

STATE AND LOCAL RESPONSES TO DOMESTIC
TERRORISM: THE ATTACK ON THE U.S.
CAPITOL AND BEYOND

HEARING

BEFORE THE

SUBCOMMITTEE ON
INTELLIGENCE AND
COUNTERTERRORISM

OF THE

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STATE AND LOCAL RESPONSES TO DOMESTIC TERRORISM: THE ATTACK ON THE U.S. CAPITOL AND BEYOND

Wednesday, March 24, 2021

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON INTELLIGENCE
AND COUNTERTERRORISM,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:32 a.m., via Webex, Hon. Elissa Slotkin [Chairwoman of the committee] presiding.

Present: Representatives Slotkin, Thompson, Jackson Lee, Langevin, Gottheimer, Malinowski, Green, Van Drew, Meijer, and Pfluger.

Chairwoman SLOTKIN. The Subcommittee on Intelligence and Counterterrorism will come to order. Without objection, the Chair is authorized to declare the committee in recess at any point. Good morning. It is my honor to be opening up the first public hearing as the Chair of the Subcommittee on Intelligence and Counterterrorism. Our subcommittee is meeting today to examine State and local responses to the growing threat of domestic terrorism and violent extremism.

Before we begin, I would like to just take a moment to acknowledge the horrific violence we have seen in Atlanta and in Boulder over the past week. I know we are all grieving for the 18 Americans going about their daily life at a spa, at the supermarket, who have been senselessly torn from their families.

Now, this subcommittee is charged with combatting domestic terrorism and violent extremism, among other things, and we are united by the conviction that we simply cannot allow violence to be normalized as part of our politics. But we have to acknowledge that we have allowed these monstrous acts, past acts of mass violence to become normalized as part of our society.

While the investigations are on-going, we cannot ignore the anguish of our Asian-American communities that they are feeling right now. Nor can we deny the intelligence community's warning, just last week, that lone-wolf actors, driven by hate for swaths of our fellow citizens, pose a growing threat of "mass casualty attacks," like the ones we have just seen against innocent Americans here at home. There is nothing political about protecting Americans from violence in our communities, and I am determined to work to-

gether with each and every Member of the subcommittee, regardless of party, to do just that.

Since this is our first hearing, I want to just take a second to make all the Members of the subcommittee aware of a few procedural items. First, in accordance with the procedures laid out by the Chairman and Ranking Member of the full committee, Members will be recognized on a strict seniority basis regardless of time of arrival. Second, I am proud of the tradition of bipartisan cooperation this subcommittee has enjoyed in the past. I want to remind and encourage Members to continue operating in a manner that is respectful of other Members, our witnesses, and in accordance with the House rules.

To be very specific, Sections 368, 369, and 370 of Jefferson's Manual prohibit Members from imputing the motives of another Member, a Senator, or the current President. I would ask that this subcommittee proceed with its work on the issues before us this Congress and that all Members do so in a respectful manner. With that, I recognize myself for a brief opening statement.

For the better part of the last 2 decades, since the fateful morning of September 11, 2001, our country's framing of our National security interests have revolved largely around threats posed by terrorist organizations halfway around the world in places like Afghanistan, Iraq, Syria, North Africa. But for those of us with a background in National security, like myself and many others on this panel, we have seen a troubling trend in recent years.

Here at home, extremist rhetoric on-line, rising political tensions and the proliferation of disinformation have brought us to a boiling point. We have seen flashes of it in the last few years. Moments that have given us a window into the threat posed by violent domestic groups in Charlottesville in 2017, in my own district, Lansing in 2020, and tragically, on January 6 in the Nation's Capitol.

The attack on the Capitol on the 6th and the warnings we received from law enforcement and intelligence leaders in the months leading up to and weeks since, have made clear that while external threats remain, the single greatest threat to our country right now is the threat of domestic terrorism and the tensions and polarization between us.

For some people, the division that is rife in our country right now will lead them to climb that ladder of escalation, use violence or the threat of violence for political goals, and become domestic terrorists. Taking on this threat is our top priority. This is why our first hearing as a full committee less than a month after the attack on January 6 was focused on domestic terrorism and why today's hearing, the first subcommittee hearing for the Homeland Security Committee in this Congress, will continue that critical discussion.

As a former CIA analyst, I want to take a moment to make sure we are all on the same page in terms of the scope and scale of these threats and the words we use to describe them. First, the threat we face. A week ago, today, the Secretary of Homeland Security Ali Mayorkas testified in front of our full committee that "domestic violent extremism" represents "the greatest threat in the homeland right now." That threat isn't going away. A few weeks ago, FBI Director Wray testified that domestic terrorism investigations have grown from around 1,000 in September, to about 2,000

after the attack on the 6th. Director Wray testified in front of our committee last Congress that we now have more open investigations around domestic extremism than we do of cases of individuals connected to foreign terrorist organizations.

Last week, the director of national intelligence in collaboration with Justice and Homeland Security, released an assessment warning that domestic violent extremists pose an elevated risk to the homeland this year. This assessment cautions that extremists will continue to be radicalized and will mobilize around narratives of election fraud, pandemic restrictions, conspiracy theories, and the attack on the 6th. The threat assessment also laid out important terminology that our intelligence and law enforcement officers use to describe these threats. It is important that we get on the same page.

The intelligence community's foremost concern is "racially or ethnically motivated violent extremists (RMVEs)", as well as "militia violent extremists (MVEs)." Our intelligence agencies have assessed that these groups pose, at present, the most lethal domestic threat. Racially motivated extremists are the most likely to conduct mass-casualty attacks against civilians. Militias are likely to target law enforcement and Government personnel and facilities. The agencies' assessment notes that the threat is compounded by tech platforms that make radicalization, recruitment, and mobilization easier.

As we sit here today, we are facing a new reality. The post-9/11 era of security where the threats come from abroad is over. In the 20 years of the post-9/11 era, they came to an end on January 6. The new reality that we have to come to terms with is that our extremists here at home seeking to exploit internal division that pose the greatest threat. This is why we are focusing on these challenges today in this hearing.

The issue is not theoretical for me and others who are on the screen. In my own district last year, Federal and State authorities managed to disrupt a plot by at least 14 men to kidnap and kill our Governor, Gretchen Whitmer. The group spied on the Governor's vacation home, conducted firearms and combat training, and practiced building explosives. They planned to detonate a bomb under a highway bridge to distract local authorities as they kidnapped our Governor to relocate her to Wisconsin for a "trial." These plotters weren't affiliated with al-Qaeda or ISIS. They didn't hail from war-torn regions halfway around the world. They were Americans. They were radicalized right here at home. These men were affiliated with a group who called themselves the Wolverine Watchmen, a violent extremist group threatening to start a civil war here in the United States.

Even just this week, another 22-year-old man from my district who was affiliated with this group, was charged with 2 felony counts related to modifying a semiautomatic weapon. This is exactly what the FBI and DHS have been sounding the alarm over. In this moment, groups like this are the ones that pose the greatest threat to our safety and our way of life.

I am very, very grateful for the work of law enforcement at both the State and Federal level who disrupted this terrible plot. Michigan Attorney General Dana Nessel, who is here with us today, has

led the majority of the charges against these defendants. She has charged 8 of the extremists with “providing material support for terrorist acts.” Two of the 8 were additionally charged by her office with the “threat of terrorism.” AG Nessel’s work highlights the very reason we have called this hearing. It lays out—today we will hear about the patchwork of State and local and Federal laws that we have to prosecute violent extremists.

Many of you know, although domestic terrorism is defined in Federal law, there are no specific Federal domestic terrorism charges. While some of these investigations may result in—some investigations do result in serious charges, such as hate crimes and gun charges. In the case of January 6, we have had perpetrators charged with conspiracy and sedition. Many of these domestic terrorism-related investigations will not progress as terrorism-related charges.

This is a major reason why we are here today, as I said, to understand the legal authorities we do and do not have to prosecute domestic terrorists. In particular, to understand whether Federal legislation is or is not needed to tackle these threats. In the mean time, States have tried to devise their own systems for countering domestic terrorism and hate-fueled violence, but those approaches differ. In States like Michigan and Texas, for example, those differences can be significant.

So, today’s hearing will allow us to hear from law enforcement leaders in 3 States about how they are working to combat these threats and the legal tools they have and don’t have at their disposal. We will also in the subcommittee examine how States coordinate with the Federal Government to combat the threat and how the Federal Government can better complement State and local communities’ efforts. Our State and local law enforcement, our attorneys general, are on the front lines of this fight and it is great that we have them here today to speak directly to the public on this.

So, I will just say—so, one of the things that I am personally looking at is some legislation to ensure that DHS has the tools that they need from an intelligence analysis perspective to better understand these threats. One of the things we know is we just don’t do is kind-of data collection. We just don’t understand the magnitude of the threat. I hope this is an area where myself and the other side of the aisle can work to improve the Department of Homeland Security’s capabilities.

In addition to our witnesses, I just want to take a brief moment to thank the attorneys general from District of Columbia and Oregon, and the National District Attorneys Association for their work on this topic and note that some statements they have submitted for the record.

I am eager to hear from our witnesses today about where we can improve and where we can, you know, follow through with that guarantee of safety to every American. I know that we want to set a strong tone, a bipartisan tone, and hear it in this subcommittee.

[The statement of Chairwoman Slotkin follows:]

STATEMENT OF CHAIRWOMAN ELISSA SLOTKIN

MARCH 24, 2021

It's an honor to be opening my first public hearing as Chair of the Subcommittee on Intelligence and Counterterrorism. Our subcommittee is meeting today to examine State and local responses to the growing threat of domestic terrorism and violent extremism.

Before we begin, I'd like to take a moment to acknowledge the horrific violence we've seen in Atlanta and Boulder over the past week. I know we're all grieving for the 18 Americans going about their daily lives, at a spa or the supermarket, who have been senselessly torn from their families. Now, this subcommittee is charged with combatting domestic terrorism and violent extremism—united by the conviction that we simply cannot allow violence to be normalized as a part of our politics. But we have to acknowledge that we've allowed these monstrous acts of mass violence to become normalized as a part of our society.

While the investigations of these heinous attacks are on-going, we cannot ignore the anguish that our Asian-American communities are feeling right now. Nor can we deny the intelligence community's warning, just last week, that lone-wolf actors—driven by hate for swaths of our fellow citizens—pose a growing threat of “mass casualty attacks,” like the ones we've just seen, against innocent Americans here at home. There is nothing political about protecting Americans from violence in our communities—and I am determined to work together with each and every Member of this subcommittee, regardless of party, to do just that.

For the better part of the last 2 decades, since that fateful morning on September 11, 2001, our country's framing of our National security interests have revolved largely around the threats posed by terrorist organizations halfway around the world—in places like Afghanistan, Iraq, Syria, and Northern Africa. But for those of us with a background in National security, like myself and others on this panel, we've seen a troubling trend in recent years.

Here at home, extremist rhetoric on-line, rising political tensions, and the proliferation of disinformation have brought us to a boiling point. We've seen flashes of it over the last few years—moments that have given us a window into the threat posed by violent domestic groups—in Charlottesville (2017); in Lansing (2020); and tragically, on January 6, in the Nation's capital.

The attack on the U.S. Capitol on January 6, and the warnings we have received from law enforcement and intelligence leaders in the months leading up to and in the weeks since, have made clear that while external threats remain, the single greatest threat to our country right now is domestic terrorism.

Taking on this threat is our top priority: That is why our first hearing as a full committee (less than a month after the insurrection) focused on domestic terrorism, and why today's hearing—the first subcommittee hearing for the Homeland Security Committee this Congress—will continue that critical discussion.

I want to take a moment to make sure we're all on the same page, in terms of the scope and scale of these threats, and the words we use to describe them. First, the threat we face. A week ago today, Secretary of Homeland Security Ali Mayorkas testified to me and our full committee that “domestic violent extremism” represents the “greatest threat in the homeland right now.” This threat is not going away: A few weeks ago, FBI Director Wray testified that domestic terrorism investigations have grown from around 1,000 in September, to about 1,400 at the end of 2020, to around 2,000 after the attack on the U.S. Capitol this past January.

Last week, the Office of the Director of National Intelligence (ODNI) in collaboration with the Departments of Justice and Homeland Security released an assessment warning that domestic violent extremists (DVEs) pose an elevated risk to the homeland this year. The assessment cautions that extremists will continue to be radicalized and will mobilize around narratives of election fraud, pandemic restrictions, conspiracy theories, and the January 6 attack on the Capitol. That assessment also lays out the terminology that our intelligence and law enforcement communities use to describe these threats.

The intelligence community's foremost concern is racially- or ethnically-motivated violent extremists (RMVEs) and militia violent extremists (MVEs), as our intelligence agencies have assessed that these groups present the most lethal domestic threat. Racially-motivated extremists are the most likely to conduct mass-casualty attacks against civilians. And militias are likely to target law enforcement and Government personnel and facilities. The agencies' assessment notes that the threat is compounded by tech platforms that make the radicalization, recruitment, and mobilization of extremists easier.

As we sit here today, we are facing a new reality: The post-9/11 era of security has come to an end. The new reality we have to come to terms with is that it's extremists here at home seeking to exploit internal divisions within our own country that pose the greatest threat. While the insurrection and attack against our Nation's Capitol on January 6 has brought the threat of domestic terrorism and domestic violent extremism to the forefront, these threats are ones we have been dealing with for a long time in our States and local communities—which is why we are focusing today on the challenges they face. This issue isn't theoretical for me—it's deeply personal.

In my own district last year, Federal and State authorities managed to disrupt a plot by at least 14 men to kidnap our Governor, Gretchen Whitmer. The group spied on Gov. Whitmer's vacation home, conducted firearms and combat training, and practiced building explosives. They planned to detonate a bomb under a highway bridge to distract local authorities as they kidnapped the Governor, and relocate her to Wisconsin to conduct a "trial." These plotters weren't affiliated with al-Qaeda or ISIS; they didn't hail from a war-torn region halfway around the world—they were Americans. They were White. And they were radicalized right here at home. These men were affiliated with a group who call themselves the Wolverine Watchmen, a violent extremist group threatening the start of a civil war.

Even just on Monday of this week, a 22-year-old man from my district affiliated with this group was charged with 2 felony counts related to modifying a semiautomatic weapon. This is exactly what the FBI and DHS have been sounding the alarm over. In this moment, groups like this are what pose the greatest threat to our safety and way of life. I am grateful for the work of law enforcement at both the State and Federal level that disrupted this horrifying plot. Three of 6 of those indicted on Federal charges were my constituents, and one of the key raids occurred just 10 minutes from my home.

Michigan Attorney General Nessel, a dedicated public servant who is here before us today, has led the majority of the charges against these defendants. AG Nessel has charged 8 of the extremists with "providing material support for terrorist acts," and 2 of the 8 were additionally charged by her office with the "threat of terrorism." Now, AG Nessel's work lays out some of the distinctions between the authorities that State/local and Federal law enforcement can bring to bear. The specific terrorism charges she was able to bring were only possible because Michigan has a State-level domestic terrorism statute, and the Michigan Constitution forbids private military units from operating outside State authority.

As we all know here, although domestic terrorism is defined in Federal law, there is no specific Federal domestic terrorism charge. And while some of these investigations may result in serious charges, such as hate crimes and gun charges—and in the case of January 6, we've seen perpetrators be charged with conspiracy and now possibly sedition—many of these domestic terrorism-related investigations will not progress as terrorism-related charges.

The Federal Government has vast resources but they are not unlimited. States have tried to devise their own systems for countering domestic terrorism and hate-fueled violence. But those approaches differ, and in States like Michigan and Texas, for example, those differences can be significant. Today's hearing will allow us to hear from law enforcement leaders in 3 States about how they are working to counter the threat and prevent future attacks from occurring, and the legal tools they have at their disposal to prosecute individuals engaged in acts of domestic terrorism.

Today, the subcommittee will also examine how States coordinate with the Federal Government to combat the threat and how the Federal Government can better complement State and local communities' efforts. Our State and local law enforcement—our attorneys general—are on the front lines of the fight against domestic terrorism and violent extremism as it threatens our communities.

As Federal lawmakers, we have a responsibility to make sure they have the resources and support they need to tackle this threat—whether in the form of intelligence sharing or through material support.

