



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

July 19, 2021

MR. AUSTIN R. EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET NORTHWEST
WASHINGTON, DC 20005

FOIPA Request No.: 1445733-000
Subject: Records, Data and Talking Points
Used by Matthew McGarrity

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552

☐ (b)(1)

☐ (b)(2)

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☒ (b)(7)(A)

☐ (b)(7)(B)

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Section 552a

☐ (d)(5)

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38 pages were reviewed and 31 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

- ☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- ☐ This information has been referred to the OGA(s) for review and direct response to you.
- ☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. "Part 1" of the Addendum includes standard responses that apply to all requests. "Part 2" includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

“Part 3” includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account following the instructions on OIP’s website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.” Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.



See additional information which follows.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

This is the final release of information responsive to your FOIPA request. This material is being provided to you at no charge.

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1445733-0

Total Deleted Page(s) = 7

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Page 21 ~ b6; b7C; b7E;

Page 22 ~ b6; b7C; b7E;

Page 24 ~ b7E;

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(U) Introduction

- (U) Good morning Chairman Thompson, Ranking Member Rogers, and members of the Committee. Thank you for the opportunity to appear before you today.
- (U) As Chairman Thompson mentioned earlier, my name is Michael McGarrity, and I am the Assistant Director of the FBI's Counterterrorism Division.
- (U) I will be providing an overview of the FBI's efforts to counter domestic terrorism, by explaining what we do and how we do it.

(U) FBI Counterterrorism – Overview

- (U) The FBI is the **lead federal agency** for investigating Terrorism.
- (U) The FBI categorizes terrorism investigations into two main programs: **International Terrorism (IT)** and **Domestic Terrorism (DT)**
- (U) **International Terrorists** include members of designated **Foreign Terrorist Organizations (FTOs)**, **state sponsors of terrorism**, and **Homegrown Violent Extremists, or HVEs**.
- (U) **Domestic terrorists** are individuals who **commit violent criminal acts in furtherance of ideological goals** stemming



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from **domestic influences**, such as racial bias and anti-government sentiment.

- (U) The FBI organizes Domestic Terrorism into **four categories** as you can see on the slide:
 - **Racially Motivated Violent Extremism** is defined by the FBI as **threats derived from bias**, often relating to race, held by the actor against others. These threats are often directed at religious or racial minorities.
 - **Anti-Government/Anti-Authority Extremism** is defined as threats advocating for **ideology contrary to established government systems**, such as anarchist extremism, militia extremism, and sovereign citizen extremism.
 - **Animal Rights/Environmental Extremism** is defined as threats derived from a belief that criminal actions are necessary to end **cruelty and exploitation of animals and the environment**.
 - **Abortion Extremism** is defined as **threats derived from both pro-life and pro-choice individuals** who seek to advance their social and political agenda, wholly or in part, through force or violence in violation of federal law.
 - Though domestic terrorism activity may fall outside of these four categories, the **vast majority** of our investigations **can be characterized as one of the above**.
- (U) Despite the many similarities, the **FBI distinguishes Domestic Terrorism extremists from “Homegrown Violent**



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Extremists” in that the **latter** are **global-jihad inspired**, while **domestic terrorists’** inspiration emanates from domestic influences, **like racial bias or anti-authority**.

(U) FBI Domestic Terrorism – Statutory Authorities

- (U) As you can see [*gesture to slides*] **Domestic Terrorism** is defined by federal statute **18 USC 2331(5)**, which DOJ previously mentioned.
- (U//~~FOUO~~) This definition requires that **three characteristics** be met before the FBI opens a Domestic Terrorism investigation. There must be
 - **(1) use of force or violence,**
 - **(2) a federal criminal violation, and**
 - **(3) ideological motivation.**
- (U) It is important to note that **no investigation can be opened based solely on First Amendment-protected activity.**
- (U) This includes **hateful rhetoric** and **participation in rallies and protests**
 - Unless there is a credible belief that violent criminal activity may be occurring.



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(U) FBI Domestic Terrorism – Threat Assessment

- (U//~~FOUO~~) The FBI assesses domestic terrorists collectively pose a **present and persistent threat of violence and economic harm** to the US.
 - In fact, there have been **more arrests and deaths caused by domestic terrorists than international terrorists in recent years.**
- Individuals affiliated with **Racially Motivated Violent Extremism** are responsible for the **most lethal and violent activity.**
 - **Racially Motivated Violent Extremists** are responsible for the majority of lethal attacks and fatalities perpetrated by domestic terrorists since 2000.
- (U//~~FOUO~~) In recent years, **lone offenders** have committed the most **lethal domestic extremist violence.**
 - These offenders **primarily use firearms** and often act **without specific guidance** from or a **clear affiliation** to a group.
- (U//~~FOUO~~) **Tactics and trends** within individual movements **continue to evolve**, but most **drivers** for domestic terrorists remain constant.
 - These include **perceptions of government or law enforcement overreach, racial tensions, socio-political conditions, and reactions to legislation.**



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- (U//~~FOUO~~) Radicalization of domestic terrorists **primarily occurs through self-radicalization online**



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(U) FBI Domestic Terrorism – Operations

