

CONFRONTING VIOLENT WHITE SUPREMACY
(PART II):
ADEQUACY OF THE FEDERAL RESPONSE

HEARING

BEFORE THE
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL
LIBERTIES

OF THE

COMMITTEE ON OVERSIGHT
AND REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

JUNE 4, 2019

Serial No. 116-32

Printed for the use of the Committee on Oversight and Reform



Available on: <http://www.govinfo.gov>
<http://www.oversight.house.gov> or
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U.S. GOVERNMENT PUBLISHING OFFICE

36-828 PDF

WASHINGTON : 2019

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**CONFRONTING VIOLENT WHITE SUPREMACY
(PART II):
ADEQUACY OF THE FEDERAL RESPONSE**

Tuesday, June 4, 2019

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES,
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:45 p.m., in room 2247, Rayburn House Office Building, Hon. Jamie Raskin (chairman of the subcommittee) presiding.

Present: Representatives Raskin, Maloney, Clay, Wasserman Schultz, Kelly, Ocasio-Cortez, Pressley, Norton, Roy, Amash, Hice, Miller, and Jordan (ex officio).

Also present: Representatives Tlaib and Malinowski.

Mr. RASKIN. The subcommittee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time. We are convening the second in a series of hearings on confronting white supremacy, where we will focus on the adequacy of the Federal response.

And I'm going to recognize myself now for five minutes to make an opening statement.

I want to welcome all of the members, witnesses, and many guests in the audience, to our second hearing on the deadly serious topic of the resurgence of violent white supremacy in America.

Last month we held a hearing to help us understand the scope of the problem, and we heard from a number of witnesses about the consequences of the government not acting to meet the threat, including from Susan Bro, the mother of Heather Heyer, who was the young woman killed by white supremacists in Charlottesville two years ago.

We heard also from former FBI and Department of Homeland Security officials on what the agencies are doing today and not doing and should be doing in response.

One message came through loud and clear at that hearing: White supremacists today constitute the most significant threat of domestic terror in the United States, but the Federal Government lacks a comprehensive and cohesive strategy for addressing the problem.

Last month's hearing left me with three primary concerns. First, the FBI's data collection and reporting system at best drastically underreports hate violence in the U.S. and at worst deliberately obscures the scope of the threat.

Second, the FBI's allocation of antiterrorism resources is skewed to international terrorism, despite data showing domestic terror to be the greater threat today.

And, third, the Department of Homeland Security appears to have no overall strategic plan for how to counter and prevent white supremacist violence.

It's my sincere hope that our friends at the FBI and Homeland Security who are here today are prepared to adequately address all of these concerns today.

The FBI's data reporting on hate-motivated violence, both in the Criminal Investigative Division and the Counterterrorism Division is flawed. Every witness before the subcommittee, whether invited by the majority or the minority, agreed on one thing, the FBI's hate crimes statistics are inaccurate and do not reflect the reality of hate-motivated violence in our country.

The[PC2] numbers that are now familiar to us all, from 2013 to 2017, the FBI reported on average 7,500 hate crimes annually. During that same time period, the Bureau of Justice Statistics National Crime Victimization Survey estimated on average 200,000 hate crimes annually, which means the FBI is reporting one hate crime for more than 20 hate crimes that are reported in the National Crime Victimization Survey.

There are data leaks at almost every stage of the hate crimes reporting process, from the hesitation of victims to report hate crimes to the police to the failure of local and state police to report hate crimes to the FBI to the FBI not reporting hate crimes that they are aware of and filling in for gaps in the record.

What's more, the FBI's data excludes incidents that any reasonable person would agree should have been included.

Perhaps the most prominent example was the murder of Heather Heyer herself in Charlottesville in 2017. Why was her murder not reported as a hate crime? The best that I can understand, this baffling omission reflects a problem first at the local level, as local police did not report it as a hate crime, but it also portrays a systemic failing by the FBI, which apparently made little or no effort at all to audit its own statistics to independently verify the accuracy of the data being submitted from around the country.

So that is inexplicable and unacceptable, and I know we can do better, and I hope we can hear from some of our witnesses about how we can make improvements.

Mr. Shivers, I hope you're prepared today to lay out a detailed plan for how CID can improve the hate crime collection and reporting data.

An entirely different issue appears to be playing in the Counterterrorism Division. While CID lacks the information necessary to understand the scope of hate crimes, the CID has detailed data on domestic terror but seems determined to obscure the scope of white supremacist violence.

For at least a decade, the FBI employed the relatively straightforward counterterrorism term "white supremacist extremists," WSE, which is defined as groups or individuals who facilitate or engage in acts of violence directed at the Federal Government, ethnic majorities or Jewish persons in support of their belief that Caucasians are intellectually and morally superior to other races.

This official category from the FBI and Department of Homeland Security's joint lexicon was accompanied by at least nine other specific categories, including anarchistic extremists, animal rights extremists, antiabortion extremists, black supremacist extremists, environmental rights extremists, homegrown violent extremists, militia extremists, sovereign citizen extremists, and racist skinhead extremists.

But now the FBI has collapsed these prior 10 specific categories into four combined categories. It now uses, one, racially motivated violent extremism, which we have been told is an umbrella term that combines the prior subcategories for white and black racially motivated extremism; two, antigovernment/antiauthority extremism; three, animal rights/environmental extremism; and, four, abortion extremism.

What was the purpose of these changes? At what level of detail is the FBI still tracking extremist activity?

What proportion of racially motivated violent extremism is actually perpetrated by white supremacists?

Merging white supremacist extremists, who were responsible for 39 murders in 2018, with black supremacist extremists, who are responsible for zero extremist murders in 2018, into a single amalgamated category called "racially motivated violent extremism" I think obscures the real threat. But I would love to hear our witnesses opine on that.

Similarly, the transformation of the descriptive antiabortion extremists category, which was in place for a decade, into the misleading new category of abortion extremism, is, it appears to me, a ham-fisted effort to disguise the nature of the real threat to women's healthcare clinics and doctors and nurses and staff who work there. I know of no women's reproductive health workers who are pro-choice activists who are blowing up clinics or otherwise committing violence.

We cannot play word games with domestic terror, nor can we afford to let hate crimes go drastically unreported. The FBI must collect and report accurate data on white supremacist violence and effectively measure the real magnitude of the threat.

The government cannot protect vulnerable communities without understanding and defining the problem in accurate detail.

Despite the obvious problems with the data, this much is clear: White supremacist terror is on the rise, and far right and white supremacist domestic terror is a far more lethal threat to Americans in the United States today than is international Islamic terror. But the FBI's resource allocations don't reflect this reality.

According to the Anti-Defamation League, from 2009 to 2018, far-right extremism, which the FBI classifies as a form of domestic terrorism, was responsible for 73 percent of extremist murders. Islamic extremism, which the FBI usually classifies as a form of international terrorism, was responsible for 23 percent of the fatalities during that period.

However, the FBI has testified the Bureau allocates its resources almost exactly backward from what the problem would suggest, devoting 80 percent of field agents to stopping international terrorism, including Islamic extremism, and only 20 percent to stop-

ping domestic terrorism, including far right and white supremacist extremism.

This allocation of resources, or misallocation of resources, has real-life consequences. As George Selim testified at our last hearing, the University of Maryland START Center found that from September 11, 2001, through 2017, approximately 71 percent of Islamist-inspired extremists in the U.S. were interdicted; they were stopped in the planning phase of terror activity. But with far-right extremists, the inverse is the case, and over 71 percent managed to successfully commit violent acts they were planning.

How many far-right extremists attacks could have been prevented if we had taken that threat as seriously as we had taken the threat of Islamist fanatical extremism?

According to the Anti-Defamation League, of the 50 domestic extremist murders committed in America last year, every perpetrator—every perpetrator—had ties to right-wing extremists, and 78 percent of the murders, or 39 of them, were committed by white supremacists.

Meanwhile, there were zero killings in 2018 related to left-wing extremism, a category which includes crimes committed by anarchists and black nationalists.

How many lives can we save if we strengthen and focus our response on white supremacist violence?

Mr. McGarrity, I hope you are prepared to account for CTD's statistical reporting and resource allocations.

The FBI is not the only piece of the puzzle. We also need to hear from the Department of Homeland Security to answer a fundamental question: Do we have an overall strategic plan to counter and prevent the threat of white supremacist violence? I fear the answer is no, but I'm very eager to hear from Ms. Neumann.

News reports indicate that this administration is actually dismantling DHS' threat prevention framework for domestic terror without a clear path forward to replace the existing framework.

George Selim, who testified at our last hearing, was the Homeland Security Director of Countering Violent Extremism Task Force, and he testified that when he was at the Office of Community Partnerships, he oversaw the Countering Violent Extremism Task Force. They had \$10 million in grant funding to give away. They had 16 full-time employees and 25 contractors and a total budget of \$21 million to try to do proactive work to counter the spread of terror.

Now, after the office has been renamed and reorganized to the Office of Targeted Violence and Terrorism Prevention, there are only eight staff and a budget of \$2.6 million. So the staff has been cut in half, and they've lost 80 to 90 percent of their funding.

So this development appears to have been aimed—though it's not clear exactly why it happened, and I hope you can shed some light on that for us, Ms. Neumann.

And in testimony prepared for today's hearing, Homeland Security appears to lay out a plan for the path forward, but I think Ms. Neumann would agree that there's still more questions than answers at this point. What are the office's precise functions? Who's in charge? How many personnel will be assigned to prevent white supremacy violence? What is the budget? There is no clear answer.

And it's very late in the game for us. The massacre at the Mother Emanuel AME Church in Charleston was in 2015, Heather Heyer died in 2017, where there were another 30 or 35 crimes committed during those horrific events in Charlottesville. The Tree of Life massacre took place last year.

Why are we now just getting around to establishing an office to address the threat? Why are we just now trying to articulate a nationwide strategy to prevent this threat to communities across the land?

I know that Ms. Neumann recognizes the enormity of the problem and the importance of getting it right, and I look forward to hearing her thoughts about a detailed strategic plan moving forward.

President Trump has called white supremacists a small group of people that have very, very serious problems. But real statistics from third-party groups and his own law enforcement agencies demonstrate that it's actually a rather large group of people, in the thousands, and they are causing very, very serious problems, not just for themselves but for everybody else, and certainly for everybody who has died at the hands of white supremacists across the country.

In Congress, we must ensure that the government step up immediately, speak clearly about the nature of this threat, and rapidly move to increase and improve law enforcement and public education efforts to protect our communities against the lethal perils of white supremacist violence.

And, with that, I'm delighted to turn it over to the distinguished ranking member of the committee, Mr. Roy.

Mr. ROY. Thank you, Chairman.

