



Department of Justice

UNITED STATES DEPARTMENT OF JUSTICE DOMESTIC TERRORISM BACKGROUNDER

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PARTICIPANTS

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OPENING OPENING REMARKS AND Q&A

Prior to the media backgrounder starting Acting Deputy Attorney General John Carlin made some on the record remarks that are posted at: <https://www.justice.gov/opa/speech/acting-deputy-attorney-general-john-carlin-delivers-remarks-domestic-terrorism>

Senior FBI Official

Thank you, sir, and thank you, all, for your time today. I'm very honored to spend some time today talking with you about something that I'm incredibly passionate about. For those of you that I haven't met, which is probably most of you, I've spent 20 of my 23 years in the FBI, I would say in study about the terrorism threat we face. I was very fortunate as a baby agent – and that, yes, is a very important and specific term – to learn from FBI CT experts, like Kenny Williams who was the author of the “Phoenix Memo.”

Protecting the American people from terrorism, both international and domestic, still remains the FBI's number one priority. The primary terrorism threat to the homeland, without question, is from the lone offender, notably homegrown violent extremists as well as domestic violent extremists, who are primarily radicalized online and look to attack soft targets with readily available weapons. As we have seen on the IT side for years, the lone offender threat has created a new set of challenges for law enforcement, as there are a greater number of potential threats and far, far fewer dots to connect and much less time to prevent or disrupt an attack. And while we work IT and DT with the same dedication, I will focus more today on the domestic terrorism threat.

As we get started, I want to ensure everyone [is] on the same page regarding some definitions and authorities regarding domestic terrorism. First, domestic terrorism is defined by federal statute as any act dangerous to human life that violates U.S. criminal laws and appears to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping. The act must occur primarily in the territorial jurisdiction of the United States.

It is important to remember that, when it comes to our domestic terrorism investigations, we can never open an investigation based solely around protected First Amendment rights. We cannot and do not investigate ideology. We focus on individuals who commit or intend to commit violence or criminal activity that constitutes a federal crime or poses a threat to national security.

Second, I'd like to remind you that the FBI's mission is to uphold the Constitution and protect the American people. This mission is both dual and simultaneous, not contradictory, meaning one does not come at the expense of the other. However, when a person crosses the line from expressing belief to violating federal law, the FBI investigates. And make no mistake, law enforcement cannot and will not tolerate violent extremists who try to use the First Amendment as a guise to incite violence.

I would also note that membership in groups, no matter how offensive their views might be, is not illegal in and of itself. In fact, it is protected by the First Amendment. Membership in a group is never sufficient basis for domestic terrorism investigations.

We have domestic terrorism investigations across all 56 of our field offices. The FBI currently organizes our domestic terrorism investigations into five categories: Racially or Ethnically Motivated Violent Extremism; Anti-Government or Anti-Authority Violent Extremism; Animal Rights and Environmental Violent Extremism; Abortion-Related Violent Extremism; and all other DT threats.

Each year, the FBI prioritizes all threats based on analysis of all available intelligence. Many of you may be asking what exactly that means. That means the information we're getting from our investigations. But it's not just limited to that. It also means – what are our sources telling us? What are other intelligence agencies writing about the threat? We take all of that information, and we evaluate the impact of the potential threat. And then, what is the potential for mitigations? And therefore, we allocate resources based on the prioritization of those threats.

For the past several years, this analysis has highlighted the evolving and persistent threat posed by domestic violent extremists. And resources have shifted to remain commensurate with the threat. This process actually led to the prioritization of Racially or Ethnically Motivated Violent Extremism in 2019 and in the Anti-Government and Anti-Authority Violent Extremism in 2020, which now are our top domestic violent extremist threats as we head into 2021.

Domestic Violent Extremists have caused more deaths in the U.S. than international terrorists have in recent years. You may or may not know this, but 2019 was the deadliest year for Domestic Violent Extremists since the Oklahoma City bombing in 1995. Between 2015 and 2019, the most lethal threat posed by domestic violent extremists in the United States stemmed from what we call the Racially or Ethnically Motivated Violent Extremists.