- (U//~~FOUO~~) We have seen devastating attacks committed by domestic terrorists far too many times in recent months. Most recently, these include the terrible shootings at the **Chabad of Poway synagogue in Poway, California** and at the **Tree of Life synagogue in Pittsburgh, Pennsylvania**.
 - In **2018**, domestic terrorists conducted **6** lethal attacks, killing **17** victims.
 - In **2017**, domestic terrorists conducted **5** lethal attacks, killing **8** victims.
- (U) Central to our efforts to combat terror attacks is the **Joint Terrorism Task Force (JTTF) model**. We work hand-in-hand with federal, state and local agencies to effectively combat the threat.
 - In fact, **many arrests of FBI domestic terrorism subjects are conducted by state and local partners**.
- (U) We have JTTFs throughout all 56 field offices which allow for **regular and robust sharing of threat assessments** with our federal, state, and local law enforcement partners.



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- In fact, **approximately 50% of our domestic terrorism investigations are opened** based on **information** received from either **the public**, or from **referrals** provided by our **partners at the local, state, and federal levels**.
- (U) Our JTTFs have ongoing Domestic Terrorism investigations across all threat categories, in every region of the country.
 - (U//~~FOUO~~) [REDACTED]
- (U//~~FOUO~~) In **Fiscal Year 2018**, the FBI JTTFs **disrupted** approximately **120 subjects** of FBI Domestic Terrorism investigations by arrest.
[REDACTED]
- (U//~~FOUO~~) So far in the **first half of Fiscal Year 2019**, our JTTFs have **disrupted approximately 60** subjects of FBI Domestic Terrorism investigations by arrest.

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(U) FBI Counterterrorism – Conclusion

- (U) Despite the successes that result from the hard work of the men and women of the FBI, our JTTFs, and our partners across the government, domestic terrorism continues to pose a persistent threat to the Homeland.
- (U) As we saw just a few weeks ago in Poway, California, the threat of domestic terrorism exists in every region of the US

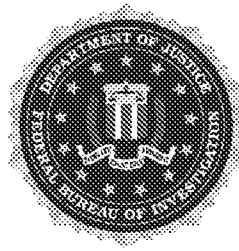


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and infects all walks of life. We mourn with the victims and family members of this tragic attack, and our thoughts are with all those in the community, and across the country who continue to be affected by domestic terrorism.

- (U) Our commitment to you, and to our fellow citizens, is that we will continue to confront the threat posed by domestic terrorists with determination and dedication to our mission to protect the American people and uphold the Constitution of the United States.
- (U) Thank you again for the opportunity to appear before you today. We are grateful for the support that you have provided and continue to provide to the FBI. I look forward to answering any questions you might have.



FEDERAL BUREAU OF INVESTIGATION

Domestic Terrorism Definition

Statutory Definition of Domestic Terrorism

The term “domestic terrorism” means activities that –

(A) Involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any state;

(A) Appear to be intended –

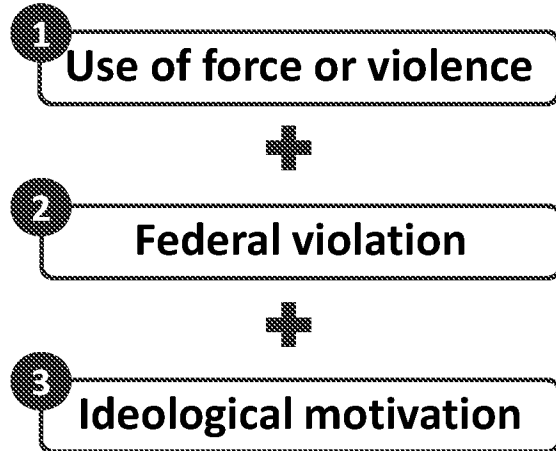
- (i) To intimidate or coerce a civilian population;
- (ii) To influence the policy of a government by intimidation or coercion; or
- (iii) To affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) Occur primarily within the territorial jurisdiction of the United States.

18 U.S.C. § 2331(5)

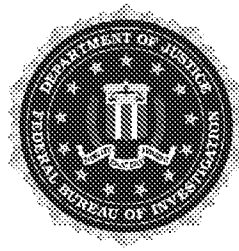
Predication to Investigate

The FBI must have information indicating potential...



...in order to predicate a domestic terrorism investigation.

DOJ-FBI-19-1047-A-000009



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Domestic Terrorism Threat Categories

**Racially
Motivated
Violent
Extremism**

**Anti-
Government/
Anti-Authority
Extremism**

**Animal Rights/
Environmental
Extremism**

**Abortion
Extremism**



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(U) Threats Overview

(U//~~LES~~) Racially Motivated Violent Extremism

- (U//~~LES~~) [REDACTED]
[REDACTED]
- (U//~~LES~~) Recent attacks at two mosques in **Christchurch, New Zealand** killing 50 and injuring approximately 50 others **highlights the enduring threat** of violence posed by those inspired by RMVE ideology.

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- We remain concerned US-based domestic extremists of similar ideologies could become inspired by this attack.

