaks volumes and, hopefully, we have put an end to that.

But to that point, I can't tell you how many police officers that I talk to, whether it is in Chicago or in much of my district, that the morale is lower than I have ever seen it before because of this movement to defund police.

And so I just mention that because, as you do your work in working at the local level, this is something that we have to address and work to remedy.

Changing subjects, Mr. Langan, you talked a little bit about online information and disinformation and how that has been used to exploit many of these DV cases that you have talked about in social media.

I mean, we have been grappling on Capitol Hill about what to do about social media. A lot of suggestions out there. Everything from Section 230 liability protection for online platforms and what we do there, how do we hold these tech companies accountable, how do we break them up, what we need to do.

As you look at the work and how the role of social media plays in many of these lone rangers, as you describe them, what should we be doing to help remedy that problem?

Mr. Langan. Well, thank you, sir.

So there are three distinct lines that the FBI follows.

One, first off, that we very much encourage citizens, individuals, to come forward when they have information, when they see information of extreme rhetoric, of violence being discussed online, that that is one potential avenue for it to come to us. Like, in the past, reporting things when things are -- when people have concerns about things.

The second level is direct engagement with companies in the private sector, whether it is a tech company or any other private sector. But the Bureau heavily engages with members of the tech industry, along with other private sectors, to talk about how they can be responsible in reporting instances of violence, individuals that are concerns, reporting them to us at the FBI or to other--

Mr. LaHood. Let me just interrupt there. So having said that, I mean, have you seen positive changes that have been implemented along those lines that have been productive to the work that you do?

Mr. Langan. We have seen oftentimes when companies have come to us with information that will help us or concerns, and we engage with training with them to what to look for, our concerns. There have been several cases that we have worked together to disrupt violent acts before they happened.

But there is a massive amount of information out there and a massive amount of rhetoric and speech that could lead to potentially violent acts.

The third level and the third tier that we look towards is increasing our own source base of information, of individuals that will provide us information about ongoing of individuals that would like to commit acts of violence.

In addition to that, we continue to try to attempt to close the gap on warrant-proof encryption. So people, criminals that are using techniques and platforms and applications that have end-to-end encryption that are outside the ability for a rightful warrant pursued information, that we continue to look for ways to help with that.

Mr. LaHood. Thank you.

I am out of time. I yield back.

Chairman Carson. The gentleman yields back.

Mr. Castro.

Mr. Castro. Thank you, Chairman Carson, for calling this important hearing.

The rise of White nationalist extremism is something that we have seen directly in Texas, as you all know. Two years ago, over 20 people were killed by a man who said he wanted to, quote, "kill Mexicans." He ended up killing a bunch of Americans. It was the deadliest attack on Latino Americans in modern history, in fact.

In the last few weeks, San Antonio and Austin have suffered a series of anti-Semitic attacks with businesses defaced with swastikas and the local Jewish community being intimidated. We have seen White nationalists openly wearing Nazi clothing rally outside the San Antonio Holocaust museum and deny the Holocaust.

And so I want to ask you, Mr. Langan, what will the FBI do to investigate these incidents in south Texas and others like them?

Mr. Langan. Thank you, sir.

So, for one, the FBI is engaged with local law enforcement extensively in identifying crimes, whether it is a hate crime or whether it is a part of a group that follows the promotion of a White supremacist, advocates for supremacy of the White race.

We have elevated the racially motivated violent extremists to one of our highest level of threats in the Counterterrorism Division. As I said earlier, counterterrorism remains the highest priority of the FBI, and within that, racially motivated violent extremism is at the top, equal to that of a threat of foreign terrorists such as ISIS.

So we focus a great deal of resources focused on trying to disrupt and stop that activity and identify those individuals that may be responsible for them. We take them very seriously.

Mr. Castro. Well, thank you.

Well, taking on White nationalist extremism is something that I am glad this administration is committed to doing, but we have to ask ourselves what happens when

those holding these views are part of the Nation's law enforcement arms.

A report last month by the Oversight and Reform Committee found that CBP agents who posted offensive and racist messages on Facebook chats against agency policy were found to have engaged in misconduct. While the Discipline Review Board recommended certain punishment, ultimately the officers faced far reduced penalties.

Quoting the report, quote: "A Border Patrol agent who posted a sexually explicit doctored image and derogatory comments about a Member of Congress had his discipline reduced from a removal to a 60-day suspension and was awarded back pay. A Border Patrol supervisor who improperly posted an internal CBP video of a migrant falling off a cliff to their death, as well as an explicit and offensive comment about a Member of Congress, had their discipline reduced from a removal to a 30-day suspension." And there are many other examples cited in the report.