Looking at 2020 – 2020 was a very busy year for us. The violent reaction to a mixture of events that took place around the country is unlike anything we have seen in decades. In 2020, for those of you that don't know, three of the four fatal DT homeland attacks were committed by individuals ascribing to the Anti-Government or Anti-Authority Violent Extremist ideology. Interestingly, 2020 also marked the first year since 2011 without a fatal attack by a Racially or Ethnically

Motivated Violent Extremists advocating for the superiority of the white race. Furthermore, 2020 marked the first lethal attack by an anarchist violent extremist in over 20 years.

Our data shows that the FBI often arrests more DT subjects than IT subjects, with a combination of federal and state and local charges each year. I can tell you that, in fiscal year 2020, that number is also up from previous years. This demonstrates my earlier statement that the violence in 2020 is unlike what we have seen in quite some time.

While trends on the domestic terrorism side continue to evolve, most drivers remain constant and are often very personalized. This includes perception of government or law enforcement overreach, racial tensions, sociopolitical conditions, feelings of disenfranchisement within society, reactions to legislation or lack thereof, partisan political grievances, or world events. Many Domestic Violent Extremists actually mobilize to violence in response to a unique mixture of ideological, sociopolitical, and very personal grievances. Domestic Violent Extremists are increasingly consuming material online. Violent extremists are using social media for the distribution of propaganda, recruitment, target selection, and incitement to violence, very similar to what we've seen in the IT realm for years.

And because of the use of encrypted applications, it's becoming more and more difficult for law enforcement to identify and disrupt today's increasingly insular actor, even with a lawful warrant or court order. The threats [are] evolving faster than ever. We have to use every tool in the toolbox provided to us by the Department of Justice and Congress to disrupt a potential terrorist attack before it happens. That means state and local charges in addition to federal charges, as well as disruption and mitigation strategies to keep our communities safe.

We also continue to invest significantly in our law enforcement partnerships around the world and across the country. In particular, our joint terrorism task force partnerships remain a critical element of our counterterrorism strategy. You may not realize this, but the first joint terrorism task force was actually established in 1980 to combat domestic terrorism, not international terrorism post 9/11. Today, we have more than 200 JTTFs throughout all 56 of our field offices, and they work both international and domestic terrorism cases.

Additionally, as mentioned earlier, through our threat review and prioritization process, headquarters operational divisions and our field offices work to identify and prioritize national and local threat issues and develop yearly strategies to counter these threats and appropriately allocate resources.

Before closing, I want to mention the importance of partnerships. We simply cannot be successful without them. In addition to our traditional law enforcement partners, we continue to expand our partnerships throughout our communities in academia as well as the private sector. Equally as important are our partnerships within the communities we serve. Nearly half of our cases are predicated on tips from the public or referrals from other law enforcement agencies.

On that note, we also know the important role that you all play in educating communities, and so, I thank you. In collaboration with our partners, we will continue to collect and analyze information and intelligence concerning the ongoing threat posed by violent extremists and work to share that

information with our partners, both in the U.S. and around the world. As the threat evolves, we will continue to adapt and confront the challenges set before us. Thank you, again, for your time today, and I look forward to the further discussions.

Marc Raimondi

Okay. Thank you, Senior FBI Official. And Senior Justice Official is going to be our next speaker. I just want to remind everybody, especially if you might have come in late and heard the ground rules, that [we have] the senior FBI official and the senior justice official on background. Recording for note taking is fine, but not for broadcast. And this information is embargoed until the end of the call. With that said, I'm going to turn it over to Senior Justice Official. Go ahead.

Senior Justice Official

Great. Thank you very much, Marc [and] thanks for the preceding comments. Nice to be with all of you this afternoon. So, I'm going to really focus my remarks on two areas. One is to describe how we're organized here at the Department to combat the threat of domestic violent extremism, and the second is to discuss the kind of charges that we use when we prosecute these cases.

So, first, on the organizational side, I think as you're all aware and as with respect to virtually every other crime in the criminal code, the frontline prosecutors are those in the 94 U.S. Attorneys Offices around the country. With respect to terrorism, both domestic terrorism and international terrorism, every office coordinates an Anti-terrorism Advisory Council, which [Carlin] talked about.