On January 6, we saw first-hand the consequences of failing to meet this challenge. As many of you know, I served 3 tours in Iraq alongside our military during my time as a CIA analyst. Never in my life did I think that the training I went through in war zones would be necessary here at home, let alone in the U.S. Capitol where I come to work every day. But at the beginning of this year, I felt like I had been transported back to that place. No American should feel threatened in that way on U.S. soil ever again, and I know all of us here are committed to making sure the events that took place on that day never repeat themselves.

I look forward to introducing legislation soon to ensure that DHS has the tools it needs from an intelligence analysis perspective to better understand the threats.

And I hope that this is an area where my Republican colleagues can work with me to improve the Department's capabilities. I also want to thank the attorneys general from the District of Columbia and Oregon, the Manhattan district attorney, and the National District Attorneys Association for their work on this topic and the statements they submitted for the record.

I am eager to hear from our witnesses today about where improvements can be made to guarantee the safety of every American, and I'm eager to work with all of you on this subcommittee, on a bipartisan basis, to achieve that important goal.

Chairwoman SLOTKIN. With that, I thank the witnesses for being here, and I recognize the Ranking Member, the gentleman from Texas, Mr. Pfluger, for an opening statement.

Mr. PFLUGER. Madam Chairwoman, thank you for holding this hearing. Thank you for your commitment to work in a bipartisan way on a topic that is very important to all Americans. I appreciate that commitment to work across the aisle and to make sure that we assess this space in a threat-based, fact-based way.

As we saw in our first official briefing as a subcommittee a couple of weeks ago, sometimes getting the straight answers from agencies can be tough. It is incumbent upon all of us to ask those hard questions and to get to the root of any sort of violence that is affecting our country. Violent extremism in any form is unacceptable.

In addition to the recent attacks on the Capitol, we have seen over the summer, attacks on Federal buildings throughout the country. Whether it is far left groups or far right groups, including a plot to kidnap the Governor of Michigan, it is completely unacceptable in this country to live or have a threat of fear, which is what terrorism, foreign or domestic, would have us do. Many of these violent threats are being driven by rampant disinformation and misinformation on-line. They have left Federal, State, and local authorities with new unprecedented challenges on dealing with this.

All of this has led to worthwhile discussions and debates around the merits of whether new criminal statutes are needed to combat domestic terrorism. But at the end of the day, it is so important that we protect our First Amendment while keeping our citizens safe.

In the wake of the attacks on 9/11, Washington did pass many laws that impacted our National security and still do, to this day. I think that our country has benefited from those greatly. But I also want to make sure that if some of those were done in a knee-jerk way, that we also take a very thoughtful and measured approach at this point in time, and that we consider the effects that may not be immediate but could be far-reaching in the future. I know that we have had many of those conversations to assess that.

Today, I hope to hear from our panel witnesses their views on their own State domestic terror laws, as well as the efficacy of existing Federal criminal offenses that are used in domestic terror cases. I hope that we will be able to understand the Department of Homeland Security's Targeted Violence and Terrorism Prevention Grant Program to see how effective and whether the program is working. If not, how we can make that better to combat our terror threats within the country.

It is incumbent upon those on this subcommittee to ensure that the Department of Homeland Security is doing everything in their

power to protect American citizens across the range of threats in this country that we are facing right now. I know and agree with everything that you said that our officers, CBP officers, and otherwise throughout the Department of Homeland Security, are on the front lines and are doing everything that they possibly can. I salute those officers and personnel who are willing to risk their lives for American citizens every single day.

We look forward to working with the State and local authorities. I would like to thank all of the witnesses that are here, those that we have also talked to in the past week, to get a better understanding of what we need to do to make sure that we do protect American life.

I look forward to hearing from the witnesses and appreciate the willingness of them to join. With that, Madam Chair, thank you for your leadership and your commitment to working in a bipartisan way to keep Americans safe. I yield back at this time.

[The statement of Ranking Member Pfluger follows:]

STATEMENT OF RANKING MEMBER AUGUST PFLUGER

MARCH 24, 2021

Thank you, Madam Chair, and I am pleased that the subcommittee is holding this hearing today on a topic that is very top-of-mind for many Americans these days. I appreciate your commitment to work in a bipartisan way to address all terror threats facing this country.

As we saw in our first official briefing as a subcommittee, getting straight answers from the agencies we oversee can be a difficult task; however, I am committed to working closely with you on these issues.

Violent extremism by any group of any political persuasion is unacceptable.

Many of these violent threats are being driven by rampant disinformation and misinformation on-line, and has left Federal, State, and local authorities with new, unprecedented challenges. All of this has led to worthwhile discussions and debates around the merits of whether new criminal statutes are needed to combat domestic terrorism. At the end of the day: We must protect our first amendment.

In the wake of the attacks on 9/11, Washington passed many laws which impact the National security space to this day. Some of these laws were well thought-out and have benefited the American people greatly. Others were made as a knee-jerk reaction. We need to make sure we are taking a thoughtful and measured approach to the legislation we consider in Congress.

Today, I hope to hear from our panel of witnesses their views on their own State domestic terror laws, as well as the efficacy of existing Federal criminal offenses used in domestic terror cases. I also hope to hear from them how State and local authorities utilize Federal grant programs, including the Department of Homeland Security's Targeted Violence and Terrorism Prevention (TVTP) grant program. We must determine not only how, but if, this programming is working to combat the terror threat in our local communities.

It is incumbent upon those of us on this subcommittee to ensure that the Department of Homeland Security is doing everything it can to protect Americans from domestic violent extremists. DHS should be at the forefront of information sharing, intelligence analysis, and threat mitigation.

We look forward to working with State and local authorities and having a bipartisan discussion to learn more about how we can assist these important partners in their efforts to combat the terror threat.

I thank our witnesses for their willingness to appear before the subcommittee, today, and I yield back the balance of my time.

Chairwoman SLOTKIN. Thank you, Mr. Ranking Member. I now welcome our panel of witnesses. Our first witness is Michigan Attorney General Dana Nessel, a former criminal prosecutor and civil rights attorney. Attorney General Nessel was sworn in as Michigan's 54th attorney general in January 2019. As Michigan's chief

law enforcement officer, Attorney General Nessel oversees one of the most robust State terrorism statutes in the Nation.

Our second witness is Nevada Attorney General Aaron Ford. Before serving as the AG for Nevada, AG Ford served as the majority leader of the Nevada State Senate. In 2019, Mr. Ford sponsored new legislation aimed at countering sovereign citizens, an anti-Government extremist movement, particularly in Nevada, by prohibiting the creation of fake judicial documents, which is a common tactic for adherence of this movement.

Our third and final witness is Milwaukee County District Attorney John Chisholm. District Attorney Chisholm's office handles criminal cases for the State of Wisconsin in the Milwaukee County Circuit Court. DA Chisholm led Milwaukee County's response to the 2012 white supremacist terrorist attack on a Sikh temple in Oak Tree, Wisconsin.

Without objection, the witnesses' full statements will be inserted into the record. I now ask each witness to summarize his or her statement for 5 minutes, beginning with Attorney General Nessel. Please go ahead.

STATEMENT OF DANA NESSEL, ATTORNEY GENERAL, STATE OF MICHIGAN

Ms. NESSEL. All right. Thank you so much, Chairwoman Slotkin, Ranking Member Pfluger, and distinguished Members of the Subcommittee on Intelligence and Counterterrorism. Good morning and thank you for the invitation to appear before you today. Again, my name is Dana Nessel and I am the attorney general and chief law enforcement officer of the great State of Michigan. I am honored to be with you this morning and I share in your commitment to explore ways that we can better confront and combat issues related to domestic terrorism. It is my firm belief that this growing threat is one of the most serious National security issues we face and that it must be addressed in a bipartisan manner with local, State, and Federal agencies partnering together to ensure that this country and our democracy is defended against all enemies, both foreign and domestic.

Now, Michigan is no stranger to the threat of domestic terrorism. In many ways, my State has served as ground zero for anti-Government militia extremism since the 1990's when it was discovered that the Michigan Militia had ties to Oklahoma City bombers Timothy McVeigh and Terry Nichols. Though it has been more than 25 years since the Oklahoma City bombing, acts of domestic terrorism still tear at the very fabric of this country. Just last year, my office, as you noted, charged 8 leaders and associates of the anti-Government extremist militia, Wolverine Watchmen, with supporting a terrorist plot to kidnap and kill the Governor of our State, to hold members of our State legislature hostage in our State Capitol for days before ultimately destroying it, and planning to harm law enforcement officers who protect and serve our State residents. The U.S. Attorney's Office charged another 6 individuals stemming from the same investigation.

In addition, Michigan has recently seen a deluge of threats to legislators, judges, and other Government officials on both sides of the political aisle.

In just the past 6 months, we have issued charges against individuals in 5 separate cases for threatening public officials. That is honestly just the tip of the iceberg. We have been asked to review so many cases that my department had to establish a special procedure for complaint intake and add additional prosecutorial resources to handle complaint review.

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

FBI Director Christopher Wray has acknowledged in testimony before the Senate earlier this month that far-right-wing extremists are the most significant terrorist threat facing the United States. In his testimony, he stated that at any given time, the FBI has approximately 2,000 domestic terrorism investigations, and he has repeatedly warned of the mounting domestic terror threat in recent years. He has acknowledged that racially-motivated violent extremists are also one of the most significant domestic terrorism threats. Of these, the most lethal attacks over the last few years have involved white supremacists.

So, in light of this serious and growing threat, I have expanded my department's Hate Crimes Unit to now include domestic terrorism because of the overlap of extremist ideologies. I have also directed my department to work with the FBI and Michigan State Police and to prioritize these cases for prosecutorial review. Now luckily, Michigan is uniquely situated to address domestic terrorism because of the Michigan Anti-Terrorism Act. This act went into effect with bipartisan support in April 2002 following the 9/11 terrorist attacks.

Our legislature recognized that laws should be enacted to adequately address the threats of terrorism against targets in our State. These statutes criminalize domestic terrorism by providing State prosecutors with the tools necessary to prosecute as 20-year felonies the following: Acts of domestic terrorism, providing material support or resources for terrorism, hindering prosecution of terrorism, communicating true or false threats of terrorism, disrupting telecommunications of public safety, education, or Government operations, and obtaining blueprints or security diagrams for terrorism to vulnerable targets like school buildings, houses of religious worship, stadiums, and infrastructure.

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

Now, while Michigan has a robust array of laws to address domestic terrorism, many States and Federal prosecutors do not. For example, while Federal prosecutors have laws that address providing material support for designated foreign terrorist organizations, there are no laws to address domestic terrorists or home-grown violent extremists. That is a gap that my department has used our State laws to fill, but to fully combat domestic terrorism

across the country, changes to Federal criminal laws must be made. Moreover, because we are on the front line of this battle, Federal funding is needed for State law enforcement offices, like mine, so that we can dedicate staff and resources to this cause. If States are doing the heavy lifting, they must be adequately resourced.

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

We need bipartisan and aggressive solutions to the problem of domestic terrorism because acts of domestic terrorism don't just harm the target of the crime, they threaten the very foundations of our democracy. The January 6 Capitol riots sparked an important National conversation about the potential dangers of domestic terrorism, but confronting this threat requires more than just talk. It requires swift action.

For these reasons, I applaud this committee for taking this important step and starting this conversation. I appreciate the opportunity to share with you the actions that we are taking here in Michigan to address this growing crisis.

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

[The prepared statement of Ms. Nessel follows:]

PREPARED STATEMENT OF DANA NESSEL

Chairwoman Slotkin, Ranking Member Pfluger, and distinguished Members of the Subcommittee on Intelligence and Counterterrorism, good morning and thank you for the invitation to appear before you today. My name is Dana Nessel and I am the attorney general—and chief law enforcement officer—of the great State of Michigan. I'm honored to be with you this morning and I share in your commitment to explore ways that we can better confront, and combat issues related to domestic terrorism. It is my firm belief that this growing threat is one of the most serious National security issues that we face and that it must be addressed in a bipartisan manner with local, State, and Federal agencies partnering together to ensure that this country—and our democracy—is defended against all enemies, both foreign and domestic.

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

special procedure for complaint intake and add additional prosecutorial resources to handle complaint review.

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

FBI Director Christopher Wray has acknowledged in testimony before the Senate earlier this month that far-right-wing extremists are the most significant domestic terrorism threat facing the United States. In his testimony, he stated that at any given time, the FBI has approximately 2,000 domestic terrorism investigations, and has repeatedly warned of the mounting domestic terror threat in recent years. He has acknowledged that racially-motivated violent extremists are also one of the most significant domestic terrorism threats. Of these, the most lethal attacks over the last few years have involved white supremacists.

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

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

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

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

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

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

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

Thank you.

Chairwoman SLOTKIN. Thank you, Attorney General Nessel, for your testimony. I now recognize Attorney General Ford to summarize his statement for 5 minutes.

STATEMENT OF AARON D. FORD, ATTORNEY GENERAL, STATE OF NEVADA

Mr. FORD. Thank you so much, Chairwoman Slotkin, Ranking Member Pfluger, who incidentally, I am born and raised in Texas. I have been a Nevadan for 20 years and have a lot of affinity for Texas with my family still being there. So, I bring you greetings. Distinguished Members of the subcommittee, including Sheila Jackson Lee, who I have worked with in the past on several issues.

My name is Aaron D. Ford, attorney general for the State of Nevada. I would like to thank Congresswoman Slotkin for the opportunity to speak here. I would like to also congratulate and to welcome my good colleague and friend Attorney General Dana Nessel, who has unfortunately been on the front line of combat in domestic terrorism, as well as Milwaukee County District Attorney John Chisholm, who has seen his unfair share of domestic terrorism taking place in his city as well. Thank you, again, for inviting me to this important conversation about ways we can prevent and respond to domestic terrorism.

Nevada is no stranger to violent acts. On October 1, 2017, Las Vegas became the site of the deadliest mass shooting in our country's history. Sixty innocent people were killed and nearly 1,000 injured, all who were simply trying to enjoy a music festival. This tragedy shook our community and terrified the Nation. We all know too well the pain that our fellow Americans in Atlanta, Georgia and Boulder, Colorado are feeling right now. Our hearts go out to those communities.

As much as I would like to say that was an isolated incident, we all know that that is not true. It is one of a handful of tragic events over the last decade. Nevada continues to grapple with domestic violent extremism, whether it be anti-Government extremists who threaten or commit violence against the Government, racially or ethnically motivated violent extremists who target certain people, or extremists that utilize undefined ideologies to justify their violence.

An incident in 2014, in Bunkerville, Nevada, involved an armed militia comprised of anti-Government activists who confronted the Bureau of Land Management over a land dispute. They aimed loaded weapons at law enforcement in what came to be known as the Battle of Bunkerville. Not long after this incident, two Las Vegas Metropolitan Police Department officers and a good Samaritan were murdered in Las Vegas by anti-Government extremists. Just last year, a Nevada highway patrol trooper was killed in the line of duty by an individual who demonstrated anti-Government extremist tendencies. Currently, the Clark County District Attorney's Office and the United States Attorney for the District of Nevada are jointly prosecuting an attempted bombing planned by perpetrators associated with the Boogaloo Bois, which is a loosely organized far-right anti-Government extremist movement.

Terms such as domestic violent extremism and domestic terrorism do not always mean the same thing to everyone. In fact, the

October 1, 2017 shooting was not considered an act of terrorism under Federal law, presumably due to the lack of known political motivation and lack of international nexus. The perpetrator of this heinous crime was referred to as a “lone wolf.” The phrase lone wolf has been used to reference many culprits of mass violence who are usually White. Calling someone a lone wolf implies that they are not terrorists because they are not connected to a State sponsor of terrorism or other group organized around a political ideology. However, had the perpetrator of the 2017 mass shooting survived, he likely would have been charged as a terrorist under Nevada law.

Nevada Revised Statutes defines acts of terrorism and creates criminal penalties for acts of terrorism or attempted acts of terrorism. This law was passed in the aftermath of 9/11 and it has proven to be a powerful tool for Nevada in charging terrorists. The Nevada terrorism statute does not require us to prove hate, political ideology, or other motivation. Nevada law defines terrorism as sabotage, coercion, or violence which is intended to “cause great bodily harm or death to the general population” or substantial destruction, contamination, or impairment to a building, infrastructure, utilities, or natural resources.

You may be familiar with and you have recently heard the term, sovereign citizens. These individuals do not recognize the authority of any government or our laws. The movement also has racist and anti-Semitic ties, believing that certain racial and ethnic groups have taken over our Government and financial institutions.