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- (U//~~LES~~) [REDACTED]
[REDACTED]

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(U//~~LES~~) Anti-Government/Anti-Authority Extremism

- (U//~~FOUO~~)

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- **(U) Example: Bunkerville, Nevada**
 - April 2014 – Standoff between Bureau of Land Management (BLM) agents and other LE and armed militia members after BLM attempted to seize cattle due to an individual's failure to pay fines and fees in excess of \$1 million associated with cattle grazing on public land
 - Total of 19 subjects indicted
 - 2 individuals were convicted and 7 pleaded guilty
 - *2 were acquitted and the charges against 8 were dismissed*
- **(U) Example: Malheur National Wildlife Refuge, Harney County, Oregon**
 - January-February 2016 – Militia extremists occupied wild bird sanctuary for 41 days, calling for redistribution of the federal land to local and private control and 2 Oregon ranchers' release from prison.
 - Total of 26 subjects were indicted



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- **(U)** 

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- (U//~~LES~~)

[REDACTED]

[REDACTED]

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- (U) *Example: Sovereign Citizen Extremist*

[REDACTED]

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- (U//~~LES~~)

[REDACTED]

[REDACTED]

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[REDACTED]

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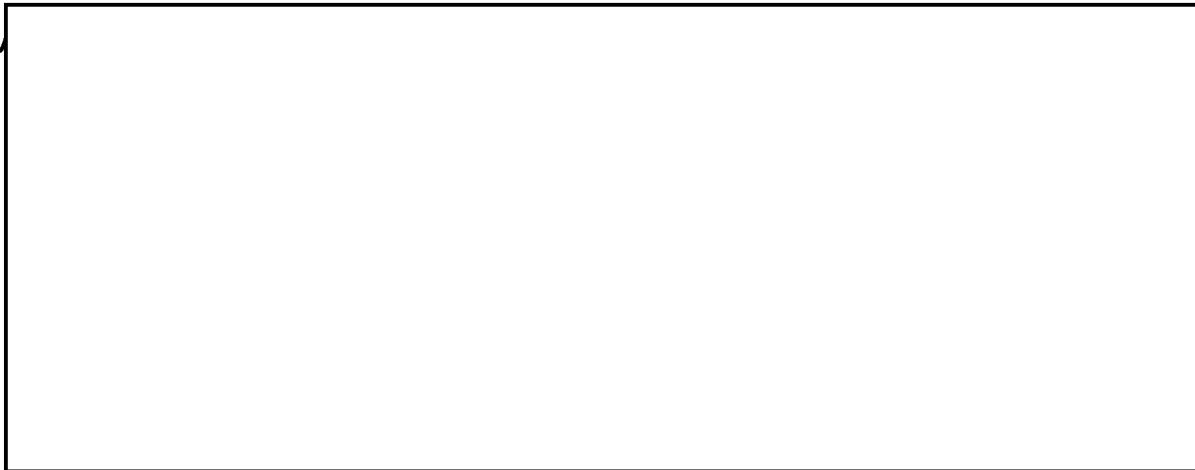
(U//~~LES~~) Animal Rights/Environmental Extremism

- (U//~~LES~~) Animal Rights/Environmental Extremists – will likely continue to commit **criminal acts designed to raise public awareness or cause financial loss**
 - Often through **property crimes** (to include acts of vandalism or arson), disruptions, animal releases, and **threats of violence as opposed to acts which would cause personal injuries.**



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- (U//~~FOUO~~)



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(U//~~LES~~) Abortion Extremism

- (U//~~FOUO~~) Abortion extremists – Activity includes **threats** to reproductive health care facilities and employees and **property crimes**, including arson



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(U//~~LES~~) DT – Other

- (U)



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(U//~~LES~~) Outlook

- (U//~~LES~~) Looking forward, we anticipate **law enforcement, race, religion, and government will continue to be targets of interest** for domestic terrorism actors.

- (U//~~LES~~)