And I thank the work of the chairman and his staff on pulling this hearing together, and I thank the witnesses for taking the time for being up here to join us to testify and for you all's service to our Nation. Thank you.

I am gratified that we are working on a bipartisan basis to conduct meaningful oversight of the work that FBI and DHS are doing to fight domestic terrorism and hate crimes.

I believe and expect that we will hear testimony today that prevention of targeted violence should be agnostic to ideology. I could not agree more. As a former Federal prosecutor, I think it is imperative that be our approach. I do reiterate my point from the first hearing that we be mindful of our language and avoid focus on identity politics, which furthers the division that causes many of the hateful acts by all bad actors.

But if we're going to have a hearing related to domestic terrorism, I would like to discuss the different types of domestic terror threats that the country faces, like sovereign citizen terrorists in Texas. I want to talk about environmental terrorism that may have a presence in other areas of the country. Because the domestic terrorist threat we see in Maryland may not be the same threats that we see in Texas, which is why I've asked Mr. Bensman to be here in the second panel to give us that state and local perspective about what we saw on the ground when he worked in law enforcement and counterterrorism in Texas.

The fact is that a crime is a crime, and they should be prosecuted as such. But to have meaningful discussion with FBI and DHS today, we should be focusing on you all's holistic effort to stop all forms of terrorism and hateful violence.

I also want to reiterate the importance of perspective. Last hearing I discussed the statistic from the Anti-Defamation League. We discussed their classification of 18 of the 34 extremist murders in 2017 being tied to white supremacy, obviously all horrific and crimes we would like to stop. Of course, perspective here is important, because there were 17,000 murders in the United States in 2017.

We should also be cognizant of the reality that we designate foreign terrorist organization as exactly that. But we do not have a similar designation domestically. There are reasons for that, things we should continue to discuss and debate. There are Fourth Amendment concerns and other issues involved with how we focus and target American citizens outside traditional criminal laws and networks.

With those figures in mind and that background, I hope today we can promote meaningful law enforcement meant to root out crime regardless of how it's classified and be mindful of how we allocate our resources. It's a difficult situation that we all have to do as we try to stop criminal activity nationwide, regardless of where it comes from or why it's perpetrated.

My hope is that we can lay down our attempt to score political points and call out racists for being abhorrent and figure out how to best support our Federal law enforcement agencies because as we convene this hearing, both DHS and FBI are hard at work out in the field protecting this country from terrorism and hate crimes. As we speak, right now, it's going on.

For example, earlier this year, the FBI's Joint Terrorism Task Force in California worked diligently to prevent a terror attack planned in Long Beach. A JTTF in Ohio thwarted a couple's plan to commit a mass murder at a bar in Toledo.

I've got a bunch of examples of FBI cases in Texas. A former Texas State University student whom FBI agents claimed was plotting mass violence who had embraced white supremacy.

JTTF agents arrested a DACA recipient, Sergio "Mapache" Salazar, for alleged threats of bomb-making for the purpose of murdering ICE agents.

A Texas-based individual involved in an online militia group burned a Victoria, Texas, mosque to send a message to the Muslim community.

Two members of a sovereign citizen religious sect living in central Texas compound robbed a Round Rock, Texas, jewelry store.

Roger Talbot was arrested in March 2014 following an eight-month undercover investigation of his so-called American Insurgent Movement by the FBI Houston Domestic Terrorism Joint Terrorism Task Force. He was threatening to blow up government buildings.

Another individual had 500,000 rounds of ammo and was engaged in white supremacist activity in East Texas. That was also thwarted.

And I can go through the list. My point is, that activity is going on. It's important that we recognize how much law enforcement is

working together at the Federal, state, and local level to thwart these kinds of activities, regardless of their ideology, regardless of where they come from, regardless of the race, regardless of a focus on whether it involved international terrorism. And I think it's critical that we recognize and thank you all and those that are working in our law enforcement communities from Federal, state, and local for their service in doing so.

I look forward to hearing from the witnesses, from the FBI and DHS, about the efforts spanning the previous administration and this one to combat crime, including domestic-type terrorism, as I understand there have been significant steps taken to improve it under this administration and learn and evolve what we've been doing, and in fact many steps that had not been taken necessarily by the previous administration, not necessarily to a fault but because we learn and develop.

I also look forward to hearing how the Federal Government can partner with state and local law enforcement agencies further to equip them with the right tools to root out domestic terrorism, as that is the best approach to law enforcement, as I can attest, as someone who worked as a former Federal prosecutor within the Department of Justice as part of the Project Safe Neighbors program in partnership with state and locals to prosecute gang, drug, and gun violence.

With that, I thank the chairman and yield back such as I have any time to yield.

Mr. RASKIN. Mr. Roy, thank you for that opening statement. Very much appreciated.

And let's see. The first thing we need to do is to allow Mr. Malinowski and Ms. Tlaib to participate in today's hearing, to waive on for the purposes of it. We are delighted to have them.

And, without objection, I will grant them that status.

And now I want to welcome our distinguished witnesses today, starting with Michael McGarrity, who is the Assistant Director of the Counterterrorism Division of the FBI, the Federal Bureau of Investigation.

Welcome, Mr. McGarrity. We're delighted to have you.

Calvin Shivers—Mr. Shivers, I've been pronouncing your name that way. I want to make sure that's correct.

Mr. SHIVERS. That's correct.

Mr. RASKIN. Very good. Okay. That was a good guess.

You are the Deputy Assistant Director of the Criminal Investigative Division, the CID, of the FBI, the Federal Bureau of Investigation.

And Ms. Neumann, Elizabeth Neumann, is the Assistant Secretary for Threat Prevention and Security Policy at the U.S. Department of Homeland Security.

So we've got the key people in the country with us today.

Mr. McGarrity, you are recognized for five minutes.

Mr. MCGARRITY. Thank you.

Mr. RASKIN. Forgive me. I do need to swear you in.

If all of you would please rise and raise your right hand.

Do you swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Let the record show the witnesses all answered in affirmative.

Thank you very much. Please be seated.

The microphones are sensitive up here, so please speak directly into them so all of us can hear you.

And, without objection, your written statements will be made part of the record.

And, with that, Mr. McGarrity, now you are recognized for a full five minutes to give an oral presentation.

**STATEMENT OF MICHAEL MCGARRITY, ASSISTANT DIRECTOR,
COUNTERTERRORISM DIVISION, FEDERAL BUREAU OF IN-
VESTIGATION**

Mr. MCGARRITY. Thank you, Chairman.

Good afternoon, Chairman Raskin, Ranking Member Roy, and members of the committee.

Thank you for the opportunity to appear before you today.

As the Assistant Director of the FBI's Counterterrorism Division, 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.

And I want to emphasize upfront that preventing acts of terrorism in the homeland is the FBI's No. 1 priority. This includes terrorism from any place and any actor.

In this fight, the FBI is the lead Federal agency for investigating terrorism. The FBI categorizes investigations into two main programs: international terrorism and domestic terrorism, IT and DT. Combined, these two programs are what make up the FBI's top priority.

International terrorists include members of designated foreign terrorist organizations—we call them FTOs—state sponsors of terrorism, and homegrown violent extremists, or HVEs. Domestic terrorists are individuals who commit violent criminal acts in furtherance of ideological goals stemming from domestic influences, such as bias, racial bias, and antigovernment sentiment.

Despite the many similarities, the FBI distinguishes domestic terrorism extremists from homegrown violent extremists in that the latter are global jihad inspired, while domestic terrorist inspiration emanates from domestic influence—influences like racial bias or antiauthority.

The FBI seeks to disrupt domestic terrorist actors by leveraging the full arsenal of investigative techniques. However, as this committee knows, no investigation can be opened based solely on the First Amendment protected activity. For example, the FBI does not investigate rallies or protests, unless there is a credible belief that violent criminal activity may be occurring.

The FBI assesses domestic terrorists collectively pose a persistent and evolving involving threat of violence and economic harm to the United States. In fact, there have been more arrests and deaths in the U.S. 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 and are responsible for the majority of lethal attacks and fatalities perpetrated by domestic terrorists since 2000.

Racially motivated violent extremism includes threats deriving from bias related to race held by the actor against others or a given population group. The current RMV threat, as we call it, is decentralized and characterized by lone actors radicalized online who target minorities and soft targets using easily accessible weapons.

This assessment is in contrast to the FBI's past assessments of similar movements in the 1980's and the early 2000's when the RMV threat was composed of hierarchy and structured groups, nationally organized groups led by charismatic ideologues.

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 a group. Radicalization of domestic terrorists primarily occurs through self-radicalization online, which can sometimes present mitigation difficulties. It is a challenge for law enforcement.

The internet and social media enables individuals to engage other domestic terrorists without face-to-face meetings.

We've seen multiple devastating attacks committed by domestic terrorists in recent months, most recently in the U.S., these include the shootings at Chabad of Poway synagogue in Poway, California, and the Tree of Life synagogue in Pittsburgh, Pennsylvania.

In 2018, domestic violent extremists conducted six lethal attacks, killing 17 victims. In 2017, domestic violent extremists conducted five lethal attacks, killing eight victims.

Central to our efforts to combat terror attacks is the Joint Terrorism Task Force, our JTTF model. We work hand-in-hand with Federal and local agencies to effectively combat the threat.

In fact, many arrests of FBI domestic terrorism subjects are conducted by state and local partners in coordination with JTTFs. We have JTTFs throughout all 56 field offices, which allow for regular, robust sharing of threat assessments with our Federal, state and local partners.

In fact, approximately 50 percent 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.

In Fiscal Year 2018, FBI JTTFs across the country proactively arrested approximately 115 subjects of FBI domestic terrorism investigations before they could mobilize to violence. So far, in the first half of Fiscal Year 2019, our JTTFs have disrupted approximately 66 subjects of FBI domestic terrorism investigations by arrest.

These numbers are more than mere statistics. Undoubtedly, they represent American lives saved in communities across the United States.

Despite the successes that result from the hard work of the men and women of the FBI and our partners on the JTTFs, domestic terrorism continues to pose a persistent threat.

Our commitment to you and to our fellow citizens is that we will continue to confront the threat posed by terrorism. Whether the threat emanates from international terrorists or here in the homeland in the domestic sphere, we will follow our oaths. We will and are determined to protect the United States of America from all en-

emies, foreign and domestic, and to uphold the Constitution of the United States.

Thank you.

Mr. RASKIN. Mr. McGarrity, thank you very much.

Mr. Shivers for five minutes.

STATEMENT OF CALVIN SHIVERS, DEPUTY ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. SHIVERS. Good afternoon, Chairman Raskin, Ranking Member Roy, and members of the subcommittee.