So I want to ask you, Mr. Cohen, how is DHS able to effectively take on White nationalist extremist groups when DHS employees who echo such views are barely punished?

Mr. Cohen. That is a fair question, Congressman. That is why, at the direction of the Secretary, we have instituted a serious effort to look at the rules that govern the hiring of personnel, the disciplinary actions taken against personnel, the rules that govern retention of personnel, so that these types of situations can be addressed in a consistent manner across the Department.

And your point is well taken. If one is entrusted to enforce the laws of this country, even the perception that this person's actions are being influenced by racist or other extremist beliefs undermines the credibility of the organization.

So it is something we take very seriously at the Department and we are working to address.

[10:30 a.m.]

Mr. Castro. Sure. And as a follow-up, if DHS is looking for an expanded role in tackling extremism in the United States, how can you assure with us that the DHS officers with those responsibilities will do their work in an unbiased way?

Mr. Cohen. I think it goes to what I described earlier. But it also is a part of the leadership of the Department. Leadership has to send a strong message to our workforce that racist or inappropriately influenced activities will not be tolerated. And it needs to be taken seriously, and allegations need to be investigated, and when warranted, action needs to be taken.

Mr. Castro. I made a comment to Director Wray close to the beginning of the term that I hope that extremism, White nationalism within law enforcement will be seriously scrutinized, because in American society we give officers a lot of benefit of the doubt. And it is hard to prosecute law enforcement officers, especially to prosecute them successfully. And if any of their actions are motivated by racism, or hate, or extremism, then that becomes especially deadly to the American public.

So thank you for your efforts.

Chairman Carson. Thank you.

Ms. Stefanik.

Ms. Stefanik. Thank you, Mr. Chairman.

The American people are deeply concerned about the politicization of domestic terrorism. This issue has been at the forefront over the past month in response to an order from the Attorney General for the FBI to convene meetings across the U.S. in response to constitutionally protected speech and assembly at school board events, particularly in Virginia.

In September, the National School Boards Association released a public letter to

President Biden requesting Federal assistance to address alleged violence targeting children, school board members, and educators.

The letter referenced increased threats of violence due to frustration over mask mandates and the teaching of critical race theory and requested, quote, "the Federal Government investigate, intercept, and prevent the current threats and acts of violence against our public school officials through existing statutes, executive authority, interagency and intergovernmental task forces, and other extraordinary measures."

The letter went on to state that, quote, "The classification of these heinous actions could be the equivalent to a form of domestic terrorism," and it requested that the administration review all applicable laws and policies, including the PATRIOT Act, to relevant enforcement options due to the threat.

We know, according to emails obtained by the group Parents Defending Education, that the school board coordinated this letter with the White House prior to this release.

Five days after the release of the School Boards Association letter, the Attorney General released a memo directing the FBI to meet with leaders to discuss strategies for addressing threats against school administrators, board members, teachers, and staff.

In testimony before the House Judiciary Committee, Attorney General Garland confirmed that this letter was the relevant factor in the creation of the memo that was sent out by the Department of Justice.

This is the politicization at the Department of Justice without facts to support the alleged growing threat and need for Federal investigation, specifically targeting parents and parental groups.

We now know that the School Boards Association released a statement to its members rescinding the letter, saying they, quote, "regret and apologize." And yet, the

Attorney General has not retracted this memo.

I have a few yes-or-no questions.

Has the FBI held any of these meetings directed by Attorney General Garland, yes or no?

Mr. Langan. I don't know that. They were led by the U.S. Attorney's Offices.

So I would think that it is best directed --

Ms. Stefanik. In conjunction with the FBI?

Mr. Langan. I do not have that number.

Ms. Stefanik. Have they held -- so they have held meetings. What is the number?

Mr. Langan. I do not know, ma'am. We can look into it, though. I believe the date was by today. It was led by the U.S. Attorney's Office. We will get you --

Ms. Stefanik. In conjunction with the FBI?

Mr. Langan. Yes, ma'am. And we will get you that number. But I do not have that information because the date was supposed to be today, and it is being coordinated by the 94 different jurisdictions, but invited with the FBI to attend.

Ms. Stefanik. Correct.

Does the FBI consider parents domestic terrorists?

Mr. Langan. No.

Ms. Stefanik. Do parents who oppose CRT, are they considered domestic terrorists?

Mr. Langan. No, to my knowledge.

Ms. Stefanik. No, to your knowledge?