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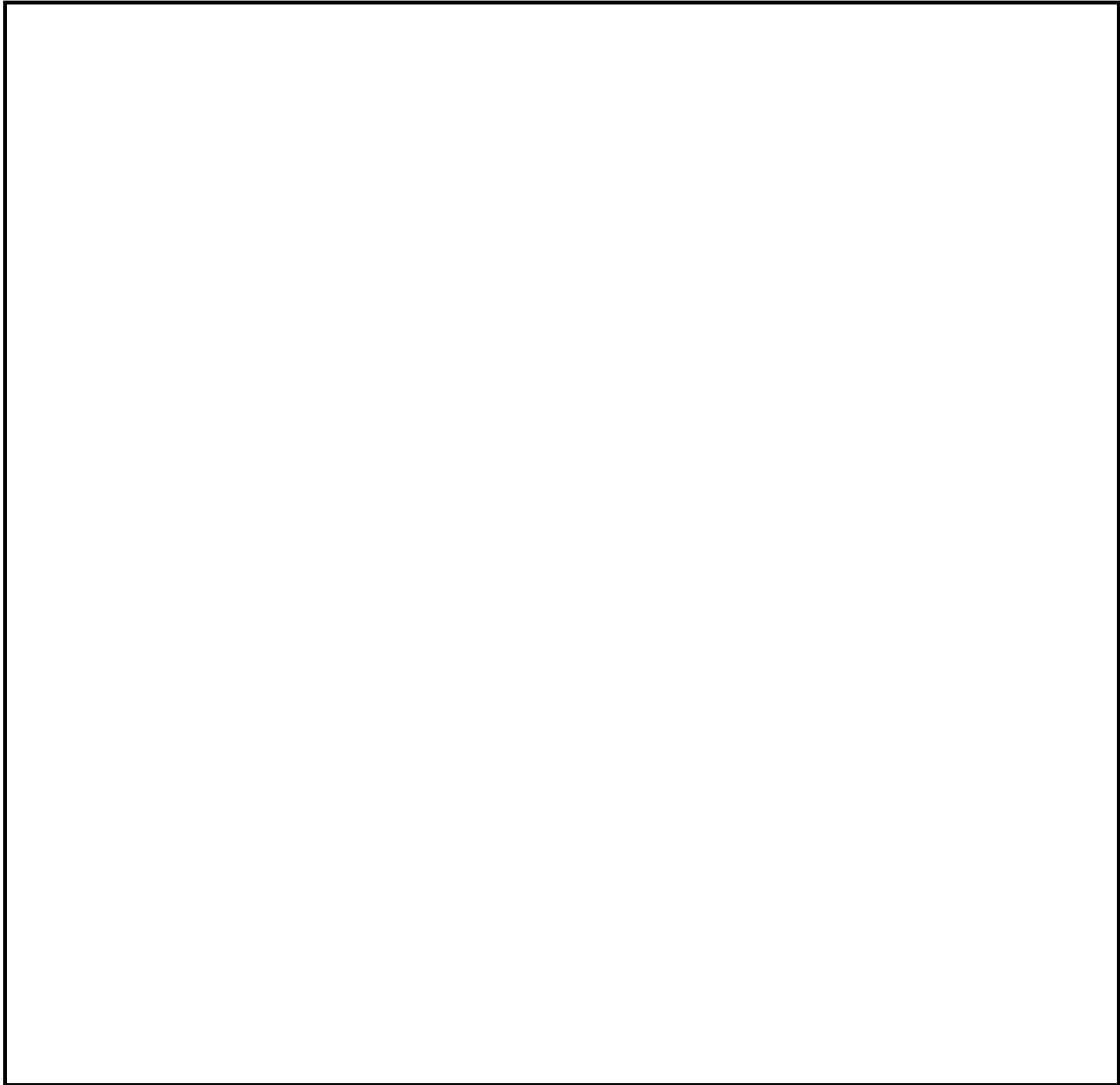


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Metrics Talking Points

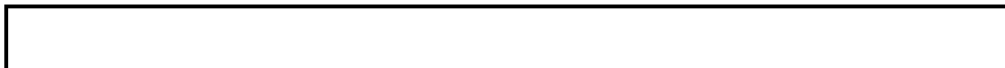
(U//~~FOUO~~) Disruptions and Arrests



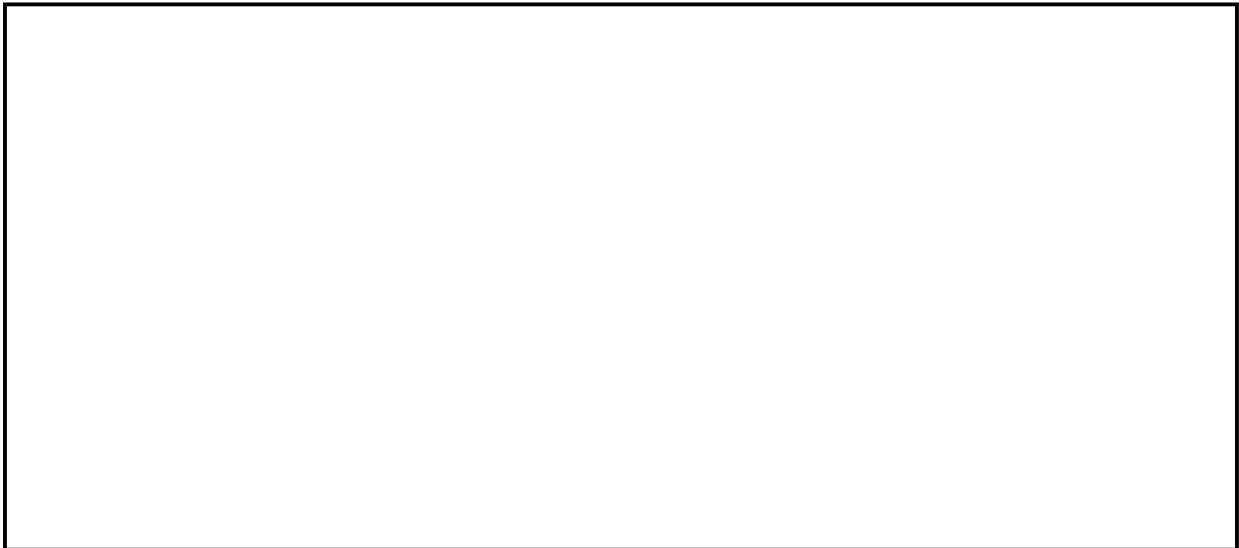
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(U//~~FOUO~~) Current Investigations

- Please note the fluctuating nature of pending investigation numbers. I am happy to speak to more detail and clarity on these statistics in a closed setting.