Thank you for inviting us here today. I appreciate the opportunity to discuss how the FBI addresses hate crimes.

My experience working in the FBI goes back nearly 30 years when I started my career as a Special Agent in the FBI's New Orleans Division. Throughout my career, I've had an opportunity to investigate, lead, and manage a number of important investigations and programs within the FBI. I'm both proud and honored to lead the branch of the FBI's Criminal Investigative Division that oversees hate crime and civil rights programs.

Hate crimes tear at the fabric of our communities and our country, so we must ensure the civil rights of all persons, which are guaranteed by the U.S. Constitution, are protected. Hate crime laws in the United States are intended to protect our citizens against biased crimes, motivated by animus against a protected class of persons.

Current U.S. statutes permit Federal prosecution of hate crimes committed on the basis of a person's race, religion, disability, ethnic or national origin, sexual orientation, gender, or gender identity.

Over time, the FBI's ability to investigate these crimes has expanded as new laws were passed. For example, the Civil Rights Act of 1968 permitted Federal prosecution of crimes committed with a bias against race, color, religion, or national origin.

In 2009, when the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act was passed, Federal hate crime law expanded to apply to crimes motivated by a victim's gender, perceived gender, sexual orientation, or disability.

In order for the FBI to initiate a hate crimes investigation, there are three key elements we must look for or must suspect.

No. 1, there must be an act of violence, threatened violence, or conspiracy to do so.

No. 2, the perpetrator must have acted willfully or intentionally.

And, No. 3, the perpetrator's actions must have been motivated by an actual or perceived statutorily recognized bias.

It is worth noting that hate crimes investigations are often, by their very nature, reactive. That being said, we in the FBI understand that we must also be proactive in trying to prevent hate crimes.

Because hate crimes and domestic terrorism can intersect, the FBI's Counterterrorism Division also addresses hate crimes through domestic terrorism investigation. In some instances, we work parallel investigations. By analyzing and sharing intelligence, we both hope to prevent hate crime incidents. But if hate crime

does occur, we work diligently to hold those responsible accountable for their actions and seek justice for victims.

Hate crimes are not only an attack on victims, but they often have a wide-ranging harmful impact on communities. Thus, investigating hate crimes is one of the FBI's highest priorities.

Although the FBI is the primary U.S. law enforcement agency that conducts civil rights investigations, we understand the importance of partnerships with Federal, state, and local law enforcement, as well as affected communities. Community engagement, outreach, training, and education are critical to our success in addressing hate crimes.

The Uniform Crime Report, or UCR, is a nationwide cooperative statistical effort of nearly 18,000 law enforcement agencies who voluntarily report data on crimes brought to their attention.

The UCR program is being transitioned from a summary reporting system to the National Incident-Based Reporting System, or NIBRS.

NIBRS collects crime data that is more comprehensive than the UCR, making it a more effective tool for law enforcement, policy-makers, and analysts to truly understand crime and make informed decisions to address it. We believe NIBRS will capture data that helps us better understand the magnitude of the hate crime threat.

The FBI has been and will continue to be the lead law enforcement agency addressing hate crime matters.

We are proud of our work, and we look forward to continuing to be the agency that the American public continues to trust to serve in this role.

I look forward to our dialog and your questions.

Thank you.

Mr. RASKIN. Mr. Shivers, thank you very much for your testimony.

And, Ms. Neumann, you are recognized for five minutes.

STATEMENT OF ELIZABETH NEUMANN, ASSISTANT SECRETARY, THREAT PREVENTION AND SECURITY POLICY, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. NEUMANN. Thank you, Chairman Raskin.

Ranking Member Roy and members of the subcommittee, I'm very grateful that you're holding this important hearing on combating white supremacy.

I want to make it clear at the outset, unequivocally and without hesitation, that violent white supremacy is abhorrent.

I am grateful that we have the opportunity to discuss the Department's current capabilities and our plans for advancing the prevention mission.

Please allow me to first, though, convey my deepest condolences to the families of the victims of Friday's targeted attack in Virginia Beach. Twelve lives were cut short. Four more are in the hospital. We have families grieving, and shock and grief, again, are rippling through our country.

Whether it's an attack on a school, a night club, a synagogue, a mosque, a church, or a public space in a government facility, it

really needs to stop. We need to invest in prevention to bring that end into view.

I have been working on prevention since shortly after the attacks of September 11, 2001. I served in the Domestic Counterterrorism Directorate at the White House and worked on the policies and programs we needed to prevent another catastrophic attack. We designed measures to address the threat from al-Qaida, primarily a complex, coordinated attack with planning cycles ranging from months to years and attackers or facilitators that entered the U.S. from abroad. These prevention efforts were primarily the tools of law enforcement, intelligence, and border security.

The threat morphed multiple times over the past 18 years, with one of the most concerning trends being the ability of ISIS to recruit and radicalize to violence in isolation via the internet and social media.

And now domestic terrorist movements are borrowing from the ISIS handbook, using social media to recruit, radicalize, inspire, and mobilize Americans to violence.

This latest evolution in terrorist threats occurs in relative isolation and involves a smaller window between radicalization and violent acts, and together these factors make it extremely difficult for law enforcement, including my partners at the FBI, to detect and thwart potential attacks.

Our post-9/11 prevention capabilities, as robust as they are, were not designed to deal with this type of threat. And while we have made progress in developing the tools necessary for this new threat, the solutions need to be scaled in order for them to be effective.

For nearly 25 years, the Secret Service's National Threat Assessment Center, the NTAC, conducted evidence-based research on individuals that carried out acts of targeted violence. The NTAC research demonstrated that there are similar themes between the perpetrators of workplace violence, domestic violence, school-based violence, and terrorism. Likewise, research demonstrates remarkable similarities among the attackers, regardless of the ideological motivation of the attack.

So why does this matter? Because it allows us to identify behaviors and characteristics of individuals prone to violence and assist vulnerable individuals before they cross the criminal threshold.

And as Ms. Bro, and all who testified so poignantly during the hearing last month noted, some of that assistance is best provided outside of the Federal Government.

What is needed is true—a true whole-of-society approach. And, thankfully, a growing number of state and local jurisdictions are adopting a multidisciplinary threat management prevention strategy.

For the past several years, DHS has worked with law enforcement, academia, mental health professionals, educators, and faith leaders to develop prevention strategies. Through the CVE grant program, the National Governor's Association is developing prevention strategies in Virginia, Colorado, Illinois, and Michigan.

Another grant is allowing the Major City Chiefs Association to develop a law enforcement implementation guide for prevention.

And last week I saw firsthand how DHS investments in prevention are yielding dividends.

In Colorado, the combination of grants and a field-deployed staff member have led to 24 interventions of individuals desiring to conduct acts of violence. Twelve of those were motivated by a white supremacist ideology.

While there are excellent prevention efforts underway, a strategic approach to prevention has been lacking. That is why Acting Secretary McAleenan created the Office of Targeted Violence and Terrorism Prevention in April. The office will coordinate and expand the DHS terrorism prevention enterprise while also harmonizing our efforts with our Federal partners who have important roles in the prevention mission space.

This summer, we are developing the prevention framework that DHS will implement over the coming years. This is that comprehensive strategy, Mr. Chairman, that you noted is needed.

Drawing on lessons learned from the grants and from recent research that was funded by the Department from our FFRDC, Rand, and continuing stakeholder engagement, we plan to build out that framework in partnership with you all and look forward to further discussing it with you over the summer.

But in closing, I want to say at the outset that DHS recognizes there is a lot of work to do, and it is unacceptable that anyone in the United States be made to feel afraid because of their race or religion.

We look forward to working with you on this critical mission, and I look forward to answering your questions.

Mr. RASKIN. Thank you all for your testimony.

And now we will begin our question portion of the proceedings. Each member will be given five minutes to question the panel.

I'll start just by recognizing myself.

Mr. McGarrity, let me start with you.

We know that America has worked closely since 9/11 with our allies around the world to try to get on top of the problem of al-Qaida terrorism, ISIS terrorism.

What are we doing to coordinate with law enforcement and police around the world to deal with the problem of white supremacist violence, which exploded, for example, in Christchurch in New Zealand?

You know, is this an international problem, and are we dealing with it in an international way?

Mr. MCGARRITY. Thank you, Chairman.

I would say, yes, it's an international problem, and partly that's due to the internet, the ability for someone to self-radicalize or talk to someone, chat with someone, email someone halfway around the world, or to see a post, an image, and be influenced by that.

As far as what we, the FBI, are doing, we're doing a lot. Just within Thursday and Friday, I met with my senior counterterrorism officials and our top five foreign liaison partners. We talked specifically about domestic terrorism. We talked specifically about social media. So envision the counterterrorism heads for those countries at my level, we sat together for two days and talked about domestic terrorism. So it's very much at the forefront of our dialog.

Then, as you go down, it's interesting, actually, because my counterparts in other parts of the world are just coming on to the domestic terrorism program. Not every portfolio of domestic terrorism, as we define it here in the U.S., racially motivated violent extremism—you can use the term white supremacists—would necessarily be included in a foreign intelligence service or domestic law enforcement agency, Federal law enforcement agency. They're starting to see that more and more.

Every time we have a case that goes overseas, we share that information. For example, in New Zealand, during the Christchurch attacks, we sent people to New Zealand. I sent a team over there, as did our other Five Eyes partners from across the world. We did that. I received briefings back. When we had the synagogue shooting in San Diego, I made sure at my level I'm engaged with my counterparts across.

We bring in—and that goes all the way down to the working level, as far as foreign engagements, both here within the U.S. at FBI headquarters and with our foreign partners overseas. We have agents and analysts traveling all the time to meet with our counterparts to work on cases, to share leads.

When we do have a lead, just like on the international terrorism side, we send that lead to a legal office overseas for action.

We have stopped terrorist threats, domestic terrorism threats, overseas, and we do it just like we do on international terrorism. I think what you're seeing over the last couple of years is what we have seen with the homegrown violent extremist threat. With the internet, we are seeing individuals self-radicalized online in both the international terrorism and domestic terrorism, and they are engaging and radicalizing and mobilizing to violence fairly quickly. And they don't necessarily have to be part of a group, and they can talk to someone halfway around the world to do that.

Mr. RASKIN. That's a very helpful answer. Let me just clarify one thing.

I think a lot of our listeners who are tuning in for the first time will be a little puzzled at the formulation "we've stopped domestic terrorism overseas." And that goes to the—the kind of curious nomenclature that has evolved in this field.

Explain what that means. What is domestic terrorism, what is international terrorism, and why don't we just call it all terrorism? Can you explain that?

Mr. MCGARRITY. Well, we do call it terrorism, and within that, from international terrorism when there are designated foreign terrorist organizations at the—

Mr. RASKIN. Can you just put your mic on, please?