Those councils, led by a senior prosecutor in that office who is the national security ATAC coordinator, work with the Joint Terrorism Task Forces, which Senior FBI Official mentioned. Both the ATACs and JTTFs bring together not just the federal officials from the different federal agencies in that particular locality, but also state, local, and tribal officials who may be working on the same problem. And as Senior FBI Official noted, very often it's the state and local folks who have the first contact with some of the domestic violent extremists we're talking about here. And so, in that context, coordination with the state and locals, information sharing with the state and locals, training with the state and locals, transparency with the state and locals is very important to successful efforts to counter this threat. And that's what the ATACs and the JTTFs are for.

Now, they also work, of course, with those of us at Main Justice. And at Main Justice, these domestic terrorism efforts are centered, but not exclusively so, within the National Security Division. And as with respect to international terrorism, our focus is to ensure a consistent national approach and prioritization of these cases.

Within NSD, it's the Counterterrorism Section that works on these cases. There are about 40 prosecutors who are trained and experienced to work on both international terrorism and domestic terrorism cases. And that allows us to surge resources from one to the other seamless[ly] in case of need.

There's also within the Counterterrorism Section, a particular person who is the counsel for domestic terrorism. And this is a person who has developed particular expertise in this area,

together with some of the domestic terrorism coordinators. And they'll work with the federal prosecutors on many domestic terrorism related issues and also on policy issues surrounding domestic terrorism here at the Department. But all 40 of the lawyers are well equipped to work on domestic terrorism together with their counterparts in the U.S. Attorneys' Offices. And there is a range of involvement here, again, as there is on the IT side, from advice on particular charges to actually acting as co-prosecutors in some of these cases.

I'd also mention, of course, the role that Civil Rights plays with response to hate crimes when the criminal activity meets the definitions of those crimes, obviously something that's motivated by racial or religious animus, and also that Tax plays in this area, in particular, with those extremists who will not recognize the authority of the federal government and therefore refuse to pay their taxes. So, there are a variety of components within the Department that play a role in this area.

In addition, and to bring together those components with the FBI, the Bureau of Prisons, DHS, and other law enforcement agencies that work in this area, we created, years back, the Domestic Terrorism Executive Committee that reports directly to the Attorney General. And it's not operational in nature. It's information sharing among those executive branch agencies that have some responsibilities related to domestic terrorism. And it meets, and I've attended their meetings, on a regular basis.

Now, shifting from organization to the –you know, how we charge these cases. We use and have used the full criminal code to charge domestic violent extremists. We've used weapons charges, explosives charges, arson, threat, hoax, riot, attacks on federal officers or facilities – obviously, some of these charges will sound familiar to you from the charges that we brought with respect to January 6th – hate crimes, as I mentioned before, and even material support to another person who is carrying out certain terrorism related offenses that are identified in the U.S. code.

We work closely too with the state and locals to just figure out what the most effective way to disrupt or hold that individual accountable. In some cases, the best charge might be a state murder charge, and that might carry with it the greatest punishment, the greatest ability to hold someone accountable for what they did, and that will be the preferable way to go, let's say, rather than a gun charge here in the federal government. But, it's case by case. It's very specific.

In the criminal code, I think you all know, that there is no specific domestic terrorism offense. But there is a definition of domestic terrorism and of a federal crime of terrorism that expand a lot of the authorities that we can use in doing the investigations and then on the back end at the time of sentencing. They allow us to use – for instance, for judges to grant nationwide search warrants, to gain greater access to certain tax and educational records, to enable greater evidence and information sharing with state and local and other federal officials, to enable enhanced sentencing, including lifetime supervised release, which is something we've used both on the domestic terrorism side and on the international terrorism side to ensure that we have some contact with the person after they leave the prison facility to help ensure they won't go back to doing the kind of conduct for which they were held accountable in the first place. We have a stronger opportunity for pretrial detention in these cases and a longer statute of limitations if we can make those findings.

So, these definitions give us a lot of enhanced tools when we're dealing – when we're working in this area. And we have used them all. Our role here at NSD is to ensure that they are used consistently throughout the country and to assure, more broadly, that we will disrupt and hold accountable all those who would be committing the crimes that we've been talking about here today.

So, with that, I'll turn it back over to Marc, I think. We'll start the questions.