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(U//~~FOUO~~) Historical Arrests

- FY2018 (ended 30 September 2018): **113** arrests
 - **37** RMVE Arrests (33%)
 - **24** RMVE White (65% of RMVE)
 - **13** RMVE Black (35% of RMVE)
 - **64** Anti-Government/Anti-Authority Extremism Arrests (57%)
 - **37** Sovereign Citizen Extremism
 - **18** Militia Extremism
 - **9** Anarchist Extremism
 - **4** Animal Rights/Environmental Extremism Arrest
 - **1** Abortion Extremism Arrest
 - **7** “Other” Arrests
- **FY2017: about 150**
 - **Note:** In November 2017, the Director publicly stated the FBI had 186 DT arrests. The reason we are now reporting ~150 is because of an internal administrative change whereby bombing matters, which had previously been managed by our Domestic Terrorism Operations Section, are now managed by our Weapons of Mass Destruction Directorate; to reflect that administrative change, we now report only those arrests that we squarely consider “domestic terrorism,” thus resulting in a reduction in our reported numbers (e.g., we now would not count a suspicious package that resulted in an arrest, but displayed no signs of DT ideology in our arrest metrics).



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Lethal Attacks

(U//LES) Recent Lethal Attacks Talking Points

- (U//FOUO) From **2015 to 2018**, there have been **47 deaths and 17 attacks** total from domestic violent extremism in the United States.
 - The number of lethal attacks has **increased in each of the past four years**.
- (U//FOUO) Lone offender domestic extremists conducted **six lethal attacks** in the United States in **2018**, resulting in **17 victims killed**—the **most lethal attacks or fatalities by domestic extremists in a calendar year since 2000**.
- (U//FOUO) In **2017**, domestic extremists conducted **five lethal attacks**, in which **eight victims died**.
- (U//LES) Racially motivated violent extremists who committed Hate Crimes served as the most significant source of lethal domestic extremist violence, with **RMVE lone offenders committing five of the six lethal domestic attacks in 2018, killing 16 of the 17 victims**.
- (U//LES) Since 2000, domestic extremists have conducted **64 lethal attacks, resulting in 119 deaths**.
 - RMVEs have been responsible for 40 of those attacks (62%), and 83 of the 119 fatalities (70%). **Those advocating for the superiority of the white race were responsible for approximately half of the domestic extremist attacks and fatalities**.
 - The other half were conducted by other varying DT actors to include abortion extremists and sovereign citizen extremists.



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(U) Is the DT Threat Increasing?

(U) Is the DT Threat increasing?

- (U//~~LES~~) We believe domestic violent extremists continue to pose a **persistent** and **evolving threat** of violence to the US, as the **insular nature** of domestic violent extremists and the recent trend of **self-radicalization online** [REDACTED]

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(U)

- (U//~~LES~~) [REDACTED]

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- **lethal attacks** such as,

- Chabad of Poway Synagogue, in San Diego,
 - Tree of Life Synagogue in Pittsburgh,

- (U//~~FOUO~~) [REDACTED]

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Political Questions

(U) Why doesn't the FBI use the terms Right-Wing/Left-Wing Extremism?

- (U) The FBI does not use the terms "Right-Wing or "Left-Wing" when discussing domestic extremism as these terms appear to provide a political judgement and raise political connotations.

(U) Do DT threats have implications for Congress?

- (U//~~FOUO~~) DT threats, as any other type of threat, can have implications for a multitude and variety of people, to include Congressional members. As we saw [REDACTED] [REDACTED] both elected officials and public figures, in addition to members of the media, can be among intended targets. This may be because domestic terrorists perceive any individual who is outspoken/active in the political process as a threat to their goals.

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(U) You said "it's not a crime to hate"—but hateful rhetoric leads to violence, and we have seen an increase in Hate Crimes over the last 2 years—you said our job is to disrupt those attacks—how do we work to make people understand that words have consequences and sometimes that's dangerous? Is the Administration committed to this? For HVEs, how do we work with the Administration to show them words have consequences?

- (U//~~FOUO~~) This year the National Security Council decided to include domestic terrorism in its National Strategy for Counterterrorism. This is the first time the National Strategy for Counterterrorism has referenced domestic terrorism, and we continue to work with the NSC to develop a Strategic Implementation Plan which will develop robust strategies for countering this and the multitude of other threats to the Homeland.

(U) Have you found that words from the Administration or Congress have incited violence? Does material in your cases reflect this?

- (U//~~FOUO~~) With an inability to get into the mind of an extremist, it is impossible to determine one, singular message or incident that pushes an individual to mobilize to violence. More realistically, there are often a multitude of factors and/or personal grievances that mobilize a terrorist to violence, to include perceptions of government or law enforcement overreach, racial tensions, socio-political conditions, and reactions to legislation.
- (U//~~FOUO~~) We are also seeing extremists around the world mobilize based on ideological grievances and events local to them.



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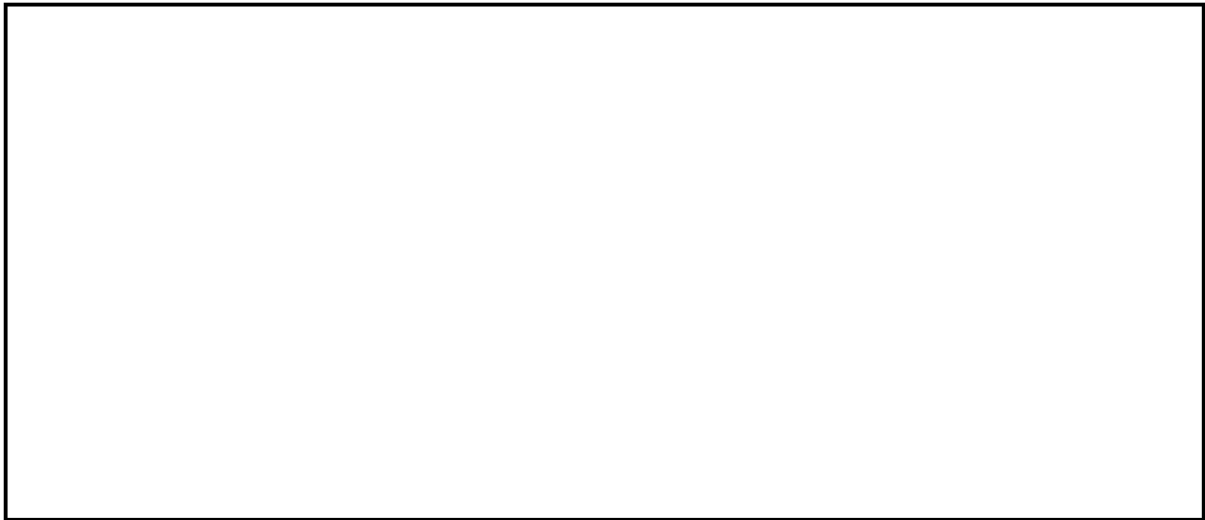
Resources

(U) Do we have enough “resources” to adequately handle the DT threat? Should Congress allocate more funding to combat DT?

- (U) We defer to DoJ on all questions related to Congressional funding.

(U) How is domestic terrorism resourced and staffed in the FBI?

- (U//~~FOUO~~) Every FBI field office has at least one counterterrorism squad, and some offices even have a squad solely designated to DT investigations.



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- (U) Additionally, the FBI-led **Joint Terrorism Task Forces (JTTFs)** around the country are critical assets in the fight against DT and represent collaborative partnerships between the FBI and other state, local, and federal law enforcement agencies.
- (U//~~LES~~) At FBIHQ, we have a domestic terrorism section of **agents and analysts** who provide program management, case support, and other functions to enable field investigations.
 - (U//~~FOUO~~) In April 2019, the **FBI established the Hate Crimes-Domestic Terrorism Fusion Cell** to address overlap in threats; **comprised of subject matter experts from both the Criminal Investigative and Counterterrorism Divisions**, this fusion cell will ensure more seamless



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information sharing across divisions and augment investigative resources to combat the mutual threat.



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- (U//~~FOUO~~) In January 2019, the FBI's Counterterrorism division underwent a reorganization which, among other things, added additional resources to the DT program. This enhancement included both Supervisory Special Agents and analysts. Additionally, resources were added to increase the ability of the FBI to dismantle domestic terrorism financing networks.

(U//~~FOUO~~) DT Intel Production

- (U//~~FOUO~~) We have dramatically increased our intelligence production on domestic terrorism in the last year. So far in FY2019, we have outpaced intelligence production in FY2018



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DT Statute and Authorities

- (U) Lacking a federal charge specific to DT, the FBI has relied on a combination of charges in federal and state court in order to ensure that DT subjects are prosecuted and disrupted to the fullest extent.
- (U) In most instances, the cases result in predominantly state charges, because there is no commensurate federal charge.
- (U) In addition to the lack of the charging instrument, the absence of a federal statute that specifically criminalizes DT-related acts may inhibit the FBI's ability to predicate cases on the DT subjects.
- (U) We defer to DOJ regarding the status of draft legislation.

(U) What are the Benefits of a Potential DT Statute?

- (U//~~FOUO~~) We welcome any other tools in the toolbox to disrupt what at times can be a fast-paced threat. If you have a draft you would like us to review, we are happy to work with your offices to discuss this further.
- (U//~~FOUO~~) Domestic terrorism is currently not a Federal offense, thus acts of domestic terrorism can only be prosecuted federally if the acts involve a federal offense such as an attack on a federal facility or official, or the illegal possession of a firearm.
- (U//~~FOUO~~) Examples of statutes relied upon in the absence of a DT statute include:
 - 18 U.S.C. § 922(g) – Felon in Possession of a Firearm
 - 18 U.S.C. § 875(c) – Interstate Threatening Communications
- (U//~~FOUO~~) Example of an Investigation that would have Benefitted from a DT Statute:
 - (U) [REDACTED]
[REDACTED] after being convicted on 1 count of possession of a firearm by a convicted felon (18 U.S.C. § 922).

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○ (U//~~FOUO~~) [REDACTED]

[REDACTED]

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○ (U//~~FOUO~~) A DT statute would have allowed us to charge [REDACTED] with a more significant crime, resulting in a more appropriate sentence.

(U) The Committee would like to see more CT investigative tools and resources leveraged against DT matters. Please explain what tools can and cannot be used in a DT investigation compared to a foreign terrorism investigation.