Mr. MCGARRITY [continuing]. that the State Department designates, that is in a different bucket because there are different authorities that come with that that we can use that we cannot use on the domestic terrorism side.

Mr. RASKIN. But when you say, you know, we've worked to stop domestic terrorism overseas, you're referring there to white supremacist activity?

Mr. MCGARRITY. I'm referring to threats overseas on racially motivated violent extremists who advocate for the supremacy of the

white race overseas, we've given threat information that we have received here in the United States to our foreign partners.

Mr. RASKIN. Gotcha, gotcha.

Mr. Shivers, let me ask you. I think one of the themes running through all of the testimony there was that—that we may be in a different phase now of trying to counter terrorism because of the internet and some of the people who go out and shoot up churches, like the Mother Emanuel Church, or synagogues like Tree of Life, are kind of lone wolves; they are people who get radicalized or indoctrinated online, but they're not part of a hierarchical organization necessarily where they can be identified as a group.

What can be done about that, if anything? What are the efforts that you're evolving in the FBI to address that threat?

Mr. SHIVERS. So I will start to answer the question, but I will also go back to Mr. McGarrity.

One of the things to understand about working hate crimes and domestic terrorism is they're not mutually exclusive.

And so there are times where an incident may occur and the FBI is not sure, is it purely a hate crime, or is it an act of domestic terrorism? So, when responding, you have representatives from the civil rights squad as well as the domestic terrorism squad.

And so our main priority is addressing the investigation. And so one of the things that we try to do is to be proactive. And what we do is not only collaborate on the investigation but ensure that we share intelligence. Because one of the things, to your point, it may be a lone actor, but at the same time, there may be communications with other individuals or groups that we would necessarily need to try to shed a little bit of light on.

And I'll go back to Mr. McGarrity.

Mr. MCGARRITY. Sure. We work it just like any other—whether it's international terrorism or criminal gangs, we work our sources. We work our undercover operations. We work other collection that we can do through court-authorized wiretaps.

I think what—Chairman, what you have to understand is, we're not playing with the numbers here. We arrest more domestic terrorism subjects left of attack in the United States than we do in international terrorism. So—and we've done that for the last couple of years. So more domestic terrorism subjects that we have open investigations on, we are arresting left of attack. And that's more than we do on the international terrorism.

Mr. RASKIN. You mean before the attack takes place?

Mr. MCGARRITY. Yes, yes.

Mr. RASKIN. Okay. So that was not the information that I got at the last hearing. So I would love to see that—

Mr. MCGARRITY. Can I address that?

Mr. RASKIN. Please.

Mr. MCGARRITY. I don't know who—I think I know who you're talking to. But if you're talking to an FBI agent who has been out 15 years, that's like talking to someone who works—people who rob banks before the internet, right? I mean, the threat has changed with the internet. These people are self-radicalizing online and can act and can get a weapon.

So that's the difference. We are doing the same thing on the domestic terrorism side with our undercovers, both in the virtual

space—because I'll be honest with you, that's where a lot is happening, more than the physical space. We do that. And you see them time and time again in the press releases from the Department of Justice for those arrests, both on the international terrorism side and the domestic terrorism side. So we're in the virtual with domestic terrorism, and we're in the physical space.

Mr. RASKIN. Thank you. That's useful. My time is up.

But I'm going to recognize Mr. Hice for five minutes.

Mr. HICE. Thank you very much, Mr. Chairman.

Ms. Neumann, in your opening statement, you refer—made reference to Rand. And it is my understanding, at the administration's request, they did an exhaustive study on terrorism prevention and among other things found that prevention works but at the same time found that the effort and energy that goes into terrorism prevention is minuscule compared to that that goes into other law enforcement and counterterrorism type programs.

So can you kind of explain the difference between the two? What are we talking about in reference to terrorism prevention versus counterterrorism?

Ms. NEUMANN. Thank you for the question, Mr. Hice.

Absolutely. The Rand study, we asked them specifically to assess the amount that is being spent on prevention. And in particular, we asked to compare that to our international counterparts, those who are similarly equipped to be able to do things through law enforcement and other counterterrorism means. And the results did indicate that we are spending less than many of our European partners. That could be because the challenges that they have faced with ISIS recently are much more significant than we have faced, not that our challenges aren't still great. But the numbers are—kind of speak for themselves.

They found that FBI and their law enforcement activities, their assessments, their investigations, about 165 million a year. And to give you a snapshot, it costs about 1 million for—from assessment to post release supervision for each individual with a 15-year sentence.

On the Federal prevention side, we're spending about 12 to 13 million annually. That's an estimate. And their recommendation based on our—based on the threat that we're facing—was 20 to 50 million, is what we should be spending. And according to the population that we have here in the United States, maybe something like 150 to 450 million.

So that gives us a bit of range as we're starting to build out a prevention framework and put together budgets and have conversations with Congress, gives us a sense of what we should be doing.

I think the other thing I would mention is the practical side of this. The cost of cleaning up a terrorist attack can range anywhere from tens of millions to hundreds of millions of dollars. I believe the Boston Marathon bombing was in the \$330 million range. That doesn't even account for the lives that are lost or permanently changed and all of the grief and emotional toil that the families go through.

For the cost of a field representative, which when you add benefits and travel costs, let's say \$200,000, and a small grant that might be a quarter of a million to a million dollars to a state or

to a police department or to—whatever—however the state decides to structure their prevention efforts, that might save us—you know, so you're talking just a little under a million dollars.

In the state of Colorado, we had 24 interventions in less than a two-year period. If just one of those individuals had been successful in committing an attack, we would be cleaning things up for tens of millions, maybe hundreds of millions of dollars. So the return on investment is definitely documented in the Rand study. It was very helpful.

Mr. HICE. So would you consider that, then, the biggest takeaway in that study?

Ms. NEUMANN. There are a number of things. It's a 300-page report. They identified best practices, areas and lines of effort that the Federal Government should do. It told us very clearly that the concept of terrorism prevention is not our state and local partners' top priority. Their top priority is—

Mr. HICE. We only got about just listen—left[PC12]. But should it be a top priority? I mean, obviously, it works. It sounds like a pretty—

Ms. NEUMANN. I think by opening the aperture to address targeted violence in terrorism prevention, it helps our state and local partners with what they care about, which is all violence, as opposed to a particularly type of ideology.

Mr. HICE. Should terrorism prevention be part of the counterterrorism strategy?

Ms. NEUMANN. It is. It is in the national strategy, and we're actually working on the DHS counterterrorism strategy. That's what this prevention framework will be nested in, and we hope to release it in the fall.

Mr. HICE. Okay. Thank you very much.

Appreciate it, Mr. Chair.

Mr. RASKIN. The chairman yields back. Thank you, Mr. Hice.

And I now recognize Mrs. Maloney for five minutes.

Mrs. MALONEY. And I thank the chairman and ranking member for calling this important hearing and all of the participants.

And I would like to ask Mr. Shivers about the FBI hate crime statistics.

All the reports I've seen indicate that the FBI's official uniform crime reporting hate crime statistics are deeply, deeply flawed and severely underreported, the actual numbers of hate crimes and incidents in our country.

For example, in 2017, the FBI reported over 7,000 hate crime incidents. But the Bureau of Justice Statistics Crime Victimization Survey estimates 200,000 hate crimes each year on average.

And, Mr. Shivers, is that consistent with your understanding?

Mr. SHIVERS. No, ma'am. Couple of things I would like to point out.

Mrs. MALONEY. Okay.

Mr. SHIVERS. So the reporting to the UCR with state and local law enforcement agencies is voluntarily. And so one of the things that the FBI has done over the last couple of years—

Mrs. MALONEY. Excuse me. Why is it voluntary? Hate crimes should be reported. They should be required. Why is it voluntary?

Mr. SHIVERS. And so reporting to the UCR in general is voluntarily. And so one of the things that we have done is we have tried to take a proactive stance in going out to train state and local law enforcement agencies relative to hate crimes so they have an opportunity to recognize hate crimes.

Mrs. MALONEY. But my question was, the FBI's statistics was 7,000 and the Bureau of Justice statistics was 200,000.

Mr. SHIVERS. Yes, ma'am.

Mrs. MALONEY. So is that true? That's the point that I want to make.

Mr. SHIVERS. So I am not aware of where the 200,000 came from. But the only reason—

Mrs. MALONEY. Can you check that? Because I know about your training efforts. And it seems like there's a problem with accuracy. And at our last hearing, it was pointed out, when Susan Bro, the mother of Heather Heyer, who was killed in Charlottesville, argued passionately about the need to improve the accuracy of hate crime reporting, and she said, and I quote: A doctor cannot diagnose a patient without knowing the full set of symptoms. I don't see how we are expecting you as Congress Members to know how to prescribe allocations of personnel and money without knowing the full set of symptoms, end quote.

And so, Mr. Shivers, would you agree with Ms. Bro, about that statement?

Mr. SHIVERS. Ma'am, the reason I brought up the UCR was to talk about the transition to NIBRS.

And so one of the reasons that NIBRS is coming online is to provide more accurate reporting.

Mrs. MALONEY. But I have a specific question.

Heather Heyer's death, I am told, and the other assaults—the horrific assaults that were committed in—by white supremacists in Charlottesville, did not even appear in the 2017 FBI hate crimes statistics report.

Is that true?

Mr. SHIVERS. Yes, ma'am. And the reason is—

Mrs. MALONEY. Well, can you explain how in the world did that happen? This was a graphic, terrible, terrible assault and death all over the papers, everywhere. Everybody knew about it.

How did it not end up in your statistics?

If that didn't end up in your statistics, it points out something is really being underreported in our country, wouldn't you say?

Mr. SHIVERS. So what I was trying to explain is the transition from UCR to NIBRS, UCR used what's called the summary reporting system. And what that means is only the most egregious offense is reported in the UCR.

So the example would be if you had an armed robbery and a homicide, it's only the homicide that is reported in the UCR. So, with NIBRS, you will have more granularity, where you're able to now see all of the associated crimes that have been committed. So that's one of the reasons that we are transitioning from the UCR to NIBRS.

Mrs. MALONEY. Well, I think you had better transition pretty fast because your statistics are not accurate.

And does the FBI have an overall strategic plan of how to improve your—the reporting of your hate crimes?

I find the fact that different reporting systems are so different, the fact that probably the most horrific hate crime in the whole country did not even make it into the—into your reporting system is showing that it's terribly flawed.

And then I read also that Alabama reported there were no—only one hate crime in the whole year in Alabama. People are alleging that that was very underreported.

Any comments on that?