QUESTION & ANSWER SESSION

Marc Raimondi

Alright. Thank you, all. Just a reminder to queue up for a question, please hit star one. And once those people are queued up, Nick, you can start the questions. And a reminder to everybody, this is embargoed until the end of the call. And the Q&A period is on background. Please direct your question to either the FBI or the Department of Justice National Security Division. Go ahead.

Operator

Thank you. We'll now begin the question and answer session. At this time, we'll pause momentarily to assemble the roster. First question comes from Pete Williams of NBC News.

Pete Williams

(Inaudible) the threat, if I can use that word, since the Capitol riot and the arrests and (inaudible) has that changed the threat picture? And can you address whether you see a threat to the first speech that the president will give to a joint session?

Marc Raimondi

If you – this is Marc. You cut off a little bit in the beginning. I don't know if it was just us. Can you ask that again and who you're directing it to, please?

Pete Williams

Sure. It's for Senior FBI Official. The question is – what change have you seen in the nature of the threat, the groups that have been involved and accused of helping to plan the attack at the Capitol? What threat have you – what change have you seen in the – in their posture since all the prosecutions and arrests? And what threat is there to – what's the potential threat from those groups to the first time the president will make a speech to a joint session?

Senior FBI Official

Thank you, Pete, for the question. As you know, many of these cases related to the events of the sixth are still ongoing, and so, we're still gathering a lot of that information, what I would call intelligence that will help shape the threat picture going forward. However, throughout 2020 – and this continues into 2021 and definitely will play into the joint session or any upcoming event – we have been worried that Domestic Violent Extremists would react, not only to the results of an election that they might not see as favorable, but the transition of a government that they may question. And so, I think for the near future as we continue to go through that process – and I would view the first address to the nation as part of that process – that we are watching very closely

for any reaction from individuals that would show either intent to commit an attack or somebody that has already committed one. So, that's exactly what we're looking for. Thank you.

Marc Raimondi

Nick, go ahead with the next question, please.

Operator

Next question is from Matt Zepotosky of the *Washington Post*. Please go ahead.

Matt Zepotosky

There has been a lot of conflicting information with regard to the attack on January 6th and how Officer Sicknick was killed. I wonder if you can provide any update on what you've learned about the cause of his death.

Senior FBI Official

Yeah, Matt. Thank you for the question. I think this was articulated in the beginning. But I'll reemphasize this. I think the purpose of today's focus is really to brief on the overarching DT threat that we're facing today. I know that we have a lot of folks working very hard on all the ongoing investigations related to the sixth. And we've arrested a lot of folks, and we're continuing to try to put as many – hold as many people accountable as possible. But I'd like to keep today's briefing about the overarching DT threat.

Operator

Thank you. Next question is from Adam Goldberg (sic) of the *New York Times*. Please go ahead.

Adam Goldberg

Hi. This is for Senior FBI Official: how many DT arrests did the Bureau actually make in 2020? I know your predecessors had given us those numbers. And how many open DT cases are there? I know Wray testified last year there were about a thousand. So, if you could update on that, that would be greatly appreciated.

Senior FBI Official

Adam, thank you very much for the question. I'm going to start a little bit here with kind of my – a little thing I would like you guys to think of when you think about numbers in general. The numbers of cases – couple things about them. Cases are allegations, and no two cases are alike. The complexity of one case does not necessarily equal the complexity of a second case. And so, I don't like to talk about case numbers for that reason. But I also feel like it's--something as an intelligence guru I've tried to pride myself on my whole career is it's just one aspect of what I want us to focus on. A case is just the investigation and not the whole intelligence picture.

And so, I won't get into case numbers. But, what I can tell you is we are increasingly arresting more domestic terrorists each year. And as I said in my remarks, we've arrested more this year than previous years. And for fiscal year 2020, that number is approximately 180, and that's a mixture of federal and state and local charges.

Operator

Thank you. Next question is from Even Perez of CNN. Please go ahead.