Mr. Langan. No, no. As long as the individuals are not committing Federal violations, force or violence, or in promotion of an ideology, they would not be.

Ms. Stefanik. Are parents who oppose mask mandates considered domestic terrorists?

Mr. Langan. No.

Ms. Stefanik. Let me ask you this. What are your thoughts, because the Attorney General Garland memo was based upon the School Boards Association letter, which has now been rescinded, why has the Department not rescinded the Garland memo?

Mr. Langan. You would have to refer that question to the Department of Justice.

Ms. Stefanik. Do you think that it should be rescinded?

Mr. Langan. I am not going to speak on behalf of the Attorney General, ma'am.

Ms. Stefanik. Do you have any other thoughts to add?

Mr. Cohen. I would only add that, in addition to the letter that was submitted, there were actual calls for violence directed at teachers, school board administrators, and others in the educational environment on extremist platforms.

We did reach out to State and local law enforcement. There have been some sporadic incidents of violence at school board meetings and in educational facilities. However, the information we received is that State and local law enforcement were not seeing widespread action.

So we are continuing to work with State and locals to maintain awareness of the environment, if there are threats of violence directed at anybody, because the threats were not just focused on school administrators and the information that we were analyzing, but it also included threats against law enforcement and public health officials who were giving vaccines and involved in other public health-related activities associated with COVID.

So it is just something we continue to evaluate.

Ms. Stefanik. But you are aware that the Attorney General said under oath when he testified that the relevant factor in the Garland memo was the School Boards Association letter. You are aware of that?

Mr. Cohen. I did not watch the Attorney General's testimony.

Ms. Stefanik. Well, that is what he said, and you are answering very differently here today. He said that that was the reason for the memo that was put out by the Department of Justice. And obviously voters spoke loudly and clearly in Virginia last night.

With that, I yield back.

Chairman Carson. The gentlelady yields back.

Is membership in a White supremacist organization disqualifying for people applying to the FBI or work at the FBI, Mr. Langan?

Mr. Langan. Yes.

Chairman Carson. Isn't membership in that type of organization inconsistent with respect to law enforcement?

Chairman Carson. Yes.

Chairman Carson. How is the FBI coordinating with local and State law enforcement about incoming threats and information about White supremacists and other DVEs?

I know, having worked at the fusion center, there was an analyst assigned there, as well as you guys built a SCIF there. But there was always some tension with local law enforcement, as you know, and the FBI, because there is a sentiment that local law enforcement does the work and the FBI comes in at the last minute when the press shows up. I think in many cases that is unfair.

But have those coordinating efforts improved over time?

Mr. Langan. You know, sir, I have been in law enforcement now for 28 years and served for the government for 31 years. I actually have not found that that often.

There are definitely rivalries, there are definitely frictions that occur on an individual basis. But I found the coordination between local and State officials and the FBI to be very wholesome.

Of course, there are at times prosecutorial differences on the case should be worked at a State level or Federal level.

But, again, I will refer back to the foundation of what our sharing is and those 200 Joint Terrorism Task Forces with almost 4,500 agents and officers working hand in hand together.

So when information reaches their departments that potentially contains a Federal violation, ideology, the concern of a JTTF, then that information is forwarded from that task force officer into the JTTF. They can review that information to determine if there is enough predication to move forward with a potential investigation.

Chairman Carson. Thank you, sir.

Mr. Cohen, it is no secret that the IC failed to adequately warn of the insurrection that occurred on January 6.

Sir, can you explain what specific procedures have changed and what reforms have been instituted post-January 6?

Mr. Cohen. Yeah. Thank you, Mr. Chairman.

I think there are a lot of lessons that we in law enforcement and in the intelligence analytic world learned from January 6, both the events of that day and the weeks leading up. To the point I made in my opening statement, the understanding that indications regarding an emerging threat may be available through public information that is being -- that is analyzed by analysis.

What we have done since January 6 at the Department is we have redoubled our efforts to coordinate the sharing of threat-related information that we acquire or that comes to us through our relationships with State and local, private sector with the FBI and others in the Federal community.

We have become much more forward-leaning as it relates to the analyzing of online activity and evaluating activity from the perspective of the potential risk of violence. I would say that we are probably much more cognizant and mindful about incorporating that threat-related information into operational planning.

And I think a very good sort of example of the difference that exists today versus on January 6 would be just to simply look at what happened on Inauguration Day.

After January 6, the analysis of online activity did not reflect that those who were here on January 6 viewed it as a victory and as the endpoint of their efforts. They actually saw it as a starting point. And there were calls online for additional acts of violence to be committed both in the District of Columbia and in State capitals around the country on Inauguration Day or in and around Inauguration Day.

The response by law enforcement was very different. The response here in Washington included physical security measures in and around the Capitol and other locations, a highly visible presence of National Guard, highly visible presence of law enforcement, a very overt and public security presence in and around the District of Columbia and State capitals around the country.

What did we see reflected on social media and extremist platforms? A cognizance of those security measures and a reluctance to come to Washington because those who were planning acts of violence viewed it as a trap being set for their arrest or viewed it as not the right time to come and engage because of the security presence. There is a lesson in that.

So our analysis has focused much more on understanding when there may a potential act of violence and then taking steps -- sometimes very visible steps and public steps -- to create physical security measures that serve as a deterrent.

Chairman Carson. Chairman Schiff.

Ranking Member Crawford.

Mr. Crawford. Thank you, Mr. Chairman.

I actually would have some questions about recent open source reporting about an October 29 ISIS threat to attack an unidentified mall in northern Virginia. I will save those for a secure setting.

But I would like to ask you, Director Langan, which FBI headquarters element has the lead on implementing the mandates in the Attorney General's October 4 memo regarding school board threats?

Mr. Langan. That would be a combination of the Criminal Investigative Division along with the Counterterrorism Division.

Mr. Crawford. How many State and local law enforcement jurisdictions reached out to the FBI requesting additional assistance with this issue?

Mr. Langan. I don't know. They most likely would have reached out to their local field offices.

Mr. Crawford. Are any participants in JTTFs participating in these meetings, training, have any other activity associated with the Attorney General's memo?

Mr. Langan. I don't have that information now. It is being formatted and led by the local U.S. Attorney's Offices. But we will find out and get back with you who attended and from what programs from the field offices. It would be up to the field offices to determine who they might send to a meeting if it was led by the U.S. Attorney's Office.

Mr. Crawford. Okay. I appreciate the follow-up on that.

And for any of these activities, is FBI utilizing any National Intelligence Program resources or authorities?

Mr. Langan. No. We possibly could be using analytical resources which all analysts in the FBI, whether they work organized crime or whether they work cybercrime or terrorism-related matters, all of them come from the National Intelligence Program bucket. And so, analytically, if we are reviewing a problem, some of those resources could be reviewed if we are trying to ascertain whether or not a potential threat exists.

Mr. Crawford. I am certain now, based on my colleague's comments, you are aware the National School Boards Association apologized and recalled their September 29 letter to the President, which was the catalyst for the Attorney General's memo.

Since then, has the FBI received any updated guidance from the Department of Justice on canceling the mandate for FBI-led meetings, training, and dedicated open lines of threat reporting?

Mr. Langan. Not that I am aware of.

Mr. Crawford. Thank you. Yield back.

Chairman Carson. The gentleman yields back.

Chairman Schiff.

Mr. Schiff. Thank you.

I just want to follow up on a couple issues.

First of all, are you seeing a rise in death threats against school board members?

Mr. Cohen. I can't necessarily quantify it, Mr. Chairman, but we are definitely seeing online activity which specifically calls for acts of violence being directed at teachers, school administrators, and school board members.

Mr. Schiff. And those threats of violence are against those school personnel

over, for example, decisions they are making about the health of the children in those schools?

Mr. Cohen. Yes. It is included in a narrative that we have seen continue which focuses on public health and other restrictions associated with COVID and having to do with vaccines as well.

Mr. Schiff. Now, I know a lot of us on this podium have been the subject of death threats. When we are, those are investigated by Capitol Police, sometimes by Federal law enforcement. We certainly want them investigated.

You would agree, I assume, that death threats against school board members should be investigated similarly?

Mr. Cohen. Yes, Mr. Chairman. It is a fundamental part of our responsibility, is to make sure that we take seriously threats of violence. And until we can determine that those threats are not valid or credible, to maintain and be vigilant to prevent acts of violence.

Mr. Schiff. And these threats of violence, these death threats, are designed to try to force a change in policy, are they not?

Mr. Cohen. The narratives that we have examined that I have looked at have specifically called for acts of violence as a result of policies that are being instituted in schools.

I am not sure I am comfortable saying what the intent of the poster is. But the content has complained about the provisions and have called on people to threaten or to engage in violence against those school administrators, school board members, law enforcement, and healthcare professionals.

Mr. Schiff. We are also seeing threats of violence against elections officials, are we not?

Mr. Cohen. Yes, we have seen threats against election officials. We saw that in the 2020 election and we continue to see it today.

Mr. Schiff. I raise this because I think there has been a proliferation of threats of violence, politically motivated violence, and to an astonishing and dangerous degree a rationalization of violence or threats of violence to bring about political change, an acceptance of political violence.

And I would just point to the executive summary by the ODNI of the domestic violent extremist threat, which reads in part: "Newer sociopolitical developments -- such as narratives of fraud in the recent general election, the emboldening impact of the violent breach of the U.S. Capitol, conditions related to the COVID-19 pandemic, and conspiracy theories promoting violence -- will almost certainly spur some domestic violent extremists to try to engage in violence this year."

Those who are pushing the big lie, undermining our democracy, are emboldening new violence, in my view. Those who are downplaying the significance of the attack on January 6 or trying to make political heroes of those who assaulted police officers on that day or breached the Capitol, in my view, are encouraging further violence.

When we propagate a falsehood about the election, when we diminish public confidence in our elections, if people don't think they can rely on our elections to decide who should govern, it is an invitation to violence.

And it is no better -- indeed I think it is far worse -- when that invitation to violence comes from Members of Congress than anyone else, because the Members of Congress know that the big lie is a big lie.

And I think it is shameful when we are informed by our intelligence agencies that that attack is emboldening others to commit other acts of violence, and when those false narratives of fraud in the election are also an encouragement to further violence, that

Members continue to engage on that.

And I wanted to put that on the record.

With that, Mr. Chairman, I yield back.

Chairman Carson. Thank you, Chairman.

Thank you both for your attendance and participation. While what you do is very -- oh. All right.

Congresswoman Stefanik.

Ms. Stefanik. Thank you so much, Mr. Chairman.

I just want to get on the record, Mr. Langan, you talked about the U.S. attorneys leading this. Are you aware that the October 4 memo states, quote, "To this end, I am directing the Federal Bureau of Investigation, working with each U.S. attorney, to convene meetings"? So the --

Mr. Langan. Yes, ma'am, that language.

Ms. Stefanik. So the FBI is directing this?

Mr. Langan. The FBI is not directing it. It was the U.S. Attorney's Office that was -- that my understanding was going to direct the meetings and format the meetings and to decide how the meeting would transpire. And we would react --

Ms. Stefanik. So the memo from the Attorney General is not accurate? It was not followed?

Mr. Langan. I don't know if it is an interpretation difference, but --

Ms. Stefanik. I am just reading what it says specifically.

Mr. Langan. Yes, ma'am. Yes.

So that was my understanding from the Department of Justice, that it would be led by the U.S. Attorney's Offices.

Ms. Stefanik. Okay. And you are aware that in a Senate Judiciary Committee

hearing last week the Attorney General stated under oath they would provide information that led to the issuing of the memo by November 1?

Are you aware of any reason why they have missed that deadline?

Mr. Langan. I can't speak on behalf of the Department.

Ms. Stefanik. Have you participated in the formulation or presentation of that memo?

Mr. Langan. No. I have exchanged some emails, the weekend before when the initial discussion was brought up about this memo that came out of the -- pushing out a memo, that it was very brief and --

Ms. Stefanik. What was the discussion? What was the topic?

Mr. Langan. Discussion that a letter came in from the School Boards Association and that the Department was looking to put out some messaging.

Ms. Stefanik. What was the messaging?

Mr. Langan. I did not have that messaging.

Ms. Stefanik. You said you were on the email.

Mr. Langan. Yes. And just basically that, that stating that. And we could find whatever I need to get you to the full extent of the emails. But just that there would be something coming out. It was engaged at a different level, lower level than me. And that was all the statement of just this was going to come out.

Ms. Stefanik. So you will provide all the emails relating to the issuing of the Garland memo, as well as any planning for messaging, and as well as any compilation of what the response to the Senators who requested information, you will provide those emails and that communication?

Mr. Langan. Whatever I can provide you legally, I will.

Ms. Stefanik. So you will provide those?

Mr. Langan. Whatever I can provide you, ma'am. I will have to check with our legal counsel office.

Ms. Stefanik. Great. Yield back.

Chairman Carson. The gentlelady yields back.

I want to thank you both for your participation today. I want thank you for your service to our country. It is very rewarding work. It is oftentimes thankless.

And I want to thank Chairman Schiff for his great presence, and Ranking Member Crawford, and my colleagues, and the entire HPSCI committee for their commitment to accountability, oversight, and keeping Americans safe.

So thank you all.

This hearing is adjourned.

[Whereupon, at 10:53 a.m., the subcommittee was adjourned.]