Mr. SHIVERS. Well, again, we will have more accurate reporting when we can move from the summary reporting system, which has the hierarchy rule—

Mrs. MALONEY. So when are you going to move to the other system?

Mr. SHIVERS. That process is ongoing right now.

Mrs. MALONEY. Well, can you send us a report exactly how it's happening, and why is this going to improve it? And I—I think that—that the fact that the crime in Charlottesville did not even make it into your hate crime statistics shows how flawed it is. And how can we have good policies if we don't have good data?

My time is up.

Thank you very much, Mr. Chairman. I yield back.

Mr. RASKIN. Thank you, Ms. Maloney.

The gentlelady from West Virginia, Mrs. Miller, is recognized for five minutes.

Mrs. MILLER. Thank you, Chairman Raskin and Ranking Member Hice, and thank you all for being here today.

I know your agencies are on the row line in combating domestic terrorism, racism, and hate crimes, as well as providing critical support for our first responders. This role is critical, and we must ensure that we're empowering our Federal agencies in their efforts to stop hate and to keep Americans safe.

People who commit these crimes and hold such hate in their heart have absolutely no place in our society.

We must stop and condemn these actions at every level.

Mr. McGarrity and Mr. Shivers, the question is a little similar to the last ones.

A few weeks ago, this subcommittee held a hearing on this issue, and we heard from our witnesses that there are many current shortfalls that exist in data collection for hate crimes and domestic terrorism. Was wondering if you might be able to elaborate on this topic from the agency perspective?

Mr. MCGARRITY. From the domestic terrorism perspective, we certainly—we don't have a domestic terrorism statute that—like a material support statute for terrorism. So when a prosecutor charges something, he is going to use—he or she is going to use other title 18 U.S. Code violations, maybe possession of a weapon, some other commission of a crime.

Or in 50 percent of our crimes—50 percent of our subjects that are arrested are actually arrested on state/local charges in coordination with the Joint Terrorism Task Force.

So, right there, the narrative as far as some of the subjects—now, these are open subjects, under investigation by the FBI Joint

Terrorism Task Forces, are arrested by state/local crime or by other Federal crimes that do not have the word “terrorism” in there. So, right there, the narrative in the American public would not necessarily see that.

What we do, we push out to all of our Joint Terrorism Task Force, through the executives, updates on those types cases obviously. Where we can, we like to use domestic terrorism in the press release with the Department of Justice. Or in our comments, if we’re allowed to, at a point in the case in the charging document, we will do that.

You have seen that more recently in a case in Baltimore where the U.S. Coast Guard lieutenant, charged with a drug charge, with possession of a weapon, and then in the detention hearing memo, it was referred to as domestic terrorism. So that, I think, is part of the issue.

We certainly come and brief the House Homeland committee, and anytime we’ve been asked to come brief any of the committees, we come and we brief what the threat is. So we’re constantly doing that to your staffers as well as to different committees here on the Hill.

What we also do is to—because really it’s our state/local partners who are most important. The International Association of Chiefs of Police, the major city sheriffs, I’ve been in front of both of those committees briefing on domestic terrorism.

Mrs. MILLER. Thank you.

Mr. Shivers, do you have anything?

Mr. SHIVERS. Just to—to further address some of the issues and the discrepancies.

In relation to the Charlottesville case, that case was actually prosecuted as a hate crime. And also I would like to draw a distinction between a hate incident and a hate crime.

Obviously, if someone yells a racial slur at someone, you know, they are protected by the First Amendment. And what happens is in many instances, those incidents may be thought of by the victim to be a hate crime when it’s more of a hate incident. A hate crime occurs if you have that similar incident, but it evolves into a criminal act directed at a victim based on his or her protected characteristics.

And so, when we talk about statistics, one has to make that distinction between a hate crime and hate incident.

Mrs. MILLER. That’s good. What changes would you make to improve the data collection?

Mr. SHIVERS. Well, again, I believe that the transition to NIBRS will give greater clarity, because again in the case that was cited earlier, it was the homicide and not the hate crime that was captured.

Under NIBRS, you will have the ability to capture a number of criminal acts pertaining to one specific arrest.

So, if there is an assault, if there is a hate crime or some other crime that is committed, all of those crimes would now be captured in NIBRS, where historically, with the hierarchy rule, only the most egregious crime was captured.

So we are in the process of continuing to roll out NIBRS. The rollout has been underway since 2015. But some of the challenges

are providing our state and local partners with the hardware and software where they need to map their criminal violations to NIBRS and then also go through the training and become certified.

So, again, we anticipate NIBRS completely being rolled out by 2021, but it's an ongoing process, and there are—roughly 45 percent of the law enforcement agencies that report to the UCR have all transitioned to NIBRS.

Mrs. MILLER. Okay. One other quick question.

Mr. McGarrity, how have you seen domestic terrorism and its threat to the country evolve over time?

Mr. MCGARRITY. Sure. I mean, both on the domestic terrorism side and the international terrorism side, with the homegrown violent extremist threat, I've seen an evolving threat with more self-insular actors, lone actors that we've seen self-radicalized online, seen them mobilized by themselves on the internet and radicalized by themselves on the internet and mobilize to violence in shorter periods of time than we've seen in the past.

I've been in this since 9/11, literally that day. And you have in the U.S. our threat, both on the domestic terrorism side and international terrorism side, is a lone actor. What you saw after 9/11 of who we arrested here in the United States, different conspiracies that you saw, we're seeing less and less of those type conspiracies, larger groups, five to seven, and more single actors.

So of those approximately 115 arrests on the domestic terrorism side, most of them are not conspiratorial, those are single-defendant subjects; and the same thing on the international terrorism side. So right there is an evolving threat.

It's the internet. It's the internet. It's your ability to communicate with someone anywhere in the world and find a justification, whatever that justification is, whatever that ideology is, it's almost irrelevant, to justify the violence you want to commit.

Mrs. MILLER. Thank you, I yield back.

Ms. Ocasio-Cortez.

[Presiding.] Thank you.

The chair now recognizes the gentleman from Missouri, Mr. Clay.

Mr. CLAY. Thank you, Madam Chair.

Let me share with the panel some of my thoughts and concerns.

The FBI's Black identity extremist designation could potentially categorize and criminalize Black activists and supportive organizations and people seeking to hold police accountable for unconstitutional policing practices.

We should all oppose terrorism in every form, but the FBI's decision to use the color of someone's skin as a tool to identify terrorists takes our country back to dark days.

As the name suggests, the unique feature of this contrived threat is the color of a person's skin. While the FBI should be redoubling its efforts to combat violence inspired by White supremacists, the concern expressed by Members of the congressional Black Caucus who met with the FBI in 2018 is that the Bureau may end up targeting those seeking to defend the rights of racial minorities, not those who are actually engaged in terrorism.

Just this morning, I heard from constituents about the uptick in hate crimes in Missouri, and these crimes were not relative to any Black extremist.

So I suggest the FBI review the allocation of funds, personnel, strategic planning and grant programs. The dollars must follow the emerging threat.

In 2006, the FBI warned of the potential consequences of White supremacist groups infiltrating local and state law enforcement, indicating it was a significant threat to our national security. The bulletin indicated this infiltration would lead to the disruption of the investigation and the recruitment of fellow White supremacist followers.

A recent study by the Plain View Project examined the social media accounts of 3,500 current and retired police officers from across the country; 1.5 out of five officers had public posts reflecting bias, applauding violence, disregarding due process, or using dehumanizing language.

In my own congressional district in St. Louis, over 400 racist, violent, or bigoted Facebook posts by current or former St. Louis Metropolitan Police were also revealed.

Let me ask you, Mr. McGarrity, that FBI bulletin was issued in 2006. Would you agree that recent data and public social media posts indicate that infiltration by White supremacists is still a national security threat?

Mr. MCGARRITY. First, I haven't read the 2006 report you're referring to, but you used the term Black identity extremists and then you used the term White supremacist. And the term I'm using is racially motivated violent extremist, by the very fact that we're focused on the violence. We're not focused on the skin of anyone; we're focused on the violence. And from a domestic terrorism point of view, that's what we focus on, because that is what allows us to predicate a case.

So when that Black identity extremist, since I've been here we have not used that term. But also, you're not hearing me saying White supremacist as a group. I'm focused on the violence. And so there's a First Amendment issue of us going trolling on the internet looking at different posts from people. We can't do that.

Mr. CLAY. Okay. Well, is it a problem if local law enforcement and state law enforcement is infiltrated by White supremacists? Is that a problem in carrying out justice?

Mr. MCGARRITY. That would be a problem if they are looking to use that ideology for violence and, obviously, they're in a position of trust. So yes, I would be suspect on that.

But, again, I would go back. Ideology in itself is a First Amendment right.

Mr. CLAY. I'm not disputing that.

Anyway, Mr. Shivers, does the FBI provide training and resources to state and local law enforcement agencies to help them identify and prevent infiltration by these groups of local and state law enforcement?

Mr. SHIVERS. So the training that we provide to our state and local partners is comprehensive. It's not designed to look at any particular group.

Again, we're concerned that our law enforcement partners have a good understanding and ability to recognize hate crimes.

And one of the things that we hope is that through the training and education, that now, as we had discussions about the accuracy

of reporting, there may be incidents that state and locals may not have thought was a hate crime, but based on the training that we provide they have the ability now to recognize some of those hate crimes and potentially have some of those prosecuted federally.

Mr. CLAY. And my time is up, Madam Chair.

But looking at almost 25 percent of local and state law enforcement posting hateful things on social media, that tells me there's a culture problem in law enforcement in this country.

I yield back.

Ms. OCASIO-CORTEZ. Thank you.

And the chair now recognizes the gentlelady from Florida, Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair.

Ms. Neumann, my questions are going to be for you.

On April 19, 2019, the Department of Homeland Security announced the establishment of a new Office for Targeted Violence and Terrorism Prevention, TVTP. However, we really have very few details about its exact mission, its budget, and its staffing.

Under the Obama Administration, its predecessor office had a budget of more than \$21 million with 16 full-time employees, 25 contractors, and managed \$10 million in grant funding to community organizations to prevent domestic terrorism.

That office was then replaced by the Office of Terrorism Prevention Partnerships, which had a reduced budget of \$9 million, a staff of only seven full-time employees, and zero dollars in contracts.

So I have a series of questions about the shift and would like to try to get some detail on what is going on with the replacement office.

Can you explain why DHS decided to make significant cuts to the office intended to prevent terrorism? Where were the rest of the funding and resources diverted to at DHS from the predecessor office? For what purpose were those funds reallocated?

Can you tell us what the current total budget and number of staff for this new office, TVTP, is, and have there been additional cuts? And who is the head of this office? Who do they report to in the chain of command?