- (U//~~FOUO~~) The FBI has more personnel assigned to IT at FBIHQ due to the enhanced statutory compliance requirements for tools we utilize in IT investigations [REDACTED]
- (U//~~FOUO~~) While there are similar tools the FBI can utilize in both IT and DT investigations, there are different thresholds and procedures for obtaining those tools that at times can make acquisition challenging. [REDACTED]

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[REDACTED]



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Comparing DT to IT

(U) How does the DT Threat compare to the threat from Foreign Terrorist Organizations (FTOs)?

- (U//~~FOUO~~) Both IT and DT extremists are active in the Homeland and have committed fatal acts of terrorism.
- (U//~~FOUO~~) Both also frequently use the Internet and Social Media for radicalization, the distribution of propaganda, recruitment, target selection, and incitement to violence.
- (U//~~FOUO~~) [REDACTED]

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(U) Arrest Comparisons

- (U) FY 2019: approximately 63 arrests of FBI international terrorism investigation subjects and approximately 66 arrests of domestic terrorism investigation subjects in the first half of the fiscal year.
- (U) FY 2018: approximately 100 arrests of FBI international terrorism investigation subjects and approximately 120 arrests of domestic terrorism investigation subjects.
- (U) FY 2017: approximately 110 arrests of FBI international terrorism subjects and we had approximately 150 arrests of domestic terrorism investigation subjects.

(U) Charging Comparisons

- (U//~~FOUO~~) Approximately 50% of our domestic terrorism subjects are charged with federal violations, and the other 50% with state/local violations.
 - **Common charges in Domestic terrorism cases:**
 - 18 USC § 875 – Interstate Threats
 - 18 USC § 2101 – Riots
 - 18 USC § 249 – Hate Crimes
 - 18 USC § 1001 - False Statements
 - 18 USC § 922 – Firearms charges

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- (U//~~FOUO~~) Approximately 25% of our international terrorism subjects are charged with federal terrorism violations, 50% are charged with other federal violations, and the remaining 25% with state/local violations.
 - **Common charges in International terrorism cases:**
 - 18 USC § 2339A – Providing Material Support to Terrorists
 - 18 USC § 2339B – Providing Material Support or Resources to Designated Foreign Terrorist Organizations
 - 18 USC § 1001 – False Statements
 - 18 USC § 922 – Firearms charges

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Comparing DT to HVE

- (U) Despite the many similarities, the **FBI distinguishes Domestic Terrorism extremists from “Homegrown Violent Extremists”** in that the **latter are global-jihad inspired**, while **domestic terrorists’** inspiration emanates from domestic influences, **like racial bias or anti-authority**.

(U//~~FOUO~~) Characterizing Domestic Extremists:

- The legal definition of domestic terrorism requires that an act of violence or dangerous to human life has or may occur within the jurisdiction of the U.S. with



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the intent to influence, coerce, or intimidate the government or a civilian population.

- Domestic extremists are driven to commit ideologically-motivated crimes by a variety of factors and often employ diverse tactics against a range of targets.
 - Ex. Racial tensions, perceptions of government overreach or law enforcement abuse, legislative actions, and economic factors.
- We believe lone offenders and small groups will continue to pose the greatest threat of violence.
- Radicalization of domestic extremists most often occurs through self-radicalization online, [REDACTED] as well as through traditional mediums, such as in-person meetings.
- The continued threat posed by lone offenders and small groups unknown to law enforcement, combined with the opportunistic and events-driven nature of domestic extremist violence complicates mitigation efforts.
- Investigative focus is not on membership in a particular group or adherence to a particular ideology, but on criminal activity and violence.
- The U.S. government does not maintain a list of designated DT organizations like it does for International Terrorism.

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(U//FOUO) Characterizing Homegrown Violent Extremists:

- While most HVEs are male and U.S. citizens by birth, we have seen individuals of both genders, of many different ages and ethnicities, and with varying levels of education and occupations, seeking to engage in terrorist violence.
- HVEs are inspired by a mix of ideological, sociopolitical, and personal factors.



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Comparing DT to Hate Crimes

(U) How does the FBI distinguish between DT and Hate Crimes?

- (U) Investigations are often labeled based on internal administrative procedures or prosecutory discretion. Public documentation of these investigations most often bear the label(s) of the applicable federal violation(s) charged and prosecuted.
- (U) Incidents can be investigated as both DT and a hate crime simultaneously based on the individual facts – the two are not mutually exclusive.

[REDACTED]

- (U//~~FOUO~~) [REDACTED]

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[REDACTED]

[REDACTED]

- (U//~~FOUO~~) In April 2019, the **FBI established the Hate Crimes-Domestic Terrorism Fusion Cell** to address overlap in threats; **comprised of subject matter experts from both the Criminal Investigative and Counterterrorism Divisions**, this fusion cell will ensure more seamless information sharing across divisions and augment investigative resources to combat the mutual threat.

Background:

(U) How is the FBI investigating the recent shooting at the Tree of Life Synagogue in Pittsburgh?

- (U) The FBI opened a hate crimes investigation and a DT investigation following the fatal shooting on October 27, 2018. The cases are being worked collaboratively. The FBI's Criminal Division is providing primary oversight, with the FBI's Counterterrorism Division acting in a supporting role.