The sovereign citizens movement is considered by the FBI as domestic terrorism, extremism. Experts with the Southern Nevada Counter Terrorism Center estimate that as many as 500 sovereign citizens reside here in Nevada representing the largest domestic terrorism threat in our State. Sovereign citizens are responsible for the murders of Las Vegas metropolitan police officers that I referenced earlier in my testimony.

A common tactic of sovereign citizens is to serve false legal documents such as summons, fines, or even arrest warrants on representatives of the Government from their own made-up courts. Sovereign citizens often target law enforcement officers, prosecutors, and judges as we are viewed as enforcing laws that they do not recognize. Even our broad definition of terrorism was not sufficient to address some of the common tactics of domestic terrorists.

In 2019, I personally sponsored a bill in the Nevada State legislator that criminalized simulated or fake legal documents purporting to be from false courts with the intent to harass or defraud someone. When testifying on the bill I sponsored, a detective with the Las Vegas Metropolitan Police Department assigned to the Southern Nevada Counter Terrorism Center said that he and other officers received fake indictments and arrest warrants for treason. The penalty for treason is death. The goal of this legislation was to crack down on this tactic used by sovereign citizens whether the tactic is being used as part of a scam or used to target and threaten violence.

One of the questions that the subcommittee posed to us is whether in light of January 6, 2021, that attack on the Capitol, additional Federal legislation is needed to combat domestic terrorism. So, in my opinion, does Federal law need a refresh? To use a law-

yer's term of art, it depends. There are no easy fixes in the fight against domestic terrorism. With the rise of domestic violent extremism, there is no question that something needs to be change so that can ensure public safety.

I would recommend that we take a measured approach to enacting new laws regarding counterterrorism to include the protection of privacy, free speech, and the right to bear arms. It is important for us to assess and balance the rights of individuals with matters of security and safety.

Chairwoman SLOTKIN. Excuse me.

Mr. FORD. There are——

[The prepared statement of Mr. Ford follows:]

PREPARED STATEMENT OF AARON D. FORD

MARCH 24, 2121

Chairwoman Slotkin, Ranking Member Pfluger, and distinguished Members of the subcommittee, my name is Aaron D. Ford, attorney general for the State of Nevada. Thank you for inviting Nevada, along with other members of the National Association of Attorneys General (NAAG) to this important conversation about ways in which we can collaborate and respond to domestic terrorism.

A. NEVADA IS NO STRANGER TO VIOLENT ACTS AND DOMESTIC TERRORISM

Nevada is no stranger to violent acts. Las Vegas became the site of the largest mass casualty incident in the United States on October 1, 2017, which tragically took the lives of 60 innocent people and injured nearly 1,000, all who were simply trying to enjoy a music festival. This tragic incident shook our community and terrified the Nation.

As much I would like to say that this was an isolated incident of violence in our State, it is only one of a handful of tragic events that have occurred within the Silver State over the last decade. Nevada continues to grapple with domestic violent extremism, whether it be anti-Government extremists who have threatened to, or have committed, violence against the Government; racially- or ethnically-motivated violent extremists that target certain population groups; or extremists that utilize undefined ideologies to justify their violence. An incident in 2014, in Bunkerville, Nevada, involved an armed militia comprised of anti-Government activists who confronted the Bureau of Land Management over a land dispute. They aimed loaded weapons at law enforcement in what came to be known as the "Battle of Bunkerville." Many in law enforcement consider the activists to be extremists or domestic terrorists. While there was no loss of life because of this event, the stand-off was the largest armed uprising against the Federal Government in decades, inspiring militias across the United States. People involved in the "Battle of Bunkerville" later moved to Oregon and led a 41-day occupation of the Malheur National Wildlife Refuge.

Not long after, in 2014, 2 Las Vegas Metropolitan Police Department (LVMPD) officers and a Good Samaritan were ambushed in Las Vegas by anti-Government extremists, losing their lives. Had the extremists survived, there is a possibility they may have been charged as terrorists under Nevada law. Just last year, a Nevada Highway Patrol trooper was killed in the line of duty by an individual who demonstrated anti-Government extremist tendencies.

Terms such as "domestic violent extremism" and "domestic terrorism" do not always mean the same thing to everyone. In fact, the 2017 shooting was not considered an act of terrorism under Federal law, presumably due to the lack of known political motivation and lack of international nexus. The perpetrator of this heinous crime was commonly referred to as a "lone wolf." The phrase "lone wolf" has been used to reference many culprits of mass violence who are usually White. Calling someone a "lone wolf" implies that they are not terrorists because they are not connected to a State sponsor of terrorism or other group centrally organized around a political ideology. However, had the perpetrator of the 2017 mass shooting survived, he could have, and likely would have been, charged as a terrorist under Nevada law because Nevada law does not require a political motive or link to international terror groups.

B. NEVADA'S DEFINITION OF TERRORISM ALLOWS FOR PROSECUTION BASED ON THE EXTENT AND TYPE OF HARM RATHER THAN ON THE MOTIVATION UNDERLYING IT

Nevada Revised Statutes defines "Acts of Terrorism" and creates criminal penalties for Acts of Terrorism or Attempted Acts of Terrorism. This law was passed in the aftermath of 9/11 and has proved to be a powerful tool for Nevada in charging terrorists. The Nevada terrorism statute does not require us to prove hate, political ideology, or other motivation. Nev. Rev. Stat. § 202.4415 defines terrorism as an attempted use of sabotage, coercion, or violence which is intended to "Cause great bodily harm or death to the general population" or substantial destruction, contamination, or impairment to a building, infrastructure, utilities, or natural resources/environment. The laws used to prosecute terrorism and other related crimes as I just defined include:

- Nev. Rev. Stat. § 202.445: Acts of terrorism or attempted acts of terrorism.
- Nev. Rev. Stat. § 202.4408: Threats or conveying false information concerning acts of terrorism.
- Nev. Rev. Stat. § 203.117: Criminal Syndicalism (rarely used.)
- Nev. Rev. Stat. § 412.604: Laws Relating to "Militias" where it is unlawful to drill or parade with arms by voluntary company or voluntary organization without license or consent of Governor (rarely used.)
- Nev. Rev. Stat. § 203.080: Makes it a misdemeanor for "any body of individuals other than municipal police, university or public school cadets or companies, militia of the State or troops of the United States, to associate themselves together as a military company with arms without the consent of the Governor."

Under Nevada law, terrorism can also be charged as an enhancement (Nev. Rev. Stat. § 193.1685.) Enhancements allow for an additional penalty of 1–20 years in prison that must run consecutive to an underlying conviction. Hate-motivated crimes can only be charged as an enhancement under current Nevada law (Nev. Rev. Stat. § 193.1675.) In Nevada there are also prohibitions against certain persons possessing firearms (Nev. Rev. Stat. § 202.360) or the sale or possession of tear gas, bombs, or weapons which are not permitted under Nevada law (Nev. Rev. Stat. § 202.360.)

C. NEVADA IS ADDRESSING THE GROWING THREAT OF "PAPER TERRORISTS"

You may be familiar with the term "sovereign citizens." These individuals do not recognize the authority of local, State, or Federal Governments or our laws. For years, the FBI has recognized the sovereign citizen movement as domestic terrorism extremism. Experts with the Southern Nevada Counter Terrorism Center estimate that as many as 500 sovereign citizens reside in Nevada, representing the largest domestic terrorism threat in our State. The movement also has racist and anti-Semitic ties, believing that certain racial and ethnic groups have taken over the Government and financial institutions.

A common tactic of sovereign citizens is to serve false legal documents such as summons, fines, or even arrest warrants on representatives of the Government from their own made-up courts. Sovereign citizens often target law enforcement officers, prosecutors, and judges as we are viewed as enforcing laws they do not recognize. Some sovereign citizens file false liens against properties to prevent their sale, fake tax returns, or other documents as the basis of financial fraud. For example, sovereign citizens have served fake court documents to Nevadans, especially seniors, ordering that person to pay a fine or another amount as part of a scam.

What can begin as a nuisance can quickly escalate to violence. In 2014, the 2 Las Vegas Metropolitan Police officers referenced earlier were murdered by sovereign citizens. After shooting the officers, the murderers draped the Gadsden flag¹ over their bodies with a note to "Tell the Police that the revolution has begun." In another incident, Las Vegas Metropolitan Police infiltrated a plot to kidnap and execute police. When testifying on the bill I sponsored, a detective with the Las Vegas Metropolitan Police assigned to the Southern Nevada Counter Terrorism Center Stated that he and other officers received fake indictments and arrest warrants for treason and "the penalty for treason is death."

In 2019, I sponsored a bill in the Nevada State legislature that criminalized simulated or fake legal documents purporting to be from false courts with the intent to harass or defraud someone. The goal of this legislation was to crack down on this tactic used by sovereign citizens, whether the tactic is being used as part of a scam or used to target and threaten violence.

¹ Sottile, Leah (August 19, 2020). "Inside the Boogaloo: America's Extremely Online Extremists." *The New York Times*. Retrieved November 7, 2020.

D. WE ARE WORKING TO ADDRESS GAPS IN PREVENTION, INVESTIGATIONS, AND
PARTNERSHIPS ACROSS LOCAL, STATE, AND FEDERAL AGENCIES

Federal funding is a much-needed resource in a State's fight against domestic terrorism. Federal assistance after a domestic terrorism event is critical to a State's ability to respond to, and recover from, a mass violence or domestic terrorism event, and should be considered in the analysis of a Federal law change. The way an incident is defined in law has an impact on how response and recovery can be funded.

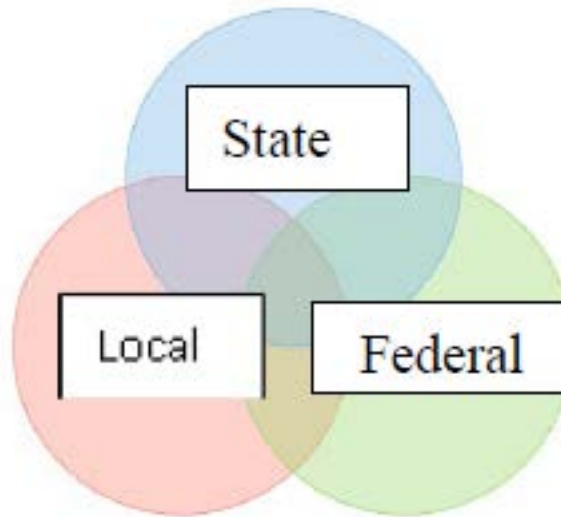
After the 2017 mass shooting, Nevada received Federal funding, but it did not fall under the Stafford Disaster Relief and Emergency Assistance Act. Other mass casualty incidents that preceded 1 October, such as the Pulse nightclub shooting, were not granted assistance under the Stafford Act. The definition of "major disaster" in the Stafford Act that dictates eligibility is very restrictive as it relates to terrorist attacks if the event does not include a fire or explosion. We can all agree that mass shootings can be no less deadly or horrific than an explosion, but it is uncertain if the current definition in the Stafford Act would include these events. In the case of the 2017 mass shooting, the Nevada Department of Health and Human Services received a grant from U.S. Department of Justice's Anti-terrorism Emergency Assistance Program, which was utilized for the overtime needed to respond to the event, as well as mental health treatment.²

On the investigatory side of terrorism, more tools are needed for prevention and further legislation could help satisfy that need. Existing law enforcement tools used by first responders working to mitigate domestic terrorism include Fusion Centers, emergency management systems, and information sharing through Suspicious Activity Reports (SARS.) Still, we can do better by increasing partnerships, improving the accuracy of shared information, and more expedient SARS follow-up. One suggestion I have heard from law enforcement would be to implement a State-wide notification process like the Amber Alert System.

We need more data to determine trends and provide information about who are domestic terrorists. It would be helpful to have more flexibility for Federal law enforcement agencies to share information with local law enforcement, especially when serving on joint task forces. The Domestic National Terrorism Data Act, Sect 5602 of fiscal year 20220 [sic] National Defense Authorization Act, may help in some of these areas.

State, local, and Federal agencies work both independently and in collaboration with each other to combat domestic terrorism. Imagine a Venn diagram where the work we do intersects. When these partnerships fail, domestic terrorism thrives. It matters who is investigating domestic terrorism and the diversity of thought and background within the ranks of law enforcement. Diversity is an advantage in law enforcement because it helps guard against groupthink and blind spots.

²Antiterrorism and Emergency Assistance Program (AEAP), available at <https://ovc.ojp.gov/program/antiterrorism-and-emergency-assistance-program-aeap/overview>.



(1) Local Prosecutors are on the Front Line

The Clark County District Attorney's Office, Major Violator's Unit, has been most active in prosecuting crimes under Nevada's Terrorism statutes. Since 2016, the CCDA has been working hand-in-hand with Federal agents through the Southern Nevada Counter Terrorism Center. This enables them to work with Federal prosecutors wherein subjects can be charged both under Federal and State law. The number of domestic terrorism cases the CCDA prosecutes varies each year and can range between 7–15 prosecutions per year. Currently, the CCDA and the United States Attorney for the District of Nevada are jointly prosecuting a case against the Boogaloo Boys or Boogaloo Bois, which is a loosely-organized, far-right anti-Government extremist political movement in the United States. My office has primary jurisdiction over crimes committed in the Nevada Department of Corrections and we have coordinated with the CCDA to investigate or prosecute crimes of violence and domestic terrorism coordinated between persons incarcerated and those on the streets. This kind of coordination mostly pertains to members of various gangs.

(2) Fusion Centers and Regional Intelligence Centers are Instrumental (located in both Northern and Southern Nevada)

Our office coordinates with local law enforcement agencies and Federal agencies through the Southern Nevada Counter Terrorism Center. The 3 main intelligence-sharing entities include the Northern Nevada Regional Intelligence Center (NNRIC), the Southern Nevada Counter Terrorism Center (SNCTC) and the Nevada Threat Analysis Center (NTAC). My staff and I have solicited input from directors of Fusion Centers and incorporated some of their thoughts and information herein. During the 2021 election season and local events relating to the certification of the Presidential election, the fusion centers were vital in our ability to obtain public concerns and complaints regarding potential or threatened acts of violence to both local and Federal partners in real time. The way the fusion centers are structured is what makes this a particularly powerful tool in combatting domestic terrorism. For example, the SNCTC represents a collaboration of Government and private entities monitoring and collecting data on the Las Vegas Strip via multiple live stream camera feeds to protect critical infrastructure and monitor criminal activity that may result in the loss of life or that critical infrastructure.

(3) Joint Terrorism Task Forces (JTTF) are Located Throughout the United States

Partnerships strengthen our ability to investigate and disrupt domestic terrorism. One of those partnerships is the Joint Terrorism Task Forces (JTTF.) The JTTF

comprises locally-based investigators, analysts, linguists, and other specialists from law enforcement. As you know, these JTTFs exist in many, if not all States. According to the FBI, there are about 200 task forces around the country, including at least one in each of the FBI's 56 field offices, with hundreds of participating State, local, and Federal agencies.

My office has participated in Nevada's JTTF. However, there are serious challenges for such a task force, given the existing Federal legislation. Because so much of what we combat on the local level is not associated with foreign state sponsors or organized foreign terrorist groups, the task force has limited jurisdiction and goals. Our work with the JTTF has revolved around cases involving fraudulent documents. This is what led to us sponsoring Nevada's Assembly Bill 15 during the 2019 legislative session. Prior to the passage of this law, we used a mishmash of statutes to address the illegal filings of "sovereign citizens."

E. WE NEED TO BALANCE FUNDAMENTAL RIGHTS WITH SECURITY CONCERNS

One of the questions staff posed to us in advance of this hearing is whether, in light of the January 6, 2021 attack on the Capitol, additional Federal legislation is needed to combat domestic terrorism. So, in my opinion, does Federal law need a refresh? Probably—or to use a lawyer's term of art—it depends. Federal law defines the term "domestic terrorism," but does not provide a law under which it can be specifically and directly prosecuted.

There are no easy fixes in the fight against domestic terrorism. Unfortunately, the ability to prosecute domestic terrorism after the fact does not address the lack of investigatory tools needed to prevent domestic violent extremism events from happening in the first place. With the rise of domestic violent extremism in Nevada and across the Nation there is no question that something needs to change so we can ensure public safety. As leaders, we must devise ways to combat these threats while still honoring the Constitutional protections that exist for our citizens. Any law that seeks to criminalize domestic terrorism will have to be narrowly tailored to ensure that our civil rights are not unreasonably impacted by the changes in law.

I recommend we take a measured approach to enacting new laws regarding counterterrorism to include the protection of privacy, free speech, and the right to bear arms. It is important for us to assess and balance the rights of individuals with matters of security and safety. We cannot ban all vulgar, derisive, or controversial rhetoric as terrorism. The United States Supreme Court has opined that to prosecute specific conduct or language as being evidence of intimidation or other malevolence, there must be a real threat.³ Other considerations to weigh when crafting new Federal legislation include States' rights, freedom of peaceful assembly, and freedom of association. We must also consider implicit and explicit biases throughout the criminal justice system that may penalize violent extremists from one race or ethnicity less harshly and less frequently than those belonging to immigrant or minority groups. Equally important is the need to safeguard or insulate prosecutorial discretion from the political process or from those in power who would seek to punish political rivals.

Another element worthy of discussion at the Federal level is how people are radicalized and the proliferation of terrorism planning using the internet and social media. A person can now be radicalized in a relatively short period of time from on-line interactions and viewings. On-line algorithms are designed to serve up news and information exclusive to a person's appetite, leading to an increasingly isolated point of view. In several recent terrorist attacks, the perpetrators used the internet to post manifestos or hate speech leading up to an attack. The perpetrator of the 2015 shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina had his own website where he posted his white-supremacist screed. The perpetrator of the 2016 shooting at Pulse nightclub in Orlando, Florida watched violent jihadist videos on-line. The perpetrator of the 2018 shooting at the Tree of Life synagogue in Pittsburgh, Pennsylvania frequently posted antisemitic and anti-immigrant hate speech on a social media platform called Gab, even announcing on-line "I'm going in" just 5 minutes before he started shooting. The perpetrator of the

³*Virginia v. Black*, 538 U.S. 343, 123 S. Ct. 1536, 155 L. Ed. 2d 535 (2003). This case sets guidance on what is a true threat. Ku Klux Klan member appealed his conviction under a Virginia State Statute classifying cross burning in itself as prima facie evidence of an intent to intimidate. Supreme Court found statute unconstitutional because cross burning is protected as long as the intent is to exercise political speech and not intimidate.

Brandenburg v. Ohio, 395 U.S. 444, 89 S. Ct. 1827, 23 L. Ed. 2d 430 (1969). Ku Klux Klan member appealed conviction of violating Ohio Criminal Syndicalism Act during Klan meeting. Supreme Court overturned because the act "failed to distinguish mere advocacy from incitement to imminent lawless action, violates First and Fourteenth Amendments."

2019 Escondido, California mosque fire and the shooting at the Chabad of Poway synagogue posted a racist and antisemitic manifesto on 8kun, previously called Schan. Likewise, the perpetrator of the El Paso, Texas Wal-Mart shooting posted an anti-Hispanic racist manifesto on 8kun. Both of those perpetrators cited the Christchurch, New Zealand mosque shooting that was livestreamed on social media as their inspiration.

We need to examine why our country appears to be growing increasingly vulnerable to domestic terrorism and how isolation can lead to radicalization and even violence. Of course, the internet is the 21st Century's town square and we do not lose our First Amendment rights to free speech when we go on-line. Not every person who uses hate speech on-line goes on to commit a violent attack. But nearly every person who has committed domestic terrorism in recent years has used the internet to plan their attack or participate in a hate-fueled social media discourse preceding the attack. Often, these terrorists are hiding in plain sight.

F. WE HAVE MUCH TO LEARN FROM EACH OTHER

One of the values I promote throughout the office is community engagement. Through community engagement we can work with educational institutions, community groups, and local and Federal law enforcement agencies. We help build resiliency in our communities through training and education to increase cultural understanding and to recognize blind spots relative to racial and ethnic needs. Deep and trusting relationships between community members and between law enforcement and the communities they serve increases public safety and helps prevent violence. When people in a community know each other well enough to recognize when someone is at risk of radicalization or violent behavior, and when those community members trust law enforcement enough to report that information, we have an opportunity to intervene and prevent violence. We can ensure that person receives mental health services and other resources. My office frequently holds virtual town halls so the community can view us as a resource and an ally.

Building community relationships and trust helps prevent "othering," or viewing another group of people as intrinsically different than you. It is much more difficult to harm someone you view as your neighbor or believe a conspiracy theory about someone you know and trust. All of our institutions have a responsibility to foster this community building, from civic education in our children's classroom, to the media that provides us information about the world, to law enforcement and every level of our Government. When we invest the time and resources into community building, the results serve us all.

As part of NAAG, I work with and learn from other Attorneys General to tackle tough problems. D.C. Attorney General Karl Racine and current president of NAAG has made fighting hate his Presidential Initiative. Michigan Attorney General Dana Nessel shares lessons learned from the failed attempt to kidnap and execute Governor Whitmer. Illinois Attorney General Kwame Raoul is working with the United States Secret Service and Homeland Security to educate communities on how to combat hate and terrorism. This program is designed toward prevention and education by bringing together community leaders, after-school program administrators, volunteer program administrators, hospital staff and administrators, community safety and security personnel, mental health professionals, and law enforcement. To paraphrase a quote from the Bible, "We don't fight against flesh and blood." That is, we do not fight against our fellow Americans. We fight against misinformation, radicalization, and ignorance. We fight against hate. In doing so, we must learn from each other, share information with each other and make our communities safer to defeat domestic terrorism.

Chairwoman SLOTKIN. Attorney General Ford, I will just say I am sure we will get to it in questions. I want to make sure we have time to get to our next witness. Sorry, to cut you off. I apologize, but I know people will be asking you questions about your last couple of comments there. With that, I am going to turn and recognize Mr. Chisholm to summarize his statement in 5 minutes, please.

STATEMENT OF JOHN T. CHISHOLM, DISTRICT ATTORNEY, MILWAUKEE COUNTY, WISCONSIN

Mr. CHISHOLM. Good morning Chairwoman Slotkin, Ranking Member Pfluger, distinguished Members of the subcommittee. My name is John Chisholm. I am the district attorney of Milwaukee

County, Wisconsin, serving since 2007. For the 12 years preceding my election, I was an assistant district attorney in the same jurisdiction specializing primarily in criminal prosecutions related to illegal firearm use and violence. As district attorney, I have participated in our jurisdiction's response to acts of domestic violent extremism, and in our preparations to forestall future attacks. I appear before you this morning in the hope that my experience as a local public safety policy maker may prove of use in your deliberations concerning one of the critical issues of our time, and that is the resurgence, in the form of domestic extremism of political violence within American public life.

What I believe is very simple. In order for our democracy to survive, we must maintain a steadfast commitment to maximizing individual liberty while restraining acts that harm the social compact. This means an absolute intolerance of unlawful violence, without qualification, whether interpersonal or political. As a prosecutor, I have devoted my career to preventing and responding to acts of interpersonal violence and holding those perpetrators to account. The same vigor with which we investigate and prosecute interpersonal violence must be applied to our efforts to curb violent extremism in our country, regardless of the political spectrum it arises from.

My experience in responding to acts of extremism dates to August 5, 2012, when a White Supremacist attacked the Sikh Temple of Wisconsin here in Oak Creek, Wisconsin, killing 6 members of our Sikh community and severely wounding several others, including an Oak Creek police lieutenant. As recently as last year, a Sikh priest wounded in this attack died of the injuries he sustained that day.

I responded in person to the scene that day with my investigative staff and with my victim services staff. I knew some of the people in that place of worship because prior to that day, the president of the Sikh Temple, Satwant Singh Kaleka, had invited me and other elected officials to share the Sikh faith's commitment to fully participating in civic life in our county and to address his concerns about the safety of the Sikh community.

While the memory of the tragic suffering of our Sikh brothers and sisters that day will always remain fresh with me, what stands out the most in my mind is the bond that was forged in the shared sacrifice between the officers who responded that day and the incredible lesson in compassion, dignity, forgiveness displayed by the Sikh community and embraced by the larger Milwaukee community after the shooting. The role of the Department of Justice in facilitating that healing was significant. I intentionally refrain from naming the person who walked into a temple of worship and gunned down innocent people of peace. I think instead of the bravery of the people inside, how Lieutenant Murphy, as the first officer on scene, confronted in close combat the offender, was wounded 15 times, but stopped him long enough for a fellow officer to arrive and bring the rampage to an end.

When violence struck our jurisdiction, we responded using a toolbox that is often more readily accessible than it may appear, our existing criminal intelligence infrastructure, historically used to combat illegal drug commerce and the violence associated with it

such as our Milwaukee High Intensity Drug Trafficking Area. We also developed our Intelligence Fusion Center, a collaborative effort anchored at the Milwaukee Police Department comprising personnel and resources from suburban jurisdictions, Milwaukee County agencies, and our Federal and State partners. Over the years, this criminal intelligence infrastructure has supplemented resources dedicated exclusively to counterterrorism.

This structure and its corresponding communication platforms allowed us to work on the ground to communicate real time to a dynamic threat.

An additional consideration at the local level is that in the event of violence occasioned by political extremism, members of the public, in jurisdictions of all sizes, must have the reassurance that their local law enforcement agencies can serve as a reliable first line of defense. Always, we have to make sure that our public safety preparations both in spirit and in practice align with the expressed direction of the people we serve.

One potential solution, taking all these factors into account, is to increase Federal financial support for mutual aid compacts at the local and regional levels. These compacts can equip mobile response teams to respond to violent incidents in smaller neighboring communities, with the signed consent of those communities' elected civilian leadership. Southeastern Wisconsin has experienced success with such a model, in the form of a regional partnership called SMART, the Suburban Mutual Aid Response Team.

In addition, there should be a robust discussion about the appropriate and the restrained use of hate crime laws both at the State and Federal level. Most local jurisdictions operate under States laws designed to address substantive underlying offences. We rarely address the motive behind a harmful act. We instead focus on issues of intent, recklessness, and negligence. Our laws are often designed as here in Wisconsin, as enhancers to the underlying crime. Working closely with our partners in the United States Attorney's Office allows us to address the broader issues of unlawful motive. However, I believe that the time has come that our respective States should create a framework for addressing hate crimes and acts of domestic terror in a more comprehensive way, perhaps by authorizing our State attorney generals, as we have heard in Michigan, to commence prosecutions related to violations of civil liberties based on the respective rights in each State constitution.

I will finish by indicating that in 1973, the Berger Commission was addressing similar issues related of National importance and Professors Remington and Goldstein from the University of Wisconsin had this to say: "Those in the system must work together through liaison, cooperation, and constructive joint effort. It is effective to the operation of the police and the entire criminal justice system to achieve optimum police effectiveness, they should be—the police should be recognized as having complex and multiple tasks to perform in addition to apprehending people committing serious offenses. Such other tasks include the protection of certain rights such as to speak and to assemble, participation directly in social agencies in the prevention of criminal and delinquent behavior, the maintenance of order and assistance to citizens in need

such as those who are mentally ill, the chronic alcoholic, and the drug addict.”

This was written at a time of social unrest not wholly dissimilar to our own. Each generation faces its own unique challenges, but we must endeavor to respond in a way that learns both from past failure and past success and allows future generations the right to expand and enrich upon this unique experiment in democracy by promoting respectful discourse and rejecting violence as a path to change.

Thank you for inviting me to speak and I will provide any assistance requested as you work to address this issue of National importance. Thank you very much.

[The prepared statement of Mr. Chisholm follows:]

PREPARED STATEMENT OF JOHN T. CHISHOLM

MARCH 22, 2021

Good morning, Mr. Chairman, and Members of the subcommittee. My name is John Chisholm, and I am the district attorney of Milwaukee County, Wisconsin, serving since 2007. For the 12 years preceding my election, I was an assistant prosecutor in the same jurisdiction, specializing primarily in criminal prosecutions related to illegal firearms and violence.

As district attorney, I have participated in our jurisdiction’s response to acts of domestic violent extremism, and in our preparations to forestall future attacks. I appear before the subcommittee this morning in the hope that my experience as a local public safety policy maker may prove of use to your deliberations concerning one of the critical issues of our time: The resurgence, in the form of domestic violent extremism, of political violence within American public life.

I will refrain from conducting an unsolicited examination of the causes of domestic violent extremism. What I will state is very simple: In order for our democracy to survive, we must maintain a steadfast commitment to maximizing individual civil liberty while restraining acts that harm the social compact. This means an absolute intolerance of unlawful violence, without qualification, whether interpersonal or political. As a prosecutor, I have devoted my career to preventing and responding to acts of interpersonal violence and holding those perpetrators to account. The same vigor with which we investigate and prosecute interpersonal violence must be applied to our efforts to curb violent extremism in our country, regardless of the political spectrum it arises from.

My experience in responding to acts of domestic violent extremism dates to August 5, 2012, when a white supremacist terrorist attacked the Sikh Temple of Wisconsin in Oak Creek, Wisconsin, killing 6 members of our Sikh community and severely wounding several others, including an Oak Creek police lieutenant. As recently as last year, a Sikh priest wounded in this attack died of the injuries he sustained that day. I responded in person to the scene that day with my investigative staff and my victim services staff. I knew some of the people in that place of worship because prior to that day the president of the Sikh Temple, Satwant Singh Kaleka, had invited me and other elected officials to share the Sikh faith’s commitment to fully participating in the civic life in our county and to address his concerns about the safety of the Sikh community in Milwaukee.

While the memory of the tragic suffering of our Sikh brothers and sisters that day will always remain fresh with me, and I am willing to give more details as needed, what stands out most is the bond forged in the shared sacrifice between the officers who responded that day and the incredible lesson in compassion, dignity, and forgiveness displayed by the Sikh community and embraced by the larger Milwaukee community after the shooting. The role of the Department of Justice in facilitating healing was significant. I intentionally refrain from naming the person who walked into a temple of worship and gunned down 7 innocent unarmed people of peace. I think instead of the bravery of the people inside and how Lieutenant Murphy, as the first officer on scene, immediately confronted the terrorist in close-combat, was wounded 15 times, but stopped him long enough for a fellow officer to arrive and help bring the rampage to an end.

When domestic violent extremism struck within our jurisdiction, we responded using a toolbox that is often more readily accessible than it may appear: Our existing criminal intelligence infrastructure, historically utilized to combat illegal drug

commerce and the violence associated with it such as the Milwaukee High Intensity Drug Trafficking Area. In Milwaukee County, we also developed our Intelligence Fusion Center, a collaborative effort anchored at the Milwaukee Police Department but comprising personnel and resources from suburban jurisdictions, Milwaukee County agencies, and our Federal and State partners. Over the years, this criminal intelligence infrastructure has supplemented resources dedicated exclusively to counterterrorism, including the Southeastern Wisconsin Threat Analysis Center and the Joint Terrorism Task Force led by our local FBI field office.

This structure, and its corresponding communication platforms, allowed members of law enforcement agencies “on the ground” to communicate in real time to respond to a dynamic threat. Efforts that foster flexibility within criminal investigative and intelligence functions, so that they can easily be reallocated to the fight against domestic violent extremism, will be critical in empowering mid-sized and smaller jurisdictions to assume leadership roles on the front lines of this National effort.

An additional consideration at the local level is that, in the event of violence occasioned by political extremism, members of the public—in jurisdictions of all sizes—must have the reassurance that their local law enforcement agencies can serve as a reliable first line of defense. As we have seen over the past year, domestic violent extremists are willing to use significant firepower and a wide variety of asymmetric tactics, requiring preparedness and flexibility on the part of even small and mid-sized agencies. But we must also be careful so as not to force unprepared or untrained line personnel within our local law enforcement agencies—particularly agencies without much experience in these matters—into dynamic tactical or crowd management situations. An error in law enforcement judgment can result, respectively, in death or injury to personnel in a tactical situation or in the unlawful deprivation of civil liberties in a disturbance mitigation setting. We must also be mindful that all our public safety preparations, both in spirit and in practice, must align with the expressed direction of the residents we serve.

One potential solution, taking all of these factors into account, is to increase Federal financial support for mutual aid compacts at the local and regional levels. These compacts can equip mobile response teams to respond to violent incidents in smaller neighboring communities, with the signed consent of those communities’ elected civilian leaders. Southeastern Wisconsin has experienced success with such a model, in the form of a regional partnership called “SMART”—the Suburban Mutual Aid Response Team.

There have been recent incidents where it is alleged that individuals in Wisconsin planned domestic terror attacks in another State. This highlights a capacity divide between the local intelligence assets in major urban areas with that needed in smaller rural jurisdictions. As shown in Oak Creek or recently in Washington DC, domestic terror does not spare the responding law enforcement officers from harm and any ability to detect and defuse such incidents before they occur must be supported.

In addition, there should be a robust discussion about the appropriate and restrained use of hate crime laws at both the State and Federal level. Most State and local jurisdictions operate under State laws designed to address the substantive underlying offense. We rarely address the motive behind a harmful act, we instead focus on issues of intent, recklessness, and negligence. Our hate crime laws are often, as here in Wisconsin, “enhancers” to the underlying crime. Why someone does something can be relevant, but proving that they did it is our primary responsibility. Working closely with our partners in the United States Attorney’s Office allows us to address the broader issues of unlawful motive. The time may have come that the respective States should create a framework for addressing hate crimes in a more comprehensive way, perhaps by authorizing State Attorney Generals to commence prosecutions related to violations of civil liberties based on the respective rights in each State constitution.

In 1973 the late University of Wisconsin Law School Professors Frank Remington and Herman Goldstein, as part of the Berger Special Committee on Standards for the Administration of Criminal Justice, articulated the general principles that should guide urban policing stating:

“Those in the system must work together through liaison, cooperation, and constructive joint effort. This effort is vital to the effective operation of the police and the entire criminal justice system. To achieve optimum police effectiveness, the police should be recognized as having complex and multiple tasks to perform in addition to identifying and apprehending persons committing serious criminal offenses. Such other police tasks include protection of certain rights such as to speak and to assemble, participation either directly or in conjunction with other public and social agencies in the prevention of criminal and delinquent behavior, maintenance of order

and control of pedestrian and vehicular traffic, resolution of conflict, and assistance to citizens in need such as the person who is mentally ill, the chronic alcoholic or the drug addict.” (Emphasis added).

This was written at a time of social unrest not wholly dissimilar to our own. Each generation faces its own unique challenges, but must endeavor to respond in a way that learns from both past failure and past success and allows future generations the right to expand upon and enrich this unique experiment in democracy by promoting respectful discourse and rejecting violence as a path for change. Thank you for inviting me to speak and I will provide any assistance requested as you work to address this issue of National importance.

Chairwoman SLOTKIN. Great, thank you. I thank all the witnesses for your testimony. I know we are going to have lots of meaty questions for you. I will remind the subcommittee that we will each have 5 minutes to question the panel. For both our Members and our witnesses, there is a little screen that you should see that shows the clock and I will keep our Members to time so that we can efficiently make it through the questions. I will recognize myself to start for a 5-minute period.

You know, I think it is important to understand for all 3 of you, for the average American to understand what goes on when there is an incident that might qualify as something like domestic terrorism in your State. What is the process that you go through in determining who will charge that individual, whether it would be you or the Federal official? Kind-of walk us through maybe, AG Nessel, if you could start, the nuts and bolts, you know, if you want to speak to the specific plot against our Governor, how can the average American understand how we figure out how or prosecute these folks?

Ms. NESSEL. Well, first of all, I think that the best way to go about it and the way that we went about it in regards to the plot involving the Governor was to work in a task force that involved multiple layers and multiple levels. You know, and when we identified that there was this issue, to work together in consort with, you know, the FBI, the Michigan State Police, our office, and also the global authorities. So, you know, I think that working together works best for a variety of different reasons. But also, you know, the analysis data for us involved what laws were applicable to what kind of conduct.

That is why you saw and as we talked about, we had more cases that were charged by us at the Department of Attorney General at the State level than we had Federally. A big part of that, of course, was because quite honestly, we did not have the Federal laws available in order to, I think, properly charge these individuals with the conduct of which they were accused.

The thing that, I think, was most astonishing was the fact that had these individuals—and let me—I should interject that, of course, these individuals are presumed innocent until or unless found guilty beyond a reasonable doubt in a court of law—but that being the case, just from a sort-of a theoretical level as we are discussing this, had the plot been just to execute the Governor, the Federal authorities might not have had any charges at all. Had it not involved kidnapping, they would have been unable to charge her, and the State would have had to have taken each and every one of the applicable charges and defendants.

But that being the case, in terms of having an understanding of the best way to handle it, I really do think it is important that you have all of these different entities working together. I think that not only does that resolve the issue of who has the best laws and the most applicable laws, but I think it keeps everybody else in check.

As you likely know, you know, obviously, I am a State-wide elected official who is a Democrat. But I was working with 2 U.S. attorneys that were Republican. Of course, then we had the FBI, of course, the director was a Trump appointee, and we had the Michigan State Police is overseen by our Democratic Governor. I say all this because I think it is just so important that we had those checks and balances in place to make certain that we didn't have any instances where anyone felt as though we overstepping our bounds or that these prosecutions in any way, shape, or form, were politicized.

But I think that the most important thing is to ensure that you have a task force that is multi-leveled. Then honestly that it is properly resourced in addition to, as I stated earlier, of having the right laws in place so that we can appropriately investigate and prosecute any set of circumstances that involves harm to the public or harm to public officials or anyone in Government.

Chairwoman SLOTKIN. Great. Go ahead, did someone want to speak? No? I now recognize Ranking Member Pfluger, the gentleman from Texas, for his 5 minutes of questions. Go ahead, Representative.

Mr. PFLUGER. Thank you Madam Chairwoman. I appreciate all the witnesses' testimony. Attorney General Ford, a question for you. What tools do you have at the State and local level to charge offenders when they do commit acts of domestic terrorism such as the 2017 Las Vegas incident or the 2012 incident at the Sikh temple?

Mr. FORD. Thank you so much for the question, Representative Pfluger. Again, thank you so much Congresswoman Slotkin for having me here. Representative Pfluger, we have comparable to what Dana Nessel just talked about, the opportunity to coordinate among our State and local and Federal officials in instances like that. We have different jurisdictions, if you will, that the public doesn't recognize or even know about. So, the opportunity to discuss who has priority, who has the primary jurisdiction or issues like that is always an important conversation to have.

So, we have State statutes, for example, that we could have utilized if he survived to charge him with terrorism, for example. But the district attorney at the local level would have had potentially primary jurisdiction for other types of crimes that would have been committed or that could have been charged. Likewise, to the extent there were Federal laws that were implicated, the Federal agencies could have coordinated and figured out a way to charge him under Federal laws.

What we have in southern Nevada is a fusion center. That is what we call it, a fusion center where all of us are able to talk among one another and to ascertain who is the best entity, which is the best entity to address which particular instances of concern

that we have. That is in southern Nevada, but it is also in northern Nevada.

So, in the incidents that you talk about in October 1, we were all activated. I wasn't attorney general at the time. I was actually in the State senate at the time, but I was also on the Homeland Security Committee in our State. I understood that there was a lot of coordination taking place to figure out what was going on because, again, we talk about lone wolves. We didn't know he was a lone wolf necessarily at the time. So, trying to figure out which resources were going to be marshalled in going to address this issue was a on-going conversation at that time.

Mr. PFLUGER. Well, thank you very much for that. My question on the joint terrorism task force and the fusion, I think both the Chairwoman and I share the, you know, the same thought that we want to understand the intelligence that is being passed down. Do you feel like your ability to get intelligence to work with the joint terrorism task force and the fusion center is effective? If not, what would you recommend as changes?

Mr. FORD. I would say that we could always improve in our communications in that arena. The truth be told, communication and coordination could always be improved. We do have great relationships with our State, local, and Federal partners and the fusion center is a great opportunity to have those conversations. But I wouldn't be telling the truth if I were to say that we couldn't improve in that arena. Those communications lines are vitally important when it comes to being able to respond on the ground.

Just yesterday, just yesterday, at the Government building in southern Nevada in Las Vegas, we had what we thought was a bomb threat. Just yesterday, where everybody in our building down in southern Nevada had to be evacuated. So, being able to coordinate and cooperate in that fusion center with information flowing back and forth was vitally important. We were able to, obviously, secure the scene and return everybody to the office. But, again, it was a test of cooperation, a test of coordination, a test of communication, and we look forward to always trying to improve those.

Mr. PFLUGER. Thank you very much. Again, to all the witnesses, thank you for your testimony today. I think it goes without saying we are committed to making sure that the resources are there to identify these threats before they become an issue. Madam Chairwoman, I do have some questions that I will submit for the record. But with that, I would like to thank all the witnesses again for being here and their commitment to keeping the country safe, and I yield back.

Chairwoman SLOTKIN. Great, thank you, Representative Pfluger. Just to manage expectations, we will turn in a second to Representative Jackson Lee, then Representative Van Drew, Gottheimer, Meijer, and Malinowski, just to manage expectations. With that, I recognize Representative Jackson Lee, unless she has stepped away.

Ms. JACKSON LEE. Good afternoon. Good morning, rather. Thank you to the Chairman and Ranking Member for this important hearing. It complements the work that we are doing in Judiciary on the Crime, Terrorism, and Homeland Security Committee. I am delighted to be part of this committee and this focus this morning.

Thank you to all the witnesses for your presentation. Let me—and your service because these are very trying and difficult times. Let me quickly start with Attorney General Nessel and refer to Michigan's Anti-terrorism Act that I believe was passed in the early 2000's, 2002. I would be eager to know the value of that particular statute as you attempted or worked to prosecute the perpetrators who attempted to harm a State official, a Government official, an official, in essence, of the United States serving the State of Michigan. How did that statute—how did you utilize that statute?

Ms. NESSEL. Well, the statute has been invaluable, quite honestly. I think it really speaks to the importance of it having been passed. When you say how did we utilize it. We have utilized this in a number of different circumstances. In fact, to follow up on something that AG Ford said, we have a case that is pending right now in terms of an individual that threatened to blow up our State capitol building, and we were able to utilize this particular act in order to charge him. Quite honestly, you know, there are aspects of this law that allow us to prosecute in a litany of different circumstances that but for this specific act, we either wouldn't be able to charge at all, or we would have to charge very, very minor offenses that I honestly don't think would be fitting for the specific conduct.

Unfortunately, over the course of maybe just the last year, we had to charge this in a number of different circumstances, as we have had incidences of domestic terror rise exponentially. But, you know, as I indicated earlier, it fits so many different categories of criminal conduct, but it is not overly burdensome. It is not overly specific in a way that it hinders us. So—

Ms. JACKSON LEE. Thank you.

Ms. NESSEL [continuing]. You know, it is—

Ms. JACKSON LEE. Thank you.

Ms. NESSEL [continuing]. Particularly helpful and I recommend it at the Federal level.

Ms. JACKSON LEE. Well, in the course of recommending it, have you found in your tenure, the mis-prosecution of individuals who are simply civil rights protestors or Black Lives Matter? The disparate treatment between what would be militia with the intention to kidnap a Governor versus those who are simply protesting? Has that happened?

Ms. NESSEL. No. I haven't seen any incidences of that at all. If you look again at the law, it is pretty specific as to what it involves. But I have not seen it abused. I am not saying that there are no sets of circumstances under which that could potentially occur. But again, I think that goes back to why I think it is important to have these multi-layered task forces so that we don't see one particular office working alone where you might have intentions that are not—

Ms. JACKSON LEE. Thank you.

Ms. NESSEL [continuing]. Not always pure, so.

Ms. JACKSON LEE. Thank you.

Ms. NESSEL. But I feel it has been used well in our State.

Ms. JACKSON LEE. Thank you so very much. My time is short. General Ford, very quickly. Thank you all for your service. But let me pose to you as Las Vegas and Nevada has faced so many chal-

lenges. Thank you for your leadership. How do we balance having a terrorism initiative on the Federal level and making sure that the protection of those who are lawfully protesting, such as the contrast between the treatment of the insurrectionists on January 6 versus the over-arresting of the those in Washington, DC that were Black Lives Matter during the summer of 2020? General Ford?

Mr. FORD. Yes, thank you so much, Congresswoman Sheila Jackson Lee. Great to see you again. Thank you so much for that question. It is an important one. The truth of the matter is we must always balance the rights of individuals with matters of security and safety. We cannot ban or bowl over the rights of a controversial rhetoric as terrorism and the United States has been quite able to prosecute specific conduct or language has been evident—as being evidence of intimidation or other malevolence. That has to be a real threat. I do have concerns about a bill that would not be narrowly tailored to separate and distinguish between what you have indicated as peaceful protestors, as opposed to those who are potentially engaging in terroristic acts. So, to the extent there is going to be consideration for a bill in that regard, we have to be conscious of that fact.

Ms. JACKSON LEE. Thank you.

Mr. FORD. While General Nessel has indicated that we don't necessarily see that happening relative to her State, we could see it happening. At the end of the day, we want to be cautious about that and ensure that that doesn't occur. So, thank you so much.

Chairwoman SLOTKIN. Thank you, Attorney General Ford.

Ms. JACKSON LEE. Thank you.

Chairwoman SLOTKIN. I now yield to the gentleman from New Jersey, Mr. Van Drew. I don't think we are hearing you, Mr. Van Drew, unless that is just me. No.

Mr. VAN DREW. There you go. Now you can hear me.

Chairwoman SLOTKIN. There we go. Yes, go ahead.

Mr. VAN DREW. Good deal, OK. Someday I will learn this. I thought I pressed the right button. Thank you, Chairwoman, for having this meeting and thank you, Ranking Member, as well. I am going to make this a little personal. I am curious what all 3 individuals who are testifying think of this. So, on February 28, at my home, I received a voice mail, actually, my wife did. The voice mail said—this individual said—and this happens unfortunately to people in Congress. But I will do everything in my power to ensure that you are deposed, if not dead. Anything I can do to get you basically out of office. You are a traitor, Jeff Van Drew, and you deserve the fate of all traitors. He goes on to say in written that we have before me, he goes on to say, should we—and he speaks about my wife—should we test the acceptability and get the direct response of a prominent GOP female by greeting Van Drew's wife with a Republican high-five, putting our hands between her legs, lifting her over the hood of her car, and objectively recording her physical reaction to the tickle when she lands. He then writes, as a traitor, Van Drew has forfeited his right to protection under law. Know this Jeff Van Drew, it doesn't stop here. God save you.

He then goes on to say, this is treason. The penalty for treason is execution. This applies to the great and to the small. He goes on after that to say, should conscientious critics take a cue from

the armed rioters? Storm his house, smash everything, violate his family, and walk away laughing. Would that be silly? Then, finally, and he says a lot of other things, but I won't go into them. We are forced to ponder Thomas Jefferson's grim directive that for the good of our Nation, the tree of liberty must be refreshed with the blood of tolerance and traitors.

He is very angry. As many people know, I am a Republican and I used to be a Democrat, which is things that happen in life. What is unusual about this—and I just think everybody would be interested in it, he is a freelance reporter. He writes for a newspaper called the Ocean City Sentinel. That, everything I read to you, except the original death threat, was actually in the paper as a op-ed, an opinion editorial. Not just a letter to the editor, but opinion editorial.

So, of course, we were involved with the police and others and are looking into this. But I would be curious, I mean, that was very chilling for my wife. I accept that and all of us who are in Congress accept the fact that we are going to go through things like this. It is not acceptable. The bar has been lowered recently. But what I ask is this. Is that acceptable or is that a form of terrorism to, you know, say literally threat your family, your children, your grandchildren, your wife, and to say that you are going to sexually assault her? Is that—and then you are, of course, going to kill me. All the political speak about tolerance. Is that acceptable? Is that something? Because evidently it is not from what I understand from attorneys. I wanted your thoughts on it. Whoever wants to start.

Ms. NESSEL. Representative, I would be happy to start because I have actually prosecuted a number of cases in our State that are similar to what you just suggested. Now, any constituent, anyone at all is free to disagree with your policies or your vote. They, you know, they can let you know that they don't approve of the way that you conduct yourself in office. But what they cannot do is threaten you or your family with physical harm or death. Whether you do that to your neighbor that lives next door or whether you do it to an elected official, it is illegal.

So, in our State, what I have been doing is we have a particular statute that involves using an electronic device to, you know, in order to threaten an individual. So, whether that is by telephone or, you know, text message, if you post it on social media, or it is an email, that is a crime. I charge it over and over again involving a number of public officials. All the way from, you know, President Biden to Representative Slotkin to a judge that is on our court of claims to a Republican member of our State house.

So, we have been very aggressive in terms of making sure that people understand the difference between what is acceptable First Amendment-protected activity and what is a crime. The sorts of threats that you and your family received in my opinion, that is criminal conduct. It is illegal and if you were in my State, I would prosecute it.

Mr. FORD. Mr. Van Drew, if I could.