Ms. NEUMANN. Thank you, ma'am. Yes, Congresswoman, I will do my best to try to dig into all of this.

In regular appropriations, in Fiscal Year 2016, the predecessor office that you referenced, Office of Community Partnerships, had approximately \$3 million in their budget. There was separately a one-time appropriation of \$10 million for the Countering Violent Extremism Grant Program.

That money is still—it was a two-year grant program. It's still underway. The grant program will end this summer. And then there was a separate reprogramming of \$8 million for additional contract support for the office, and that's how you end up to the \$21 million number. The \$3 million number for the office has stayed relatively static over the course of the last four fiscal years.

The current office—and you're right, it was rebranded a couple of times, and, if I may, the rebranding was, in part, there was a general recognition by both—by all sides that the countering violent extremism moniker had become fairly tainted. There was a di-

alog in 2016 under the Obama Administration about perhaps changing that. And when the——

Ms. WASSERMAN SCHULTZ. Let me drill down on my question a little bit more clearly.

Ms. NEUMANN. Sure.

Ms. WASSERMAN SCHULTZ. It very much seems like—I mean, you certainly spoke poignantly about your concern about addressing White supremacy and domestic terrorism. Yet actions speak louder than words. I'm a show me person, not a tell me person.

So the actions that this administration has spoken, by shifting resources elsewhere, by reducing the budget that was previously appropriated and spent for combating domestic terrorism sends a signal that you don't care about it as much and you're not making as much of an effort to combat it, further evidenced by the details and facts that my colleagues who have asked questions before me.

So where did the money that was previously being spent for this office to fight domestic terrorism, where is it being spent now? Who's in charge of the office? What's the current total budget? And how many staff does this have?

Ms. NEUMANN. So let me start with the \$3 million has stayed the same. So we're only talking about the \$8 million that was done by reprogramming. It wasn't in a standard budget process.

So you asked, where did it go?

Ms. WASSERMAN SCHULTZ. I'm an appropriator, so I'm very familiar with the reprogramming process.

Ms. NEUMANN. Okay. Got it. I am not, so I will defer to you on that.

Then the 10 million, the grant program, is still underway. You are correct that the administration did not request for the grant to be renewed in Fiscal Year 2017 or 2018, in part because we were looking to see the results of the grant. It was fairly controversial at the time that it was awarded. There were critics that prevention shouldn't be funded because it didn't work.

I think we've proven that it does work. The grant program is still being evaluated, but we have enough anecdotes and good statistics——

Ms. WASSERMAN SCHULTZ. Didn't ask for it 2019 either. What about 2020?

Ms. NEUMANN. So we're getting—we got these results I would say late fall. We missed the Fiscal Year 2020 budget cycle. The Secretary is very committed to working with the Congress and working through our budget processes to get this addressed.

Ms. WASSERMAN SCHULTZ. Who's the head of the office?

Ms. NEUMANN. The head of the office is an Acting Director, David Gerstein. He's a senior——

Ms. WASSERMAN SCHULTZ. Is there anyone in the Department of Homeland Security that isn't acting? There's a lot of acting.

Ms. NEUMANN. I am not acting, ma'am.

Ms. WASSERMAN SCHULTZ. Okay. Well, then I'm glad that you are here, because at least there is some permanence with someone who is answering questions.

Who does the head of this office report to in the chain of command?

Ms. NEUMANN. Mr. Gerstein reports to my Deputy, Nate Blumenthal. He's the Deputy Assistant Secretary for Threat Prevention who reports to me. I report to the Under Secretary for Policy, who reports to the Secretary.

Ms. WASSERMAN SCHULTZ. Okay. Unfortunately, that's a fairly low prioritization in terms of the chain of command as far as the expression of significant commitment that combating domestic terrorism requires.

I have other questions, but, like I said, I think the evidence demonstrated by the answers to my questions show that actions are not matching the words. And it would be nice if there was a convergence between your verbal commitments and the administration's verbal commitments and the actual actions that you propose and implement.

I yield back.

Ms. OCASIO-CORTEZ. Thank you.

As chair, I will now recognize myself for five minutes of questioning.

We had a hearing a few weeks ago, the first in a series on White supremacy and its growing role in the United States right now. And at this hearing we discovered, through expert witness testimony, that not all of these incidents seem to be treated with the similar consistency.

But we've also heard from experts that whether the FBI classifies extremist violence as, quote, domestic terrorism or a hate crime has major implications on resource allocation and prioritization within the Bureau.

Mr. McGarrity, the FBI considers preventing terrorism its No. 1 priority. Isn't that right?

Mr. MCGARRITY. That is correct.

Ms. OCASIO-CORTEZ. And, Mr. Shivers, what about civil rights violations, such as hate crimes, how do they rank among the FBI priorities?

Mr. SHIVERS. Within the Civil Rights program it is the No. 1 priority.

Ms. OCASIO-CORTEZ. So within the Civil Rights program. But the FBI overall, doesn't it seem that FBI agents would have more of an incentive to pursue domestic terrorism cases over hate crime cases?

Mr. SHIVERS. Well, again, sometimes those cases overlap. And so in a number of instances you may have a civil rights investigation and a domestic terrorism investigation open.

Ms. OCASIO-CORTEZ. And I do see here that the Civil Rights program policy instructs agents to open parallel terrorism investigations whenever a suspect of a hate crime has any nexus to a White supremacist group, correct?

Mr. SHIVERS. Correct.

Ms. OCASIO-CORTEZ. We've seen White supremacist attacks that were clearly domestic terrorism. Experts, in fact, the Acting AG, Jeff Sessions, even called some of these incidents domestic terrorism incidents. The Emanuel A.M.E. Church shooting of Black Americans in Charleston and the Tree of Life Synagogue shooting in Pittsburgh of Jewish people, those were only designated and charged as hate crimes, not domestic terrorist incidents.

Mr. McGarrity, why did the FBI not believe that these incidents were domestic terrorist incidents?

Mr. MCGARRITY. That's not correct. I don't know who told you that we didn't. But we certainly had cases open on them in both those cases. And I wasn't here for the Dylann Roof case, but certainly in our own Department of Justice Civil Rights, about three, four weeks ago in their testimony actually stated that it was a domestic terrorism event, charged through the Civil Rights Division of the Department of Justice for a hate crime.

I was here for the Tree of Life. I will tell you I remember that day distinctly. It was worked as both a domestic terrorism case and a hate crimes case, and it's still worked that way.

Ms. OCASIO-CORTEZ. And so you are disputing that the A.M.E.—you're saying that A.M.E. was charged with domestic terrorism, Dylann Roof?

Mr. MCGARRITY. So you're using the word "charge." So, as I said before, there's no domestic terrorism charge, like 18 U.S.C. 2339A, B, C, D, for a foreign terrorist organization.

So what we do, both on the international terrorism side with homegrown violent extremists and domestic terrorists, we'll use any tool in the toolkit to arrest them, hopefully left of attack.

Should it be after, likely that hate crime statute will come into play through the Civil Rights Division as a charge, because it's a good Federal charge for us to use in those cases.

Ms. OCASIO-CORTEZ. And the Tree of Life—

Mr. MCGARRITY. It shouldn't be stated that it's not domestic terrorism. In fact, on the record, it's stated it's domestic terrorism.

Ms. OCASIO-CORTEZ. And the same thing with the synagogue shooting?

Mr. MCGARRITY. Yes.

Ms. OCASIO-CORTEZ. Okay. So we have two conflicting testimonies.

Mr. MCGARRITY. Well, I mean, I can go back to May 8, 2019, from the Department of Justice on the record, that statement, called it domestic terrorism cases involving civil rights charges, too, including some of the most serious attacks in recent years: Dylann Roof, African American parishioners engaged at the Emanuel African Methodist Church; James Field at the Unite the Right rally in Virginia; and then also Robert Bowers. All three events were domestic terrorism.

Ms. OCASIO-CORTEZ. So that's the statement, but the actual charge, was it—was the actual charge domestic terrorism?

Mr. MCGARRITY. You're not going to find an actual charge of domestic terrorism out there. If you look at Title 18, right, if you're looking for—

Ms. OCASIO-CORTEZ. Well, it says here that—but at the San Bernardino shooting or the Orlando Pulse nightclub shooting, they were designated and charged as domestic terrorist incidents.

Mr. MCGARRITY. They were charged—I'd have to go back and look—they were charged likely with—if there was a connection to a foreign terrorist organization, it would likely fall under 18 U.S.C. 23A or B.

Ms. OCASIO-CORTEZ. So because the perpetrator was Muslim, they are—doesn't it seem that because the perpetrator is Muslim—

Mr. MCGARRITY. That is not correct. That has nothing to do—

Ms. OCASIO-CORTEZ.—that that designation would say it's a foreign organization?

Mr. MCGARRITY. No, that's not correct. That is not correct.

Ms. OCASIO-CORTEZ. Okay. Can you explain why?

Mr. MCGARRITY. Yes. Homegrown violent extremists, who we—most of the people we arrest in the United States, homegrown violent extremists, self-radicalized, born in the U.S., it doesn't matter what religion—

Ms. OCASIO-CORTEZ. But the Orlando Pulse club shooter meets those qualifications, and he is—you're implying—

Mr. MCGARRITY. He was worked as an international terrorist because he was following, under the definition of how we work homegrown violent extremist cases—

Ms. OCASIO-CORTEZ. But he was homegrown and self-radicalized.

Mr. MCGARRITY [continuing]. how we work homegrown violent extremist cases, under the global jihad, we worked it under international terrorism, that is correct.

Ms. OCASIO-CORTEZ. Is White supremacy not a global issue?

Mr. MCGARRITY. It is a global issue.

Ms. OCASIO-CORTEZ. So why are they not charged with foreign terrorism?

Mr. MCGARRITY. Because the U.S. Congress doesn't have a statute for us for domestic terrorism like we do on a foreign terrorist organization, like ISIS, al-Qaida, Al Shabaab.

Ms. OCASIO-CORTEZ. Could you see how this could create issues and discrepancies with how violent extremism by Muslim perpetrators could potentially, even if it's unintentional, but that there are holes and there are gaps here, not through your fault or any one specific person's fault? It could be our fault as Congress.

But could you see how one could see how the way that we are pursuing and charging White supremacy, particularly if they tend to be charged with hate crimes, and where that same type of violence committed by a Muslim extremist could be charged with domestic terrorism.

Hate crimes and domestic terrorism are treated and charged—they're different crimes and they could be pursued differently with different resource allocations. Can you see how people would say that these are being treated differently?

Mr. MCGARRITY. Some of the definitions we're using, I think we're talking past each other. But I will tell you from the domestic terrorism side and on the international terrorism side, on the domestic terrorism side, we don't charge—of those 115, approximately 115 arrests we did last year, not all of them were hate crime charges. We're going to charge someone left of attack with any charge we have under Title 18 in the U.S. Code or a state and local charge.

So predominantly, I would say—I'd have to go back and look—most of them are not hate crime charges on the domestic terrorism side.

Ms. OCASIO-CORTEZ. Okay. Thank you very much.

I will now move to recognize the gentlelady from Illinois, Ms. Kelly.

Ms. KELLY. Thank you, Madam Chair.

The DHS Office of Intelligence and Analysis is the only office in the U.S. intelligence community statutorily charged with delivering intelligence to state, local, tribal, territorial, and private sector partners.

During a DHS briefing for the committee, it was noted that an I&A unit focused exclusively on the threat from homegrown violent extremists and domestic terrorists was disbanded by the administration and moved to the National Counterterrorism Center. Additionally, some field agents were reassigned to the FBI, where they would allegedly be better suited to work on this issue.

Ms. Neumann, how important was the work of this I&A unit in preventing White supremacist terrorism?

Ms. NEUMANN. Thank you for the question, Ms. Kelly.

My office is distinct from the Office of Intelligence and Analysis. We are customers of I&A. The office you're referring to is in the process of working toward a mission center model approach, which is an approach that's been recognized in the Office of the Director of National Intelligence as the best practice.

As part of that, they are forward deploying analysts to places where they can better collect intelligence, including the FBI is the predominant place since we don't collect intelligence the way that we do foreign intelligence. It's their cases that tell us the most within the Federal Government about the environment within the domestic terrorist various movements.

So it's my understanding that's the intent there. They are still doing the work. They are still producing intelligence products. I read a few of them last week. So I don't know if that answers your question, but that's my level of knowledge about I&A's decision.

Ms. KELLY. So is this why the staff was reassigned, because it was felt that this would be a better way to get information and do their jobs—

Ms. NEUMANN. Yes.

Ms. KELLY [continuing]. more efficiently?

Ms. NEUMANN. I'd like to—if it's helpful, I can go back and ask I&A to provide an answer in writing for the record.

Ms. KELLY. Okay.

Ms. NEUMANN. I know they testified on this recently.

But yes, in general, it's to be able to get closer to where the good data is, yes.

Ms. KELLY. Do you believe collaboration and information sharing between Federal agencies and state and local law enforcement agencies is crucial to preventing domestic terrorism?

Ms. NEUMANN. Yes, ma'am.

Ms. KELLY. What is DHS currently doing to coordinate with state and local law enforcement information sharing and how does this work without funding?

Ms. NEUMANN. I'm sorry, the last part of your question?

Ms. KELLY. How does it work without funding?

Ms. NEUMANN. Without funding.

So the Department has a number of mechanisms in place to share information. Most of the formal intelligence products that are

shared, particularly around domestic terrorism, are going to be done in partnership with the gentlemen at this table. So I'll defer to them here in a moment on aspects of how those products are produced and when they're pushed out.

The Department supports state and local fusion centers. We have agents or analysts in fusion centers. We provide training. We provide access to classified equipment.

And on the funding piece, all of that takes funding. So the information-sharing infrastructure, which in my previous part of my career I was part of designing and implementing, is very robust. We've worked on it for 18 years. I think it's solid, solid pipes to be able to flow the information.

Ms. KELLY. On May 8, 2019, during the House Homeland Security Committee's hearing on domestic terrorism, DHS Principal Deputy Under Secretary Brian Murphy for the Office of I&A testified there has been no reallocation of resources, just a reevaluation within the agency to eliminate any duplication of efforts.

Ms. Neumann, was the DHS I&A domestic terrorism unit supposedly disbanded because it was duplicative?

Ms. NEUMANN. Again, my understanding is that it's not a disbanding, in that it's moving people to where they can get better access to data. But I'm happy to go back and get clarification from my colleagues.

Ms. KELLY. Would you agree that redundancy in intelligence and law enforcement is a good thing?

Ms. NEUMANN. Yes. When there are resources available for it, you always look for red teaming and alternative analysis.

Ms. KELLY. Do you know how many employees were part of this unit?

Ms. NEUMANN. I do not.

Ms. KELLY. Do you not believe the urgency of this threat warrants these additional employees?

Ms. NEUMANN. Again, I don't know what their current resourcing is. And I will tell you that Secretary McAleenan—yes, ma'am.

Ms. KELLY. Mr. McGarrity, are these employees still with the FBI, the employees we're talking about, are these employees still with the FBI?

Mr. MCGARRITY. Which employees are you talking about specifically?

Ms. KELLY. I'm talking about the employees that were disbanded but then supposedly went—some—they were assigned to different units.

Ms. NEUMANN. Detailed.

Mr. MCGARRITY. We have DHS analysts detailed to our Domestic Terrorism Section, that is correct.

Ms. KELLY. And they're still with you?

Mr. MCGARRITY. We do have—I'd have to go back in the numbers. But I have talked to Brian Murphy, who was here when we testified a couple weeks ago. We have some. We might even be getting some more.

Ms. KELLY. So this change has worked?

Mr. MCGARRITY. We have a very good relationship with DHS. I'll tell you, when we put out—I think what you're getting at is, what

are we doing to put the intelligence out to the state/locals law enforcement partners?

So we do it through a joint intelligence bulletin. Every joint intelligence bulletin that we put out on domestic terrorism or international terrorism, any type of terrorism, we do jointly with DHS I&A.

So we've actually had a significant increase. So far in Fiscal Year 2019, we have surpassed already what we did in Fiscal Year 2018 for domestic terrorism joint intelligence bulletins, and they go directly to the state/locals. We also go through the Joint Terrorism Task Force executive committees and our task force partners to push that information out.

Ms. KELLY. My time is way over. Thank you.

Mr. RASKIN.

[Presiding.] Thank you very much, Ms. Kelly.

And I yield to Mr. Roy for five minutes.

Mr. ROY. I thank the chairman.

And I apologize to the witnesses that I had to step out for a little bit to go to another hearing. Such is the state of the way things operate here sometimes we have competing hearings.

Ms. Neumann, a quick question with respect to funding. Do I understand correctly that the funding levels that are currently being allocated for purposes of combating domestic terrorism broadly are relatively similar to what they were previously, but there were some different buckets that kind of conflate those numbers? Could you expand on that really quickly?

Ms. NEUMANN. Sure. Thank you for the question.

Yes, the amount of money that was associated with the office that is now called Targeted Violence and Terrorism Prevention has remained relatively the same. We have the \$10 million grant program that was a two-year period of performance coming to a conclusion. We're evaluating it and assessing internally about future requests for funding associated with that.

And there was an additional \$8 million reprogramming request to provide contractors in the field. Again, we were evaluating whether the concept of field staff worked and, if so, if a contractor model was the way we wanted to go.

That is one of the things that the RAND study also looked at for us, was field staff. And we still have some more internal deliberations to consider, but I don't think we're going to be looking to contractors to be doing this kind of prevention work in the future.

Mr. ROY. And is it true that the previous administration had a fairly significant focus, appropriately, on foreign terrorist efforts, including ISIS and otherwise, and then how that connected back to those that are homegrown?

Ms. NEUMANN. Yes, sir. The countering violent extremism in general was focused on, if you go all the way back to 2008, al-Qaida. And then with the rise of the homegrown violent extremist with ISIS, it shifted to focus on the lone individual radicalizing to violence.

So yes, appropriately, the Obama Administration was focused on designing prevention programs to address that threat. Around 2017, it was Secretary Kelly that noted—you may remember there was a series of incidents at Jewish cemeteries in March 2017, and

he directed, since we were reviewing the grant program, to make sure that the grants could be—the grantees, potential grantees, were using their funds for more than one ideology, to try to be as broad as possible. So that opened the aperture to address domestic terrorism, and many of our grantees do that now.

Mr. ROY. So to be clear—and this is, by the way, no criticism at all on the previous administration—there was some focus there with respect to foreign terrorist organizations and the networks here in the United States. But then the current administration, Secretary Kelly, looked at some of the threats that we are now looking at and made a change to address that, true?

Ms. NEUMANN. Yes.

Mr. ROY. In addition, we talked a little bit about the RAND study. And it is true that the Trump administration requested the RAND study on the terrorism prevention and is now implementing the results of that study to have an objective third-party view?

Ms. NEUMANN. Yes.

Mr. ROY. And then, in addition, with respect to—maybe this might be better for Mr. McGarrity—with some of the questioning you had from my colleague from New York just a moment ago, it is true, right, that there is not a United States Code fill in the blank domestic terrorism statute to prosecute crimes in the United States under, correct?

Mr. MCGARRITY. Yes. There is a statute, but it defines what domestic terrorism is. It's not a statute you could charge—

Mr. ROY. Right.

Mr. MCGARRITY [continuing]. like 2339 on the other, for foreign terrorists.

Mr. ROY. Correct. So that's why you were describing there were no charges under it, because there was nothing to charge, correct?

Mr. MCGARRITY. Right. So the narrative is not out there, correct.

Mr. ROY. However, there are numerous crimes in which you can—under which you can charge people who are engaged in criminal activity, and that happens all the time, whether it's hate crimes or other crimes, right, engaged in criminal activity, Federal, state and local, correct?

Mr. MCGARRITY. Yes.

Mr. ROY. And that happens all the time on a daily basis.

Mr. MCGARRITY. We use 2332, weapons of mass destruction against a Federal building. We use a variety of gun charges, drug charges, whatever it is to arrest the person prior to the actual attack.

Mr. ROY. And along those lines, with respect to those kind of criminal charges, is it safe to say there's a distinction when we're talking about foreign terrorist organizations and if you're talking about the concept of a domestic terrorist organization or entity, that there are some constitutional questions that arise, right, that are distinct between our focusing on our intelligence gathering and our efforts in criminal activities when we're focusing on foreign terrorist organizations, communications they have with American citizens, how we surveil that information, what we do with that information, versus targeting domestic only American citizens or at least those who have permanent legal status?

There's a distinction there that complicates a bit how we would set up a criminal structure to target, quote/unquote, domestic terrorism. Is that a fair statement?

Mr. MCGARRITY. That's right. Yes.

Mr. ROY. And then one last statement, one last question along these lines for Ms. Neumann again.

Is there anything that you would like to add with respect to what you think the positive steps that have been taken under this administration, under what you've seen and acted upon, to advance the ball with respect to domestic terrorism?

Thank you.

Ms. NEUMANN. Thank you for the question.

I'd like to point out that this administration's CT strategy is the first strategy that incorporated domestic terrorism into it. The previous strategies were focused on international terrorism.

There's a recognition in the CT strategy, there's a pillar that's called countering radicalization and recruitment, and it point blank says we're just not doing enough.

So there's an acknowledgement by CT practitioners, by prevention experts, I mean, you had an entire hearing a month ago on this topic, we know we're not doing enough.

Part of the reason we haven't done enough is because things have not—it's bureaucratic. It's boring. Things haven't been institutionalized.

In order for government to work, you have to institutionalize it. You either need to authorize it through Congress or you need to get it in executive order or National Security Presidential Memoranda. That was never done in the previous administration. And now we're working to figure out how do we do that so that the budget process can work and we can get proper funding for prevention efforts moving forward.

Mr. RASKIN. Thank you very much. The gentleman yields back.

Thank you for your candor, Ms. Neumann. I appreciate that. It is refreshing to hear it.

And I yield now to the gentlelady from Massachusetts, Ms. Pressley.

Ms. PRESSLEY. Thank you, Mr. Chair.

I want to pick up on my line of questioning from the last hearing and also some of the comments from Representative Clay.

So since 1995, Black Americans have been victims of 66 percent of all racially motivated hate crimes. And, again, I'm sure that's a, you know, underreported count.

In 2017 alone, Black Americans were targeted in more than half of all hate crimes reported. That's what we know. So what we know is that the numbers don't lie. And Black Americans continue to find themselves at the greatest risk. Which is why this designation of Black identity extremism seems particularly absurd.

We had a former FBI official on the record who said that Black identity extremists pose no threat to our public safety. Would you agree with that, Mr. McGarrity?

Mr. MCGARRITY. I would pose any extremist who wants to commit violence is a threat to society, whether it's White or Black.

I wasn't here when the Black identity extremist assessment was written, but it was written back in 2016 during a horrific time of

July 2016, July 7 and July 17, two events on July 7, targeting of police officers.

Ms. PRESSLEY. Excuse me. I'm so sorry. Reclaiming my time.

I'm aware of that incident. And I think that the designation was created in the wake of six isolated and unrelated incidents of violence. The only common denominator there is that they were Black. Is that correct?

Mr. MCGARRITY. Yes.

Ms. PRESSLEY. Okay. Reclaiming my time.

Mr. MCGARRITY. And so very similar to the racially motivated violent extremists.

Ms. PRESSLEY. I'm sorry, reclaiming my time.

So those were six unrelated incidents where the only common denominator was race.

So in order for a group to be categorized as extremist or as a credible threat, how many hate-related incidents need to take place? Is there a number? How many hate-related incidents need to take place in order for a group to be designated as extremist and a credible threat? Because this was six, right?

And the ADL, the Anti-Defamation League, I just met with them. They count 32 White supremacist extremists who murdered individuals in the U.S. since 2016.

I just want to make sure that our investment and our surveillance is commensurate with those that are actually disproportionately most being victimized and we're not creating categories as another excuse to target and racially profile one of the most vulnerable communities.

So what is the criteria that determines a group is a credible threat? This was 6 incidents, and I just talked to you about 32.

Mr. MCGARRITY. So to be clear from my last testimony, we don't work groups. We don't work ideologies. We don't work movements. What we work are those individuals who have an ideology, are using an ideology to commit violence.

Ms. PRESSLEY. Okay. So how—

Mr. MCGARRITY. If we have six individuals who are looking to commit violence and they are together, we will have six cases on those—

Ms. PRESSLEY. Reclaiming my time. They were unrelated. So how many extremist killings has the FBI linked to Black Lives Matter or similar Black activist groups?

Mr. MCGARRITY. We don't work Black Lives Matter. It's a movement. It's an ideology. We don't—that's—we don't work that.

Ms. PRESSLEY. Okay. So the answer is none. So can you just say that for the record? There's been no extreme—there's been no killing that the FBI can link to Black Lives Matter or similar Black activist groups, to your knowledge?

Mr. MCGARRITY. To my knowledge—I'd have to go back—but to my knowledge right now, no.

Ms. PRESSLEY. None, Okay. All right.

So, again, going back to what created this absurd designation, these were six incidents. And I don't want to look at those tragedies lightly, but they were unrelated. So there was nothing organized there.

You said that you are intentionally not using, until Rep Clay brought it up, the term “Black identity extremist.” So you’re not using the term, but we still have the designation, correct?

Mr. MCGARRITY. No. I’ve been in this job 17 months. We don’t have that designation.

Ms. PRESSLEY. The designation no longer exists?

Mr. MCGARRITY. Hasn’t existed since I’ve been here for 17 months.

Ms. PRESSLEY. Okay. So no one is being surveyed or monitored under the category of Black identity extremist?

Mr. MCGARRITY. No.

Ms. PRESSLEY. Okay, great. Thank you.

I just want to make sure, because, again, we have some conflicting information here. I know there are a number of organizations, including the National Organization of Black Law Enforcement Executives, which have asked that this category be rolled back.

So I just want to make sure again on the record we’re clear that this no longer exists. There is not a Black identity extremist category and there is no surveillance happening based on that designation?

Mr. MCGARRITY. I can tell you there’s no surveillance on that activity, because we don’t work that as a group. And I can also tell you I had a phone conversation myself with NOBLE about that months ago.

So I don’t know where the information is coming from. I’ve been here 17 months. We are not using Black identity extremist as a term or for a group.

Ms. PRESSLEY. And was this announced publicly or is this the first time you’re saying this on the record?

Mr. MCGARRITY. No, I said it a couple weeks ago when I testified up on the Hill as well.

Ms. PRESSLEY. Okay. I yield.

Mr. RASKIN. The gentlelady yields. Thank you very much, Ms. Pressley.

I come now to the gentlelady from the District of Columbia, Representative Norton, for five minutes.

Ms. NORTON. Thank you very much.

Mr. McGarrity, I am curious, between the mid-1980’s and 2005, the FBI published something which it called “Terrorism in the United States.” This was an unclassified annual report summarizing terrorist—what it said—activities in this country.

Do you believe that that report, “Terrorism in the United States,” provided valuable information to be shared with the public?

Mr. MCGARRITY. I was not aware of it at that time. I was still a field agent. But I’ve spoken to Chairman Thompson, I believe, who’s been asking for that.

We do a monthly rollup of both domestic terrorism and international terrorism arrests, the numbers, back to his committee, the House Homeland Committee. I’ve looked at that.

What we’ll look to do is where we can take those monthly reports and see how we can summarize them for some type of national product. We’re looking into whether that’s feasible.

Ms. NORTON. You’re trying to recreate what you were doing—

Mr. MCGARRITY. Back in 2005.

Ms. NORTON [continuing]. in those years.

Mr. MCGARRITY. We're already doing that on a monthly basis for the House Homeland Committee.

Ms. NORTON. So is that being published as I speak or as you speak?

Mr. MCGARRITY. We've given him at least one monthly report. I think we owe him another one coming up, per our discussions with him when I testified.

Ms. NORTON. Would you see that this monthly report is available to the chair of this subcommittee?

Mr. MCGARRITY. I would be careful—you know, one of the things I think it's important for everyone to understand, both on international terrorism and domestic terrorism, when we say we're arresting individuals, they are subjects. Most of time it may not come up in the international terrorism that this person was even a subject of the FBI, because we're arresting them on a gun charge, because that's the charge that's available to us at the time to stop the threat.

You might see Joint Terrorism Task Force on the arrest. You might see in the complaint or the charging document some reference to terrorism, but you may not.

So certainly on some of these cases and cognizant of labeling people terrorists, we want to make sure that we're charging them with crimes under Title 18, because those are the charges available that we need at that time to stop that person from acting.

Ms. NORTON. All right. I'm trying to make sure that this new, if not report, this new document you're coming up with will be accessible to the public. This report, I indicated, between the mid-1980's and 2005 was accessible to the public. It was unclassified. This will be unclassified? Anybody can pick it up?

Mr. MCGARRITY. I would still have to determine that, what the dissemination of that report will look like.

Ms. NORTON. Oh, it's very important, because if you're giving it to the committee, this committee—or the committee, the Department of Homeland—which committee are you giving this to?

Mr. MCGARRITY. House Homeland.

Ms. NORTON. Homeland. Are you telling them not to make this available either to other—

Mr. MCGARRITY. I'd have to go back and look at the—certainly, Representative Norton, and I think you've seen that in the last couple months, we are pushing more information, more statistics out on both international terrorism and domestic terrorism. And I think you've seen an increase in that through our threat briefings up here on the Hill.

Ms. NORTON. But we just heard about this report for the first time, this monthly report.

Mr. MCGARRITY. It's only—I think it's going into our second-month iteration on it. But we're committed, I'm committed to doing a monthly report for the House Homeland.

Ms. NORTON. And making it public to—and making it public. That's what you did before. That's what the FBI did before. That's why I'm trying to establish whether or not this is a report that's

classified. Remember, I said unclassified. That's what I'm trying to establish.

Mr. MCGARRITY. And point well taken. And we'll look to see what that would be, whether it's classified or unclassified. But I agree with you, we do need to give the American public and Congress—

Ms. NORTON. Would there be any reason to classify—you didn't classify any such thing when you had a report that was regularly published, "Terrorism in the United States."

Why in the world should there be any doubt, given the history of generating unclassified reports, what in the world would lead this to possibly be classified? Give me a reason.

Mr. MCGARRITY. I could say in some cases and in today's world that there could be an actor that is arrested here from the Joint Terrorism Task Force who's related to a state sponsor of terrorism, that at that point in our strategy for disruption we may not want to—

Ms. NORTON. Well, Mr. McGarrity, I must say to you, I believe that would have been the case in the report that I just indicated.

Mr. MCGARRITY. That's what I'm saying, we have to work through those things. And certainly I want to be more proactive in giving information. So I'll look at it.

Ms. NORTON. All I can say is nobody will interfere with an ongoing investigation. And I'm sure that the report that for decades the FBI did publish made sure that that didn't occur.

And, again, I'm going to ask it to the subcommittee chair.

Mr. RASKIN. Congresswoman, thank you very much for that line of questions.

And, Mr. McGarrity, I want to echo the Representative from District of Columbia. Certainly, we would like a copy of that report if you're producing it for Congress, and we would encourage you to think about making it public. If not, we can, you know, continue that dialog elsewhere. But at the very least we would like to be able to look at it and then we can talk about making it public.

Ms. NORTON. Yes. Before I yield back, I would like to say, if you're giving it to one committee in the House, it seems to me automatic it should come to another committee. And I ask that that be provided as soon as possible to the chair of this subcommittee, particularly since you're already providing it to Congress. We're all on equal footing here, sir.

Mr. RASKIN. Thank you. The gentlelady yields back.

And I recognize now the gentlelady from Michigan, