



Department of Justice

STATEMENT OF

MERRICK B. GARLAND
ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE

AT A HEARING ENTITLED
“DOMESTIC VIOLENT EXTREMISM IN AMERICA”

PRESENTED

MAY 12, 2021

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Good morning Chairman Leahy, Vice Chairman Shelby, and distinguished Members of the Committee. Thank you for the opportunity to testify today on behalf of the Department of Justice.

Combatting domestic violent extremism and domestic terrorism has long been a core part of the Justice Department’s mission. Immediately upon its founding 150 years ago, the Department pursued white supremacists who sought to deny newly freed slaves their rights under the Constitution, including the right to vote. Members of the first incarnation of the Ku Klux Klan attacked and murdered Black people, assassinated Black political leaders, drove Black farmers off their land, and burned their houses and churches. The Department put its energies into combatting the Klan, successfully prosecuting hundreds of Klansmen.

Twenty-six years ago, Timothy McVeigh bombed the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people, including 19 children. Hundreds of others were seriously injured. Last month, I travelled to Oklahoma to speak at the annual memorial ceremony. My trip brought back vivid memories of what I saw when I first arrived on the scene 26 years ago to lead the Justice Department’s prosecution: It looked like a war zone. The front of the Murrah Building, which had housed a children’s center, was gone. The parking lot across the street still held cars that had been flattened by the blast. And an army of first responders, from across Oklahoma and across the nation, was crawling over the wreckage, sifting through the rubble for survivors and the dead.

We promised then that we would find the perpetrators, that we would bring them to justice, and that we would do so in a way that honored the Constitution. The effort required unprecedented interagency cooperation at all levels of government, careful management of the evidence, and scrupulous adherence to the Constitution and the law. It also required a major commitment of the Department’s resources and personnel to see that justice was done. Investigators conducted 28,000 interviews, collected nearly 3.5 tons of evidence, and searched through more than one billion pieces of information. Juries ultimately convicted both McVeigh and his co-conspirator, Terry Nichols.

The horror of domestic violent extremism is still with us. Indeed, the Federal Bureau of Investigation (FBI) assesses that “2019 was the deadliest year for domestic violent extremism” since 1995.¹ And in March, the Intelligence Community (IC), in a report drafted by the Department of Homeland Security, the FBI, and the National Counterterrorism Center under the auspices of the Office of the Director of National Intelligence, assessed that domestic violent extremists “pose an elevated threat” in 2021.² The IC assessed that “racially or ethnically motivated violent extremists and militia violent extremists present the most lethal [domestic violent extremist] threats.”³ In the FBI’s view, the top domestic violent extremist threat we face comes from “racially or ethnically motivated violent extremists, specifically those who advocate for the superiority of the white race.”⁴ The IC assessed that the militia violent extremist threat also “increased last year and that it will almost certainly continue to be elevated throughout 2021.”⁵

Many communities have experienced the horror inflicted by this threat over the past several years. In El Paso, 23 people, most of whom were Latino, were gunned down while shopping at a Walmart. In Pittsburgh, eleven Jewish worshippers were shot and killed at their synagogue. In Charleston, nine Black men and women were shot and killed while praying at their church.

We have also seen the burning and bombing of places of worship throughout the country, as well as other acts of hate-fueled violence that are less likely to make national news but that still terrorize entire communities. In addition to the threat of racially or ethnically motivated violent extremism – and sometimes in conjunction with it – the FBI has highlighted a recent increase in attacks perpetrated by those it categorizes as “Anti-Government or Anti-Authority Violent Extremists.”⁶ The Unabomber, whom I also investigated and prosecuted in the mid-1990s, is perhaps by some measures the most high-profile example of the latter, although (as is not infrequently the case) his writings and ideology defy straightforward classification.

¹ Christopher Wray, Director, Federal Bureau of Investigation, *Statement Before the Senate Homeland Security and Governmental Affairs Committee* (Sept. 24, 2020), <https://www.fbi.gov/news/testimony/worldwide-threats-to-the-homeland-092420>.

² Office of the Director of National Intelligence, *Domestic Violent Extremism Poses Heightened Threat in 2021* (March 1, 2021), <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf> [hereinafter IC Report].

³ *Id.*

⁴ Christopher Wray, Director, Federal Bureau of Investigation, *Statement Before the Senate Judiciary Committee* (March 2, 2021), <https://www.fbi.gov/news/testimony/oversight-of-the-federal-bureau-of-investigation-the-january-6-insurrection-domestic-terrorism-and-other-threats>.

⁵ IC Report.