Chairwoman SLOTKIN. I am so sorry, we are going to have to leave it at that. We have a strict rule of 5 minutes here. I apologize.

Mr. VAN DREW. Thank you for your information.

Chairwoman SLOTKIN. Thank you. The Chair recognizes the other gentleman from New Jersey, Mr. Gottheimer, if he is available. Oh, I am sorry. Now, that I see that Mr. Langevin is jumping on. Mr. Langevin, we yield to you for your 5 minutes.

Mr. LANGEVIN. Thank you, Madam Chair. I want to thank our witnesses for their testimony today. Let me start if I could with Mr. Ford. Mr. Ford, and I apologize if this has already been covered, but the Homeland Security Threat Assessment specifically notes that White Supremacist extremists are engaged in outreach networking opportunities abroad. What is the process for notifying and working with Federal law enforcement if someone you know or suspect to be a White Supremacist extremist seeks out connections abroad?

Mr. FORD. Thank you so much for your question, sir. Aaron Ford, for the record. You know, what I indicated in a couple of responses ago was that the public doesn't really recognize or know about our different jurisdictions, for example. So, we operate under what we call 5Cs in my office. One of those Cs is community outreach and community engagement. So, and client services. When we receive a complaint, if it is not within our jurisdiction, we can relay that to the appropriate entities. We utilize the fusion center for communications of that sort. So, the bottom line is if there is ever a concern, if you "see something, you should say something" you could always reach out to my office and we will find out where that type of information needs to be directed to.

Mr. LANGEVIN. How do you think international coordination changed the threat posed by these groups?

Mr. FORD. I missed the first part of the question. How do I—

Mr. LANGEVIN. How does international coordination, how do you think it changes the threat posed by these groups?

Mr. FORD. Well, I do think that it presents a unique problem. You know, at the Federal level, terrorism is defined a lot less broadly, if you will. So, internationally, we are able to utilize a definition of terrorism that is different than what we use from a domestic terrorism perspective. So, the Joint Terrorism Task Force is limited in that regard and can oftentimes present problems and issues and road blocks for us being able to address those issues. But again, through a communication through, for example, the fusion center and other joint task forces, we are able to have those communications and ascertain which entities are the right ones to address particular issues.

Mr. LANGEVIN. OK, and let me just say this. You know, I applaud your efforts as law enforcement officers, you know, the second-best way to prevent crime is from maintaining law and order and, obviously, to catch and prosecute criminals. But the best way is to prevent crime from ever happening in the first place. So, I would like to focus on the root causes and solutions that domestic extremism that leads to criminal acts and outright terrorism.

So, Mr. Ford, in your written statement, you rightly emphasize community engagement to build the social and cultural bond that unite us and resolve divisions that stem from unwarranted fears and apprehensions about fellow Americans. So, I have 2 questions for you. First of all, what works? How do you rigorously measure

whether community efforts are working? What are the barriers to doing more of what works best?

Mr. FORD. Yes, I mean, I think at the end of the day, as you have indicated, that coordination and cooperation is very important and, you know, there are probably several responses to that, some of which are best practices, others of which are hit-and-miss. I think the actual effort of engaging in the communities and having conversations with folks and trying to improve relationships between law enforcement and the communities that they serve oftentimes can lead to us being able to address domestic terrorism to the extent that we are able to learn about it, right? Through those conversations and through those communications.

We have seen, for example, instances where individuals have been seen walking through neighborhoods with AR-15s and then subsequently months later ultimately prosecuted because they were, in fact, a domestic terrorist attempting to do something bad on our strip. That has happened. So, that comes through community coordination, cooperation, and communication. I think that that is part and parcel with—that is part and parcel to addressing this problem.

Mr. LANGEVIN. Very good. With the little bit of time I have left, Mr. Chisholm, what are the enablers and barriers to defusing extremists and violent tendencies in your State or county? What authorities, resources, constraints, and requirements are most helpful or harmful? What do you need more of or less of?

Chairwoman SLOTKIN. Very briefly, please.

Mr. CHISHOLM. Thank you very much for the question, Mr. Representative. We actually have benefited tremendously from a close relationship with the U.S. Attorney's Office and the Federal Government providing us resources to enact programs like community-based prosecution where we actually take experienced people from our office, place them in neighborhoods, and develop a different type of relationship. Also, focusing on victims of crime and addressing the trauma issues is in my view, absolutely critical. In other words, when we respond to massive events like this, it is really my office that has the personnel and experience to deal with the immediate effects of the trauma that those individuals and their families that have now been exposed to violence and we do need more resources to be able to address those issues. With the view of preventing—

Chairwoman SLOTKIN. We are going to have to leave it there. I apologize, sir. We are going to have to leave it there. The Chair now recognizes the gentleman from Michigan, Mr. Meijer.

Mr. MEIJER. Thank you, Madam Chair. Thank you Ranking Member and thank you all of the other witnesses who have joined us here today here. You know, at our first full committee hearing as Representative Slotkin mentioned, we met with not only the threat of domestic terrorism following the events of January 6 and the questions I asked for mainly how we can shift away from the reactive approach that I think we have all too often seen especially when grappling with magnitude of the issue and then how we can be a bit more targeted on the front end so that we are addressing some of those underlying levers.

You know, and instead of just constantly creating new agencies, offices, programs, you know, how can we better use existing capabilities in order ensure that we are instituting reforms that target threats appropriately while measuring the effectiveness of those relative approaches? So, that was one of the reasons why this week I joined a colleague on this panel, Mr. Malinowski, in calling for additional funding for DHS's Office of Targeted Violence and Terrorism Prevention or TVTP, and its corresponding grant program. So, that office provides technical, financial, and educational assistance to stakeholders to establish and expand local prevention networks, help the Department combat all forms of violence regardless of ideological motivation, but specifically, to award funds on a competitive basis to States, local, Tribal, and territorial governments, nonprofits, and institutions of higher education to establish sustainable prevention capabilities.

The word that I think I never want us to forget because it is the way that we avoid that is just becoming a defensive partisan exercise is the violence. Now, the word extremism gets thrown around a lot but, you know, where our focus and where our issue is when that violent nexus, when that violent act is in the process or is planning to occur, and as Representative Slotkin has mentioned, that is something we saw in our home State of Michigan. It is something that we experienced during the assault on the Capitol itself. It is where the First Amendment protections, you know, fall away because that has entered into a criminal act, a criminal behavior, and how can we ensure that we are appropriately mitigating while have the corresponding respect for civil rights and civil liberties.

So, on that note, Attorney General Nessel—and I want to ask about your experiences with these challenges in our home State of Michigan. Obviously, you mentioned the Wolverine Watchmen. We have talked about some of those specific threats and a legacy that goes back, you know, over 30 years. But do you feel the role of DHS in the Federal Government in combatting these kinds of violence, how have you found that cooperation to be to date? I know you touched upon fusion cells—or excuse me—fusion centers in a prior question, but just wanted to get your broad approach on how you feel that Federal cooperation has been so far?

Ms. NESSEL. You know, certainly I think we had great cooperation as it pertained to that particular set of circumstances and that we worked very well together at that juncture. Like AG Ford, I will tell you that is not always the case. Being someone who before I came to State government, I worked for a county prosecutor's office. The Wayne County prosecutor's officer. We often had a lot of complaints about the coordination between the county level and the State level and then the State level and the Federal level. So, we can always do better when it comes to that.

Now, in terms of the DHS Targeted Violence and Terrorism Prevention grants, let me say this. You know, that money as you know is for prevention, not for prosecution. So, from my perspective, you know, what is needed to support the Michigan State police and my office and for MSP, intelligence sharing really between local police and MSP is really the greatest reset I think. Now, of course, MSP has fusion centers, but outreach and education to local law enforce-

ment is badly needed to make an identified intelligence that really should be shared and, you know, sometimes the locals fail to properly assess and identify risk factors like individual behavior of local extremists at the early stages so that it can be passed up so that we can evaluate whether this is a person who is truly inherently dangerous. Now, for—

Mr. MEIJER. I am just going claim back a minute of my time and I am running short but I just wanted to clarify. I get the sense from speaking with local law enforcement and interstate partners that they feel it is a one-way information flow, that they are feeding information up but not necessarily having that be reciprocated by the Federal Government?

Ms. NESSEL. You know, I do sometimes get that from them. But I will say this, that lack of information flow goes both ways. I have had several circumstances where we have cases that we will get it when it gets to a certain level and we will find out later on that there were indicators that an individual was dangerous and had aberrant behavior that one would think would lead to something more dangerous later, but we just never found out about it because nobody passed it up to us. Had we known about it to begin with, we could have prosecuted something perhaps, you know, even a lower-level misdemeanor, but it would have put this person, you know, under the guidance of the court so that whether it is a mental health-related issue or some other issue, that could be addressed before it turned into something much more dangerous. So, at all levels I think we are failing to some extent.

Mr. MEIJER. Thank you, Madam Chair, I yield back.

Chairwoman SLOTKIN. Thank you. I appreciate it. The Chair recognizes the Member from New Jersey, Mr. Malinowski.

Mr. MALINOWSKI. Thank you so much, Madam Chair, and thanks to the witnesses. I have unfortunately I have been in and out so I may have missed a couple of the questions and answers. But I did want to make sure that I understood as best I can the witnesses' advice and recommendations on the DHS Targeted Violence Prevention Grants. So, I wanted to ask whether you have all had specific experience with the program over the last 3 years. It was, you know, it was in operation and then virtually shut down in 2017. We started last year. We are looking potentially at a significant increase in funding. So, I am wondering if the 3 of you can share experiences with what has worked and what hasn't in the past in that program. I am sorry if that is repetitive of something I missed.

Mr. FORD. Well, this is Aaron Ford, for the record. I am not certain that I could speak specifically to that program, but what I can say, sir, is that Federal funding is critical to the State's ability to respond to and to recover from mass violence or domestic terrorism events. The way an incident is defined in law has an impact on how our response and recovery can be funded. In fact, after October 1, 2017, the Nevada Department of Health and Human Services received a grant from the U.S. Department of Justice Anti-Terrorism Emergency Assistance Program, which is utilized for law enforcement overtime needed to respond to that event, as well as mental health treatment for October 1 survivors.

You know, it is unclear whether Nevada will qualify for funding under the Stafford Disaster Relief and the Emergency Assistance Act because that definition of major disaster is restrictive and so, you know, looking at these forms of definitions and programs, I think, is an important component to discussing actual responses to domestic terroristic and domestic violence events or domestic extremism events.

Ms. NESSEL. May I—

Mr. MALINOWSKI. OK, does anybody else want to chime in? Yes.

Ms. NESSEL. I think it is an important question and for the purposes of my department, I will say first of all we just haven't had a lot of contact at all in regard to these grants. But what we need at our department, quite honestly, is we need resources that go directly to the Michigan Department of Attorney General. We need money for analysts. We need money for investigators and we need money for additional prosecutors.

I will be honest with you, we were getting so many threats we ended up partnering with a college. At Ferris State University they have a cybersecurity program. We are actually having to work with undergraduate students right now to help us track threats. We have an MLU with them that just put together partially because we don't have the funding available to do this on our own. We have so few investigators in our office that are not on specific funding tracks that would not even allow them to do this kind of work even if we could reassign them. We are not permitted to by law. So, we need help. We need finances. For us to be able to do our job, we just need more in the way of funding because the problem is greater than ever and it is going to involve more resources than ever.

Mr. MALINOWSKI. Understood. Just shifting the subject in my remaining time, one of the issues that I have been really focused is the role that social media platforms and their algorithms play in connecting vulnerable, susceptible individuals to extremist groups and making that initial connection. There was a really fascinating case, actually, in Michigan that I read about recently in the local press in Michigan about an FBI—a guy who turned out to be an FBI informant having joined the Wolverine militia. He said in an interview that he joined the group because it was recommended to him by Facebook. He had been scrolling through pro-gun pages, basically, Second Amendment pages, and they recommended he join it.

I guess here is the way I would pose it to you, Attorney General, imagine you heard that somebody in your State was doing that, just looking at gun rights pages. The next day a Facebook executive called him on the phone to say, hey, you know, couldn't help but notice that you were interested in the Second Amendment, and we have got this really, really, wonderful, neat organization we think you might be interested in. So, we want to send you their phone number and email address and contact info so that you can have a meaningful experience with the Wolverine militia. Would you feel that Facebook was at least morally responsible for the consequences of that kind of action?

Chairwoman SLOTKIN. Very, very briefly, 15 seconds.

Ms. NESSEL. Yes.

Mr. MALINOWSKI. Good enough. Thank you so much. I yield back.

Chairwoman SLOTKIN. Thank you, Attorney General Nessel, for being so concise. The Chair now recognizes Representative Green. Representative Green over to you. You are recognized for 5 minutes.

Mr. GREEN. Thank you very much, Madam Chair. I greatly appreciate this extension of this opportunity. I am an interloper and an interloper who did not register himself properly. So, I do humbly apologize to you and appreciate your graciousness. My question will be a very simple one for anyone who would like to help me. I plan to visit the border in El Paso this weekend. My concerns are many, but I would like to know from the point of view of people who are on the ground there, what should I look for? What is important for me to see and to understand so that I may better negotiate legislation in the Congress? Whichever person would like to be first to answer, I will be more than honored to hear your response.

Chairwoman SLOTKIN. Why don't we start with Representative— or Mr. Chisholm, then Mr. Ford, then Ms. Nessel.

Mr. CHISHOLM. Thank you, Representative Green. Having spent some time on the border, I would just strongly encourage you to work both with the individuals who are operating those facilities, but I would also encourage speaking to the informal and support networks that have to provide an enormous amount of support to the individuals at the respective centers. I think that it is, again, an issue of critical importance on how we address this problem and do so in an urgent fashion, but also, make sure that we do it in a way that reflects the highest values of our country.

Mr. GREEN. Thank you.

Mr. FORD. Thank you. Aaron Ford, for the record. Not much more that I can add, frankly, to that response. I would simply say, however, that you describe what you see, and ensure that the country understands the difference and the distinction that are available to us. Not everything happening at the border—or some things happening at the border should not be classified as prospects for domestic terrorism. At the end of the day, being able to acknowledge that to say it out loud, to call out lies when there are occurring is critically important in this conversation as well. So, I would offer that for consideration and tender the mike.

Mr. GREEN. Thank you.

Ms. NESSEL. I agree with my colleagues. I don't have anything additional to add except for that I have never been to El Paso, but I hear wonderful things about it.

Mr. GREEN. Thank you. Madam Chair, if there are no additional comments, I will yield back the time. Again, express my gratitude to you for your graciousness. Thank you.

Chairwoman SLOTKIN. Of course. Of course. OK, the Chair recognizes the gentleman from New Jersey. We are a little New Jersey-heavy here in this committee. We are working on it, I assure you. We are doing everything we can to mitigate. With that, I recognize Representative Gottheimer.

Mr. GOTTHEIMER. Thank you so much, Chairwoman Slotkin. You can never be Jersey-heavy enough. So, we will recruit more Jersey to the committee. I appreciate you recognizing me and for organizing this very important hearing and thanks to each of the wit-

nesses for being here and for the work you do to help counter this serious threat.

I also want to take a moment to acknowledge one of the tragic, senseless attacks on our fellow citizens in recent days, including last week's mass shooting in Atlanta, in which 8 people were killed, including 6 Asian women against a backdrop of rising hate targeting the Asian-American and Pacific Islander community in recent months and years. We also grieve for the victims of another attack just this Monday, as you know, in Colorado that tragically took 10 lives, including an officer with the Boulder Police Department. We must do everything we can to better protect all Americans from such horrific violence.

As you know, the Proud Boys, the despicable group which I have called on our Government to consider designating as terrorists, are being charged with conspiracy for their role in the January 6 attack on the United States Capitol. The Justice Department is also set to be considering sedition charges against members of the Oath Keepers, another dangerous militia group, which was heavily involved in the attack on the Capitol. While I welcome these charges, I am concerned that it has been very difficult to win convictions for these charges in the past, and a message that might be sent to would-be extremists in all of our States.

Attorney General Nessel and Attorney General Ford, if I can start with you with Attorney General Nessel first, in general, do you believe the legal tools currently available to Federal, State, and local enforcement agencies are strong enough to deter potential extremists from engaging in domestic terror? Attorney General Nessel.

Ms. NESSEL. Sorry, can you hear me now?

Mr. GOTTHEIMER. Yes, thank you.

Ms. NESSEL. Great. So, we are fortunate in Michigan as I have indicated, that we do have some very strong laws in place that allow us to tackle organizations like the Proud Boys. So, for instance, you know, we have gang-related statutes that have been in place for many, many years. In Michigan, for instance, you know, criteria to be considered a gang so that we can in the event that we are charging that a gang provides the motive, means, or opportunity to commit whatever the underlying felony is, our criteria is 5 or more people, not a non-profit organization, a common name, sign, or symbol, leadership structure, and defined membership criteria. So, those are the types of things that we have been able to do to go after a group such as the Proud Boys. We did that, in fact, in another case involving the white supremacy group called the Base, in a case that we charged here in the last few months.

So, we do have these types of statutes in place. They have worked for years and, you know, traditionally, they have been used against street gangs and these have been the kinds of laws that have been upheld on First Amendment-related challenges.

Do you need to have something similar to this at the Federal level? I would indicate I believe so. I would submit that I think that it is important and that it is a useful tool. It is a tool that you don't currently have. So, I think that along with—and I would suggest to you a proposed piece of legislation from 2019 by your

colleague Adam Schiff, Confronting the Threat of Domestic Terrorism Act, would probably be a good place to start.

Mr. GOTTHEIMER. Thank you. Attorney General Ford, what sort of message do you think it would send if individuals involved in attacks like on January 6 were to get off the hook?

Mr. FORD. Thank you so much, Representative Gottheimer. Aaron Ford, for the record. I think the message would be clear that it is condoned. It has no repercussion. There is no consequence. At the end of the day, what we want to do is ensure that, in fact, these actions do have consequences and that we will not kowtow to the extremism that we have seen taking place over the course of these last few months especially in what we saw on January 6.

I think it is important as General Nessel has indicated, to ensure that we have strong laws and we have done comparably here in Nevada. We have been nimble in our approach to sovereign citizens and ensuring that we have the actual tools in our State legislation to address those types of unique approaches that they have taken to domestic terrorism. I think at the end of the day, what we need to be doing at the Federal level through your actions and otherwise is the ensure that those who engage in these actions know that there are absolutely consequences and those consequences will be dire.

Mr. GOTTHEIMER. Thank you very much. In my home State of New Jersey, our Regional Operations and Intelligence Center is tasked to being an intelligence and information sharing conduit between the Federal Government and the State and local enforcement and public safety. I guess I will ask Attorney General Chisholm, based on your experience with your State fusion centers, how can DHS and its intelligence arm better support investigative work that you, your prosecutors, and law enforcement partners do?

Mr. CHISHOLM. Thank you very much, Representative. I would say that we do a very good job of acting upon tactical information, things that are actually unfolding. I am sorry—yes. We do a good job of acting on tactical information. I think that sort of the strategic information level is where there tends to be a little bit of a breakdown. Then that is where it does tend to become a one-way street. Information flows up and rarely flows back down. I would—I believe that by expanding the capacity both at the sort-of the major urban centers and also expanding it into the rural areas, it would facilitate that communication better.

Chairwoman SLOTKIN. Thank you, Congressman Gottheimer.

Mr. GOTTHEIMER. I yield back, thank you.

Chairwoman SLOTKIN. We are going to start a very brief second round for those who are still on for our witnesses. I promise to have you out of here by no later than 11:30 Eastern Standard Time for the 2-hour mark. I will recognize myself just for a brief moment.

You know, I guess I would like to go back to the question that I think Representative Jackson Lee was getting at in her questioning. Whenever we bring up the topic in this committee of additional Federal domestic terrorism law, there are a raft of letters and concerns that come in from civil rights and civil liberties organizations, and, frankly, on both ends of the political spectrum. I have heard folks from the conservative world say it is going to in-

fringe on their First Amendment rights. I hear people from civil rights organizations saying it is just a hop, skip, and a jump until a Federal domestic terrorism law is going to be targeted at Black and Brown people, at activists.

So, help me understand. Maybe we can start with AG Ford, help me understand how taking some of the legislation that you have on the books in your State and bringing it to the Federal level help alleviate those concerns if this is something that you are saying we should prudently and carefully look at. How do we mitigate those concerns if, indeed, this is something that you think would be useful as a law enforcement officer?

Mr. FORD. Well, thank you so much for that question. It is a very real concern and it is appropriate that you have these conversations. As a Black man, frankly, I look for the opportunities to bring this to the forefront. Listen, we have to consider implicit and explicit biases throughout the criminal justice system. That they penalize violent extremists from one race or ethnicity less harshly and less frequently than those belonging to an immigrant or minority group. Equally important is the need to safeguard or insulate prosecutorial discretion from the political processes or from those in power who seek to punish political rivals.

So, I mean, for example, you know, it seems strange that the Oklahoma City bomber wasn't charged with terrorism. But I think most folks would look at that instance and say that if you were to switch out ethnicity, we would have a different conversation going on. That is a very real conversation. It is a very real concern. It is a very real issue that arises in communities of color in the minority communities around the country. It is one that I am glad to hear Congress is at least talking about. So, kudos to you for bringing that up as the Chairwoman and kudos to assemblywoman Sheila Jackson—pardon me—Representative Sheila Jackson Lee for bringing it out to the forefront as well.

Chairwoman SLOTKIN. Yes, and let me shift gears in my remaining time. Attorney General Nessel, you know, I am interested in this idea that Canada has designated the Proud Boys as a terrorist organization. Obviously, anyone from Michigan knows we spend a lot of time separate from COVID going to concerts and going to meals and, you know, visiting family and property over in Canada. What, if any, conversations have you had with your Canadian colleagues? What does it mean if a member of the Proud Boys in Michigan decides that they want to go to Windsor for a concert? Is there any discussion, legal discussion, going on on the implications of that designation by the Canadian government?

Ms. NESSEL. So, honestly, I haven't had these conversations with the Canadian government. Obviously, as we know, there are a litany of things that are legal in the State of Michigan and as soon as you start to cross over, they won't allow you in. Even for a drunk driving conviction, you cannot be admitted into the State—sorry—admitted to Canada if you have a drunk driving conviction. So, you know, I imagine that there are repercussions in the event that we have individuals that identify with these groups that cross the border. But I don't know exactly what those are. Have I seen examples of that?

If I can just very quickly go back to something you said. If States are truly responsible for, you know, prevention and you can model the Federal law with the Federal Government after State law, I would just indicate I understand all these concerns that people are indicating in terms of civil liberties-related issues. I just, again, want to point to the fact that we have all these laws on the books in terms of gang affiliation, in terms of domestic terrorism in Michigan. We have a very diverse State. That is why I am always arguing that we should have our primary start with Michigan instead of Iowa or New Hampshire because we are such a diverse State that is more reflective of the United States of American than many other States are. We simply haven't seen that in the State of Michigan. We have not seen, you know, egregious violations of people's civil liberties being Constitutional right. So, I am not saying that it is not an important concern. I am just saying in our State, we already have all these laws. They have been on the books for decades. We haven't had that situation.

Chairwoman SLOTKIN. Thank you, Attorney General. I will turn to my fellow colleague from Michigan. We have a little of a Michigan mafia here. Mr. Meijer, please go ahead.

Mr. MEIJER. Thank you, Madam Chair. I strongly support Michigan being first in the Nation as well on that primary system. You know, I just I guess I want to circle back to a couple of comments that were made earlier. One, by Attorney General Nessel on, you know, talking about how if there had been more information sharing, there could have been that ability to route somebody who may have been heading toward a violent outcome. Then have them be able to seek the mental—or get them directed to the mental health treatment they might need. Then also Attorney General Ford, you know, I can't help but think of the Las Vegas shooter and how the unknown motives in that case are almost more disquieting than if it oh, well, here we have a nexus to one extremist group of men or kind of violent ideology or another.

It would be, I think, we have seen in the past week with the shootings, the mass shootings in both Atlanta and Boulder, obviously, we are still learning more about the tragic events in Boulder and what motivations may have been there. But this need on behalf of the public writ large in order to ascertain what that motive is in order to kind-of fit into a preexisting understanding.

I can't help but find a relation between that and how so many of our domestic terrorism and international terrorism focus is on a group rather than, you know, realizing that group is comprised of a number of individuals. I have seen this personally, you know, through my, you know, political experience to date those—that moment in which a, you know, legitimately held in First Amendment-protected political belief starts to devolve into essentially a pathology, a creation of an alternate reality, and then one that inherently justifies violence.

I received a text the evening of the January 6 from somebody who said—called me a traitor for not voting to decertify or object to the electoral college process. In the process said, you know, the real patriots were those who stormed the building. Now, how somebody gets to that understanding and, again, that understanding is not in and of itself, you know, a violent act, but, you know, lays

the groundwork, you know, creates the fertile conditions in order to have the justification for that violence that would otherwise, you know, be reprehensible. Or that a reasonable individual would rightly view as reprehensible.

So, I guess, Attorney General Nessel, could you expound a little bit more, you know, on that notion of the dichotomy between if we can have a group affiliation, it is a lot easier then to preempt violence, the Wolverine Watchmen being an example, you know, versus the challenge when that same impetus, you know, is living at the individual level and you cannot have a confidential source in that network. You are minimized in the ways in which that type of violence can be preempted.

Ms. NESSEL. Well, Representative Meijer, let me say this. First, we sort-of view that already at the individual level. As I know that you are aware, in Michigan we have something called the Ethic Intimidation Act. What it does is it allows us to take what is ordinarily a low-severity assaultive crime or a malicious destruction of property crime, and if it is a biased-oriented crime, we can enhance it from a misdemeanor to a felony. Why do we do that? Because we know that when you make a threat against someone based on their heritage, based on their national origin, based on their race, that it is not just a threat to them personally, it is often a threat to an entire community. We also know that the mass shootings that you might see at a synagogue or at an Asian spa or what have you, normally they start off as something much smaller, a threat or a minor assault or a minor type of property damage. But if you can elevate it immediately because of that racial component, or because of the bias-oriented component, you can often stave off a much more serious crime later on. So, we do that with individuals already in Michigan.

But in terms of designating a group of people as a hate group, I think is really impactful because you know that if you have a mission statement from a group and that is an anti-Government or extremist mission that say seeks to overthrow the Government, I think it is helpful that in terms of just alerting people's attention and law enforcement's attention as to who those individuals are and to be, you know, concerned about their activities, maybe and be watchful of them, by, you know, I think it is impactful in terms of later prosecutions as well and holding people accountable when those activities turn toward the planning or the execution of violent crimes.

Chairwoman SLOTKIN. We are going to have to——

Mr. MEIJER. Thank you, Madam Chair. I yield back.

Chairwoman SLOTKIN. Thank you. Thank you, Mr. Meijer. We will have to leave it at that. For our final question of our hearing today, I yield to the gentlewoman from Texas, Representative Jackson Lee.

Ms. JACKSON LEE. Madam Chair, thank you so very much. Let me join my colleague from New Jersey in acknowledging that 8 people are dead in Atlanta and 10 are dead in the great city of Boulder, and that we offer our deepest sympathy for the pain. As many of you have faced that in Wisconsin and Michigan and, of course, Nevada, I think the meeting—the hearing today must be fo-

cused on the reality that whenever the Federal Government speaks, it is the heavy hand. It is the statement of this Nation.

I was on the campus when 9/11 occurred. I saw the building smoke from the Pentagon and heard the cries and claims that they were coming toward the Capitol, the White House, and the State Department. That kind of terrorism is something that broke America's naivete even though we had already experienced Timothy McVeigh in Oklahoma.

So, terrorism is something that is dark, it is devastating, and for us to be able to find a way to put a stop sign and to give you the tools to do so is important. But at the same time, we know what happened to the Black Panthers, the new Black Panthers, Black Lives Matter. I think it is very important to make that point here today.

So, let me start and I will give the question for all 3 to answer starting with the district attorney. I did not get a chance, Mr. Chisholm, to ask you a question. Thank you so very much for that. But would you give me what the dominant description of those attacking the Government today are in terms of intelligence, in terms of what you see in your community, and the one tool, the most important tool, that you would need. District Attorney Chisholm, then General Ford, and then General Nessel if you would answer those questions. Thank you so very much. District Attorney Chisholm.

Mr. CHISHOLM. Thank you very much Representative. The predominant profile of a person is somebody that is deeply disaffected and has lost faith in the Government and believes that they are entitled to take action on their own. That is what poses the greatest risk. Again, I would—I believe that what has been most effective is when we work together very closely and we have the proper restraints in place by having, for example, prosecutors both at the local, State, and Federal level screening information and make sure it is not used inappropriately against people who are simply exercising their Constitutional rights. My experience is that it has been done appropriately.

Ms. JACKSON LEE. Thank you so much. General Ford, in terms of whether you have been seeing White racism as a dominant force. General Ford.

Mr. FORD. Yes, ma'am. I mean, the short answer is absolutely. I mean, and we have to acknowledge that. So, thank you for asking the question so that we can acknowledge that. To address these issues, I think, I would say 3 things. First of all, funding is very important. We have talked about that. Funding from the Federal Government could be very helpful. Second, increasing joint agency cooperation can assist our investigatory and prosecutorial efforts between agencies. I think that is important. Then third, just figuring out an examination of Federal law and how people are actually being radicalized and the proliferation of terrorism is playing into all of this, especially on the internet. You know, I won't go so far as my colleague and say that all the blame lies on the internet, but I will say that a lot of the radicalization is taking place on the internet. So, we should look at ways in which we can address that issue and use Federal partnerships to help effectuate some change in that arena as well.

Ms. JACKSON LEE. Thank you. General Nessel, and the type of terrorists that you have seen, White militia, White racism, other kinds? Please, thank you. You are muted.

Ms. NESSEL. What we learned in our investigation in Michigan is that, you know, subjects who intend to commit politically-motivated violence don't always fit into neat little boxes. But we know that the motivation behind a radicalized person can be complicated and their world view doesn't always make sense. So, most of the extremists today that we see they often adhere to, you know, conspiracy-based theories that are both, you know, White supremacy in nature, right-wing extremist ideology agendas. While we have seen left-wing, I guess, anarchists that sometimes join militias being Constitutionlists or libertarian values. More often than not what we see is that it is, again, it is race-based, White supremacy based, and right-wing based. That has just been our experience here in Michigan.

Just very quickly, to follow on something I said earlier. Listen, I desperately want to make sure that we are protecting peaceful protestors that are members of Black Lives Matter. I need the tools to be able to protect Black lives. That is what is critical to me here in the State of Michigan.

Chairwoman SLOTKIN. Thank you. OK, with that, I thank the witnesses for their valuable testimony and the Members for their questions. I ask unanimous consent that the statements I mentioned earlier be submitted to the record.

The first is from attorney general of the District of Columbia, Karl Racine, the second from attorney general of Oregon, Ellen Rosenblum, and the third, the Manhattan district attorney, Cyrus Vance, Jr. Last, the statement from the president of the National District Attorneys Association, Nancy G. Parr.

These statements will help shed light on the diverse threat landscape and inform us of existing tools used throughout the country to address domestic terrorism.

[The information follows:]

LETTER FROM KARL A. RACINE, ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL, GOVERNMENT OF THE DISTRICT OF COLUMBIA

March 23, 2021.

DEAR CHAIRWOMAN SLOTKIN, RANKING MEMBER PFLUGER, AND MEMBERS OF THE SUBCOMMITTEE: The District of Columbia is not only the Nation's capital, but it is a vibrant and diverse city, it is the epicenter of political thought, a major center for art and a burgeoning foodie scene, it is the where Go-Go music was started and it is where Martin Luther King, Jr. shared his dreams. For me, it is the city I have called home since the age of 3 from Haiti. From young Capitol Hill staffers to newly-arrived immigrants, it is a city of promise. For many, it is a city where generations of family members have lived, worked, and played. They have walked these streets and lived the history that most of our country has only read about in textbooks. Currently over 700,000 residents call this city home and I am proud to serve as their attorney general.

More recently, District residents have been confronted with hate in our streets. Like many other cities in the Nation, the District saw a sharp rise in hate crimes after 2015 that we are only now beginning to see level off. Perhaps more disturbing, is that the District has been impacted by ugly displays of hate and violent extremism brought here by outsiders who seek to force political change through violence.

The horrific January 6, 2021 attack on the Capitol is the most obvious example. On that day, hate actors and hate groups engaged in acts of domestic terrorism. They interfered with the processes of our Government, attacked a building that serves as the symbol of our democracy, and the office where Nationally-elected lead-

ers and District residents work. They also threatened the District. Many may not realize the heroic efforts of the Metropolitan Police Department to end that attack, and the direct impact that attack had on District resources. Just before that attack, in mid-December, outsiders also came to the District, and in an act of violent white supremacy, attacked 2 historic Black churches in downtown Washington.

These incidents of hate impact District residents' feelings of safety, community, access to services, businesses, and their ability to live their daily lives. Indeed, we saw significant parts of our city shut down between the insurrection and inauguration as well as curfews to protect our safety, and we continue to see some of the fencing that makes it harder for District residents to get around their neighborhoods. These violent incidents have ripple effects throughout the city that extend far beyond the profound harms they inflict on the victims they target.

We are a politically divided and polarized Nation; but at the end of the day we all desire many of the same things for ourselves, our families, and our communities. District residents are no different and are entitled to live their lives free from the terror of hate actors choosing violence as their main form of expression against the Federal Government. To move forward, we need to acknowledge the wrongs committed against the District and work to repair them. A critical first step in this process is holding perpetrators from these 2 violent incidents accountable. Only then can we begin to heal as a Nation and only then can District residents begin to heal from the trauma inflicted on them during those days.

The ability of my office to represent the voices of over 700,000 District residents, to protect them from hate, and to hold violent White Supremacists who commit illegal acts against District residents accountable, is hamstrung by our lack of Statehood. The absence of Statehood is itself a vestige of White Supremacy. It harkens back to 1874 when the Congress, fearing Black political power, installed a Board of Commissioners to run the D.C. municipal government and stripped D.C. residents of their political power. This was made permanent with the Organic Act of 1878 when District residents lost the vote for nearly 100 years. In 1971 and 1973 progress was made with a non-voting House delegate and home rule, respectively; however, opposition to Statehood has represented a historical fear of the Black vote and Black political power. For decades, Members of Congress have chosen the institutionalized racism that non-Statehood represents over the democratic will of Washingtonians.

In addition to issues of civil rights, the District's lack of Statehood results in tangible limitations to our ability to combat domestic terrorism and White Supremacy—including holding those who perpetrated the violent acts of January 6 accountable. Because D.C. is not a State, we do not have a local prosecutor who has the authority to prosecute local felonies. The District is the only jurisdiction in the country where the Federal Government prosecutes all adult felonies. This means that the Office of the Attorney General is limited to juvenile offenses and some adult misdemeanors. To be sure, we always work closely with Federal prosecutors on criminal justice matters in the District, but we have only the power of persuasion, not the power of prosecution.

The incidents of January 6 exemplify this. My office is in on-going communication with the United States Attorneys' Office on these investigations and prosecutions. To that end, I have told the new Interim United States Attorney that my office is willing to provide whatever staffing and other resources they may need to thoroughly investigate and prosecute these offenses. Nevertheless, this means that we need to wait to bring any misdemeanor charges until after the United States Attorney's Office has had a chance to investigate and prosecute felonies so that we are ensuring that the most serious charges are brought without double jeopardy issues. To be clear, there are several misdemeanor charges that may be available here. This includes inciting violence—part of our disorderly conduct statute—and we will work to hold those who broke the law on January 6 accountable to the maximum extent consistent with the facts and the law. And we may also have civil claims against the groups that perpetrated the insurrection, but all of this falls short of local authority to charge those who engaged in serious wrongdoing with felonies.

It is worth noting that the District has long been concerned about the intersection of extremism, hate, and lack of local control. In 2019, after a spike in hate crimes, the Council for the District of Columbia and my office both noted the failure of the previous administration's U.S. Attorney to prosecute those who perpetrated these offenses. The Council held a hearing on October 23, 2019, where the then-U.S. Attorney did not even appear, demonstrating the previous Department of Justice's disregard for the voices of District residents. In light of the silence of the U.S. Attorney, we worked to draft legislation that would give our office authority to bring civil cases against those who perpetrate bias-motivated violent acts, which the Council

subsequently passed but which became law only after the December 2020 attacks on our historically Black churches.

I also wear another hat, that is president of the National Association of Attorneys General. As president, I have an opportunity to shine a spotlight on and convene my fellow Attorneys General around an issue of National importance, and I have chosen countering hate. My initiative, the People v. Hate: Standing Up for Humanity is focused on raising awareness of violent extremists and hate actors, like the ones who came to the District, but also on the legacy of hate, which is exemplified by the District's lack of Statehood. We will also seek opportunities to increase prevention and support to those communities who have been impacted by horrific acts of hate and its existence in the fabric of our institutions and policies.

The entrenched systems of white supremacy disenfranchise the District's primarily Black and Brown residents while protecting those who commit acts of violent extremism. Congress must pass H.R. 51 as a significant step toward acknowledging past wrongs, repairing the damage of White Supremacy, and disentangling the institutionalization of White Supremacy from the lives of District residents. Only then, can the District fully protect and defend all of its residents and ensure that domestic terrorism has no home here.

Sincerely yours,

KARL A. RACINE,
Attorney General for the District of Columbia.

STATEMENT OF ELLEN F. ROSENBLUM, OREGON ATTORNEY GENERAL

MARCH 24, 2021

Chair Slotkin, Ranking Member Pfluger, and Members of the subcommittee, thank you for the invitation to submit written testimony on this matter of fundamental importance to our democracy. As you undoubtedly know, Oregon has been the site of significant unrest involving members of the Proud Boys, Patriot Prayer, III percenters, Boogaloo Bois, and similar groups. These encounters have become more violent. Since last May, approximately 110 riots have been declared by the police in Oregon.

Last July, in Springfield, racial justice protesters were met with armed counter-protesters. The same thing happened in August, in Eugene, where some counter-protesters made Nazi salutes and a protester was assaulted in an incident captured on live-stream video.

A Portland-area caravan demonstration in August included members of several of these groups. Participants used pepper spray, shot paintball guns and intentionally drove trucks into crowds. The following week, the same groups, armed with rifles, batons, and tear gas, rallied around the State capitol in Salem. Once again, violence ensued.

Then, on December 21, the Oregon State Capitol was breached. Violent radicals damaged property, fought with police, and deployed pepper spray. Fortunately their incursion was relatively contained and no deaths resulted.

But we all know what happened just a couple of weeks later. An insurrectionist mob subsequently invaded the U.S. Capitol, causing death and destruction. This was a brazen effort to subvert the transition of democratic power to the winner of the 2020 Presidential election. And many of the groups that have been active in Oregon appear to have played a key role in organizing and carrying out this attack.

It is imperative that we respond effectively to these assaults. These groups are actively trying to stifle the first amendment rights of others, and to deprive us of our collective right to govern ourselves democratically. And what they cannot accomplish at the polls, they intend to accomplish through violence and intimidation.

We cannot allow this. But for too long, law enforcement at all levels has either failed to see the extent of this problem, or else found reasons not to respond commensurately to the threat posed by groups like these. Indeed, the insurrection at the U.S. Capitol was successful even though the desire to interfere with the certification of the electoral vote was being loudly trumpeted, and even though Federal law enforcement agencies had acknowledged right-wing extremism as our country's most pressing domestic security threat.

I am hopeful that the on-going FBI investigation into the events of January 6 means that Federal law enforcement has, albeit belatedly, realized that it must respond to this serious threat. I am confident that many States are similarly seeing the need to act.

Fortunately, I believe that States have several under-utilized enforcement tools to dust off and evaluate. Legal scholars have noted that every State has laws on the

books against unlawful paramilitary activity. Yet those laws have essentially lain dormant. In Oregon, for example, it appears the crime has never been charged. But surely these groups are engaging in at least some coordinated training efforts, an element of this crime.

In addition, there are criminal laws that prohibit the use of force or intimidation to disrupt the administration of Government. But again, it is not clear that such crimes are being charged, even when groups are acting with express intent to impede institutions that they don't agree with. Prosecutorial decisions can be difficult, and familiar crimes like assault and trespass certainly should be prosecuted. But whenever possible, prosecutors should send a clear message that personal political views do not convey any license to violently impede our Government.

The final example I will offer today is that organized criminal enterprises are prohibited at both Federal and State levels. Indeed, anti-racketeering statutes frequently provide civil remedies, as well as the potential for criminal prosecution. Although the direct motivation behind the violence committed by these organizations purports to be political, rather than economic, laws against organized crime may still prove to be useful tools.

Although I am optimistic that States will be able to use existing laws against these organizations with some success, Congressional attention to this problem is vital. For one thing, the fact that State tools exist does not necessarily mean they will prove adequate to actually eliminate the problem of organized, politically-motivated extremist violence. Indeed, these groups clearly plan and organize across State lines, complicating State enforcement efforts and making them appropriate subjects of Federal enforcement. In addition, the events of January 6 make it obvious that our Federal Government is an important target—perhaps the most important target—for these groups. If Washington, DC lacks the will to hold them accountable, it will weaken efforts to hold them accountable in Oregon and other States. Federal leadership, Federal resources, and strong State-Federal partnerships will all be necessary as we move to protect our republic from extremist organizations.

I believe the hearings in this committee today represent an important step toward preserving our Government against those who want to use violence and intimidation to subjugate democratic government to their own preferences. I thank you for beginning that work, and I thank you again for inviting me to testify. I look forward to continuing this conversation with the committee and its Members.

LETTER FROM CYRUS R. VANCE, JR., DISTRICT ATTORNEY, COUNTY OF NEW YORK

March 23, 2021.

The Honorable ELISSA SLOTKIN,
Committee on Homeland Security, H2-176 Ford House Office Building, Washington, DC 20515.

The Honorable AUGUST PFLUGER,
Committee on Homeland Security, H2-176 Ford House Office Building, Washington, DC 20515.

DEAR CHAIRPERSON SLOTKIN & RANKING MEMBER PFLUGER: I submit this letter in support of your important efforts to combat domestic terrorism. I appreciate your understanding of the vital role State and local law enforcement play in combatting this ever-expanding threat to our Nation.

As the District Attorney of New York County, I have witnessed first-hand the threat of domestic terrorism. Through our Counter Terrorism (CT) program which I formed in 2015, my office investigates, disrupts, and prosecutes domestic and international terror threats. The cases that my office has investigated and prosecuted illustrate the importance of State and local involvement in investigating and preventing domestic terror threats. For example, in 2019, my office prosecuted a White Supremacist named James Harris Jackson. Mr. Jackson sought to start a race war. He traveled to Manhattan to execute his plan. Mr. Jackson brutally murdered Timothy Caughman, a 66-year-old African American man, who was just walking on the street in the heart of New York City. The terrorist was sentenced to life in prison without the possibility of parole—the maximum sentence permitted under New York criminal law. More recently, we have worked with both our NYPD and JTTF partners on investigations and prosecutions related to ghost guns and ghost gun parts. Ghost guns are often found in the possession of individuals active in the domestic terror chat rooms on-line. Just a week ago our Office charged Samuel Fisher, an individual also charged in the assault on the U.S. Capitol, for local charges related to the possession of a loaded AR-15 assault rifle, a loaded pistol, a loaded shotgun, a bullet-proof vest, and over 1,000 rounds of ammunition.

Our office recognizes that domestic terrorism also includes cyber-based attacks. These cyber threats, especially those to our critical infrastructure, are incredibly concerning. Over the last several years, the number of cyber attacks impacting State and local communities has escalated. These cyber attacks are a threat to public safety and have caused significant disruption to sectors as diverse as health care, education, emergency services, and transportation, to name a few.

The proliferation of significant cyber events has underscored the need for better coordination and response capabilities at the State and local level, both to thwart attacks and to limit their impact. The bottom line is there must be dramatically enhanced coordination across sectors that protect our communities' critical infrastructure and provide essential services. The Federal Government can assist State and local communities by financially supporting these communities' efforts at accomplishing 3 primary tasks: (1) Sharing of real-time threat information across sectors; (2) training across sectors; and (3) developing volunteer response teams to assist sector(s) in need.

As to the sharing of real-time threat information, New York City and the State of Michigan provide 2 models of ensuring that indicators of compromise (IoCs) and other relevant cyber attack information are moved, without delay, across sectors. The New York City Cyber Critical Services and Infrastructure (NYC CCSI), for example, includes cyber professionals from 14 sectors who share such relevant data from their individual sector to their counterparts in other sectors. Those receiving this data can act upon it with dispatch to protect their individual entity.

As to training across sectors, approximately twice a year NYC cyber professionals gather to develop and enhance the partnership's coordination skills—to conduct cyber emergency fire drills. The threat scenarios are not generic; rather, they are developed to closely emulate the most current cyber threat landscape facing New York City. As a result of the training, both the individual NYC CCSI participant and the city are better prepared for future attacks. Finally, as to developing cyber response capacity, trained NYC CCSI volunteers are prepared to respond to a given sector in crisis, usually following a crippling cyber attack. For example, in November 2020, NYC CCSI volunteers were called upon and dispatched to a hospital whose servers had been locked in a ransomware attack. The NYC CCSI volunteers assisted the hospital personnel with getting patient information back on-line and accessible to doctors, nurses, and other medical professionals.

We respectfully request that Congress assist prosecutors and our law enforcement partners in this effort by dedicating funding and resources to strengthening technical assistance and training as we fight to end the spread of domestic terrorism. We are confident that directing additional resources and funding to combat domestic terrorism will strengthen relationships between Federal law enforcement and their State and local partners as we work together to stamp out domestic terror threats made to our country.

We stand ready to assist you in any way as you move forward with consideration of Federal legislation to combat domestic terrorism.

Sincerely,

CYRUS R. VANCE, JR.

LETTER FROM NATIONAL DISTRICT ATTORNEYS ASSOCIATION

March 24, 2021.

The Honorable ELISSA SLOTKIN,
Committee on Homeland Security, H2-176 Ford House Office Building, Washington, DC, 20515.

The Honorable AUGUST PFLUGER,
Committee on Homeland Security, H2-176 Ford House Office Building, Washington, DC, 20515.

DEAR CHAIRWOMAN SLOTKIN & RANKING MEMBER PFLUGER: I am reaching out on behalf of the National District Attorneys Association (NDAA), the oldest and largest National organization representing State and local prosecutors in the country. With more than 5,000 members Nation-wide, NDAA is recognized as the leading source of National expertise on the prosecution function and is a valuable resource for the media, academia, Government, and community leaders. Today, I write in anticipation and support of your hearing on the State and Local Responses to Domestic Terrorism.

As the Nation continues to confront the challenges of home-grown terrorism, State and local prosecutors continue to work with our Federal partners to hold bad actors accountable. In light of these recent tragedies, NDAA and its members have focused our efforts on improving training and resources to prepare the field to proactively

root out domestic terrorism in our communities and combat the spread of misinformation. Congress can assist prosecutors and our law enforcement partners in this effort by dedicating funding and resources to strengthening technical assistance and training as we fight to end the spread of domestic terrorism.

Often, State and local incidents that involve domestic terrorism are complex and involve multiple agencies responding to the scene. Additionally, States largely lack specific domestic terrorism statutes and must look to other criminal laws where elements are present in order to seek justice for victims. Given the complex nature of these investigations and subsequent prosecutions, additional resources are needed for State and local prosecutors to provide training and technical assistance on how to handle these cases when they occur, develop threat assessment models for their jurisdictions, and collaborate with Federal partners to hold perpetrators accountable.

Based on these challenges, NDAA is encouraged to hear that Congress is considering addressing the issue of domestic terrorism through Federal legislation. Our Members agree that now is the time to act in response to this growing threat to our homeland and call on the committee to ensure any such proposal includes training, technical assistance, and increased resources to assist crime intelligence units. These units play a vital role in identifying threats at the State and local level and assisting collaboration between Federal, State, local, and Tribal partners to counteract potential threats to communities. We are confident that directing additional resources and funding to combat domestic terrorism will strengthen relationships between Federal law enforcement and their State and local partners as we work together to stamp out the domestic terror threat to our country.

We thank you for your tireless efforts to address this on-going issue and look forward to working alongside you and your staff to combat the danger posed by domestic terrorism.

Sincerely,

NANCY G. PARR,
NDAA President.

Chairwoman SLOTKIN. The Members of the subcommittee may have additional questions for the witnesses and we ask that you respond expeditiously in writing to those questions. Without objection, the committee record shall be kept open for 10 days. Hearing no further business, the subcommittee stands adjourned. Thank you to our witnesses.

Have a great day everyone.

[Whereupon, at 11:17 a.m., the subcommittee was adjourned.]