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(U) How are the 2017 attack in Charlottesville or the Shooting at the Congressional Baseball Practice not considered acts of “terrorism” in the Bureau’s lexicon?

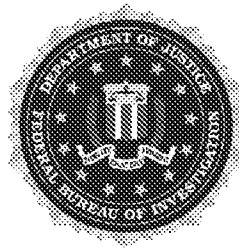
- (U) Investigations are most often labeled based on internal administrative procedures or prosecutory direction. Public documentation of these investigations most often bears the label(s) of the applicable federal violation(s) charged and prosecuted.

(U) Have there been any changes in the way in which the FBI conducts investigations into white supremacist groups since the attack in Charlottesville, VA? (Have any new tracking mechanisms or databases been created to follow white supremacist groups?)

- (U) No. The FBI still requires that all domestic terrorism investigations, regardless of specific ideology, be predicated based on activity intended to further a political or social goal, wholly or in part involving force, coercion, or violence, in violation of federal law.

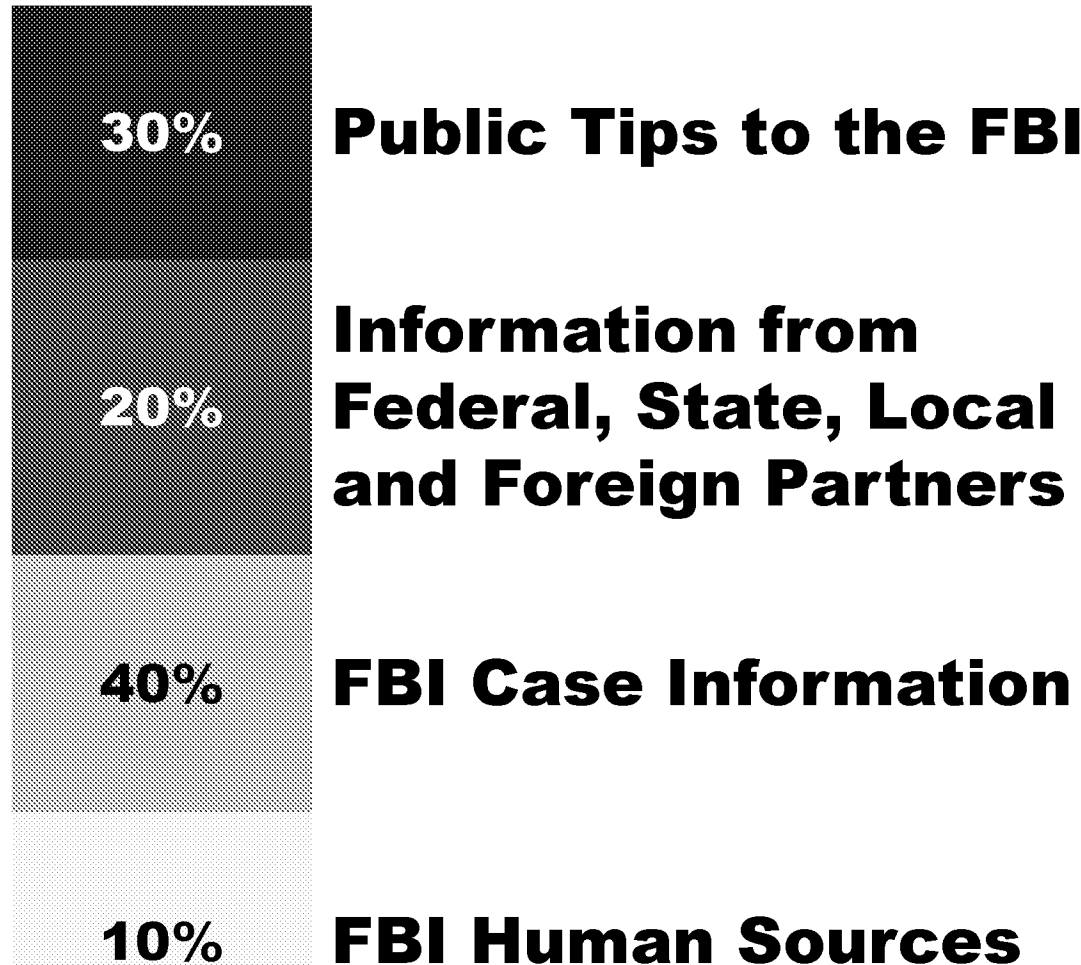
(U) Domestic terrorism and hate crime statistics

- (U) Individual field offices determine how to appropriately classify these types of investigations. All DT cases are program-managed at FBI headquarters to ensure consistency nationwide.
- (U) Hate crimes are recorded and/or calculated through data collected by the FBI’s Criminal Justice Information Services and documented through the FBI’s annual Uniform Crime Reporting (UCR).



FEDERAL BUREAU OF INVESTIGATION

Predication of FBI Domestic Terrorism Investigations



(U//~~LES~~) Approximately half of the FBI's domestic terrorism investigations are opened based on information received from the public and referrals from our partners.

(U//~~LES~~) The remaining half are opened based on FBI case information, to include spin-off case, intelligence analysis, and human source operations.

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DOJ-FBI-19-1047-A-000032

*Approximate data based on FBI domestic terrorism investigations in April 2019.