⁶ Jill Sanborn, Executive Assistant Director National Security Branch, FBI, *Statement Before the House Committee on Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies* 3 (Apr. 29, 2021), <https://docs.house.gov/meetings/AP/AP19/20210429/112510/HHRG-117-AP19-Wstate-SanbornJ-20210429.pdf>.

And as with the Oklahoma City and Unabomber investigations, the Justice Department is once again engaged in a complex and resource-intensive investigation – one of the largest in our history – the investigation of the heinous attack on the United States Capitol on January 6th.

While much has changed at the Department of Justice since my last tour of duty, the professionalism, commitment, and dedication of the Department’s workforce have remained constant. Every day, Department employees enforce and uphold the rule of law. Many risk their own safety to protect the American public from violent crime or other threats, including those perpetrated by domestic violent extremists. Unfortunately, as the attack on the U.S. Capitol underscores, there is still much work to do.

At the Justice Department, we are committed to using every appropriate tool at our disposal to deter, disrupt, and punish acts of domestic violent extremism and domestic terrorism. This whole-of-Department commitment includes the FBI, the Department’s other law enforcement agencies, the U.S. Attorneys’ Offices, the National Security Division, the Civil Rights Division, the Criminal Division, the Tax Division, our grant-making offices, and our other components:

- The FBI is the lead federal law enforcement agency for investigating and preventing acts of domestic and international terrorism. As part of the FBI’s efforts to counter terrorism and violent extremism, the FBI has established nearly 200 Joint Terrorism Task Forces (JTTFs) across its 56 field offices nationwide. The JTTFs combine specialists from the law enforcement and intelligence communities into a single team that can pursue leads, gather evidence, make arrests, and quickly respond to terrorist threats and incidents.
- The Department prosecutes violent extremism and terrorism by drawing on the capabilities and expertise of our 94 U.S. Attorneys’ Offices, the National Security Division, the Civil Rights Division, the Criminal Division, and other attorneys across the Department. Each U.S. Attorney’s Office has an Anti-Terrorism Advisory Council (ATAC) to coordinate federal, state, local, Tribal, and territorial law enforcement efforts in its district.
- Through the ATACs and JTTFs, the Department promotes information sharing among federal, state, local, Tribal and territorial law enforcement entities. This information sharing is critical because local law enforcement officers may be the first to identify individuals planning violent extremist and terrorist acts in their communities. Close cooperation with private-sector partners also provides an essential avenue for detecting specific threats that may develop. Just as important, we depend on private citizens to report threats they see around them.
- Through our grant-making components, the Department has funding available to address domestic violent extremism and domestic terrorism. The Department’s Bureau of Justice Assistance (BJA) administers an anti-terrorism program that provides technical assistance and training to state, local, Tribal, and territorial law

enforcement partners. In addition, BJA supports the investigation and prosecution of cold case homicide investigations and prosecutions in which the race of the victim may have been a factor under the Emmett Till Unsolved Civil Rights Crime Act and provides funding to law enforcement for outreach, education, investigation, and prosecution of hate crimes.

- The Department's Office of Community Oriented Policing Services (COPS) also funds efforts aimed at preventing domestic violent extremism and domestic terrorism. The COPS Office is including combatting hate crimes and domestic extremism as an area of special consideration in the 2021 Community Policing Development (CPD) Microgrants Program solicitation. CPD Microgrants Program funds are used to develop the capacity of law enforcement to implement community policing strategies.
- The Department is also improving the state of research and analysis in this area. For nearly a decade, the Department's National Institute of Justice (NIJ) has administered a domestic violent extremism and domestic terrorism research program. Last year, NIJ published *Understanding Domestic Radicalization and Terrorism: A National Issue Within a Global Context*, a review of the most up-to date research and an analysis that highlighted areas where more work is needed. In FY 2021, NIJ will fund research that focuses on the radicalization process, reintegration of offenders incarcerated for terrorism-related offenses, and terrorism prevention programs. The President's FY 2022 discretionary request includes a \$4 million increase for NIJ to further research on the root causes of radicalization.
- The Justice Department must also confront the distinct challenges federal prisons face. The Bureau of Prisons (BOP) guards against the spread of violent extremist ideologies within federal prisons through a variety of management controls, task force collaboration, and staff training. Appreciating the evolving nature of the threat, BOP is currently undertaking a review of its risk-assessment tools, placing renewed focus on available programming, and formulating proposals for increased staffing and other resources.
- The United States Marshals Service (USMS) also contributes in critical ways to these efforts. As part of its judicial security mission, USMS conducts threat investigations and, in appropriate cases, provides protective details for the federal judiciary against violent extremist and terrorist threats. The USMS Investigative Operations Division and Special Operations Group work to support USMS's fugitive apprehension mission.
- Another key component within the Department is the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), which investigates violations of the federal firearms laws, investigates the origin and cause of explosions, and provides support for explosives, fire, canine, and response operations through its National Center for Explosives Training and Research. Together with the FBI, ATF jointly manages the

Terrorist Explosive Device Analytical Center, the interagency organization that analyzes all terrorist improvised explosive devices of interest to the United States.

- The Department's efforts include supporting an interagency, whole-of-government approach to these threats. Department of Justice personnel collaborate on this mission on a daily basis with the Department of Homeland Security – working closely on everything from aviation and border security, to sharing intelligence on emerging threats, to training and engagement with state, local, Tribal, and territorial law enforcement.
- Finally, the Department also coordinates the Domestic Terrorism Executive Committee (DTEC), a group that provides a forum for information sharing among federal agencies at a leadership level. The DTEC was originally established following the Oklahoma City bombing, and its mission and role remain important today.

Although this general structure within the Department has long been in place, we are now reassessing our existing activities and authorities to ensure that we have the right posture to confront the threat of domestic violent extremism and domestic terrorism, are devoting appropriate resources to the task, and are nimble enough to make any changes that may be necessary to bolster our efforts and adapt as the threat evolves. This includes dedicating more resources as needed; ensuring that we are sharing as much information as we can with federal, state, local, Tribal, and territorial partners; deepening collaboration with foreign partners to explore any links to the international counterparts of domestic violent extremists; sharing information as appropriate with technology companies to help them address the spread of domestic violent extremist activity online; and ensuring that we have sufficient training at the federal, state, and local levels. Collaboration within the Department and with our colleagues in federal government, the private sector, our foreign partners, and civil society is critical to our approach.

The Department of Justice recently issued guidance to all federal prosecutors emphasizing the need for coordination and consistency in prosecutions involving domestic violent extremism and imposing new requirements for identifying and tracking such matters. That guidance and other efforts will strengthen coordination within the Department. We have also been actively engaged with our partners at DHS, in the IC, and throughout relevant parts of the federal government, in a 100-day interagency assessment of our whole-of-government efforts to counter domestic terrorism, as called for by President Biden.

In the past year, the Justice Department has shifted significant discretionary resources to focus on this area. The President's discretionary request for FY 2022 seeks to provide over \$100 million in additional funds to address the rising threat of domestic violent extremism and domestic terrorism, including funding for the FBI, the U.S. Attorneys' Offices, the U.S. Marshals Service, and other components of the Department.

The Department's strong commitment and resolve in this effort has been evident in the unprecedented speed and scale of our response to the January 6th attack on the Capitol. The violence we witnessed that day was an intolerable assault not only on the Capitol building and the brave law enforcement personnel who sought to protect it, but also on a fundamental aspect of our democracy – the peaceful transfer of power.

In response to that attack, the Department has undertaken an extraordinary effort to hold accountable those who engaged in criminal acts that day. In just under 130 days, the Department has made more than 430 arrests, and that number continues to grow. The FBI's investigations span almost the entire country. The prosecution efforts, which are being led by the U.S. Attorney's Office for the District of Columbia, remain ongoing.

The Justice Department has also focused on countering federal hate crimes. To address the recent rise in hate crimes and hate incidents – particularly the disturbing trend in violence against members of the Asian American and Pacific Islander community since the start of the pandemic – my first directive as Attorney General was to launch an accelerated review of the ways in which the Department can enhance its efforts to deter and combat such crimes. Hate crimes have no place in our society, and the Department, led by our Civil Rights Division, is committed to prosecuting those who commit them.

In all our efforts to combat these domestic threats, the Justice Department is guided by our commitment to protecting civil liberties. In our country, espousing an extremist ideology is not a crime. Nor is expressing hateful views or associating with hateful groups.

But when someone tries to promote or impose an ideology through acts of violence, those acts can be among the most dangerous crimes we confront as a society. My experience in Oklahoma City has seared that point into my mind. Regardless of the motivating ideology, we will use every appropriate tool at our disposal to deter and disrupt such acts and to bring their perpetrators to justice.

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The Department of Justice is deeply committed to combatting domestic violent extremism and domestic terrorism. We are equally committed to fighting violence and terrorism that is directed or inspired by foreign actors – but I recognize that is not the focus of this hearing. As to both, we will pursue justice in a manner that honors the civil liberties guaranteed by the Constitution and laws of the United States.

Thank you for inviting me to testify at this important hearing. And thank you for your partnership with the Justice Department in ensuring that we have the resources we need to carry out this vital mission.