Even Perez

Hi. Senior Justice Official described, frankly, a bit of a contortion that prosecutors have to go through to charge people with what is essentially domestic terrorism, from weapons charges to state charges. I'm wondering if any of you could address the big question that comes up after January 6th, which is what people believe is a need for a domestic terrorism statute. John Carlin, I know when you were last in government, you oversaw a process whereby people were trying to figure out how to do that and ended up deciding that you couldn't because of, obviously, the first amendment issues. And I just wondered if you can address that now, what you see could happen now post January 6th.

Senior Justice Official

Hey, Evan. This is Senior Justice Official. I mean, I would not characterize the charges that we bring in this context a contortion at all. We're bringing charges that reflect the criminal conduct that the folks committed. But, on your question, on the domestic terrorism statute side, you know, obviously that's going to be a policy question for the folks who are coming in here and, more broadly, in the interagency. And I'm sure we'll run a data-driven process to see whether we need additional legislative authorities in this area.

Operator

Thank you. Next question comes from Sarah Lynch of Reuters. Please go ahead.

Sarah Lynch

Hi. Thanks for doing the call. Talking a bit on this call about charging decisions – and I was wondering, first of all, if you could provide an update. A couple weeks ago, Michael Sherwin told us that they were really close to doing seditious conspiracy charges. But I don't believe – correct me if I'm wrong – we've seen that emerge just yet.

I also was wondering to what extent you might be considering (inaudible) because we are starting to see a lot of cases against people involved in particular groups, one of which the leader has been named as person one in the indictment, and we know that person may have even been on site. So, I was wondering if you could give us an update on that. Thanks.

Senior Justice Official

So, look, this is not the briefing update on the January 6th investigation beyond the extent to which John [Carlin] and Senior FBI Official talked about it a bit before. Obviously, when we have something to update you on, especially with respect to any new charges, we will certainly be ready to do that. But that's not going to be today.

Operator

Thank you. The next question comes from Jake Gibson of Fox News. Please go ahead.

Jake Gibson

Hi, thank you so much for doing the call and for taking my question. So, this question, I think, is for Senior FBI Official. But, I guess it could be for any of you. There was a lot of talk in the

beginning about increasing communication across law enforcement or sticking with communication. I wonder if you could at all comment on – in the hearings the other day, the former chief of the Capitol Police, Mr. Sund and both Sergeant at Arms from the Congress said that they did not receive a warning the night before from the Norfolk FBI Field Office. And we were told on one of these calls from the Department of Justice with Sherwin and D'Antuono that a warning had gone through the JTTF. I mean, are you concerned that however this information is passed, through the JTTF to its partners, that it's not getting there? Thanks.

Senior FBI Official

Again, I think we've talked about the fact that the focus of today's call is not on January 6th. But, I will just say we have processes in place for sharing information. I think the JTTF construct is a phenomenal mechanism to share that information. And we continue to grow our partnerships and the sharing of our information beyond state and local and federal partners, as I mentioned in my remarks, to private sector and academia. So, partnerships and educating them are important, and we do that every day. And we always look to continue to develop more and more partnerships.

Marc Raimondi

Thank you, Senior FBI Official. Next – last question, please.

Operator

Thank you. The last question will come from Ellen Nakashima of the *Washington Post*. Please go ahead.

Ellen Nakashima

On the international side of things, are you seeing any evidence of a foreign nexus to any of your Domestic Violent Extremism cases that go beyond – that goes beyond, say, nation state Russian amplification of violence (inaudible) but rather any evidence of direction or funding, financing, any sort of coordination between a foreign nation state or another foreign domestic violent extremist group and DVE's here.

Senior FBI Official

So, not going into any specific case, I will say that every time we open a terrorism case, we go in eyes wide open and look for any connections. And exactly what you're asking for are those connections we're looking for. We do know obviously that the Internet and social media makes likeminded individuals and their ability to connect no matter where they sit incredibly easy. And so, that definitely is something that we are acutely aware of and look for in all of our investigations.

CLOSING

Marc Raimondi

Okay. Thank you, again, everybody, who took some time to join us. Just as a reminder, that Senior FBI Official and Senior Justice Official are from background. The information is no longer under embargo. If you did not get your question answered, feel free to shoot me an email and we'll see what we can do. Thanks again. Thank you, Nick.

Operator

Thank you, and you're welcome. Conference is now concluded. Thank you for attending today's presentation. You may now disconnect.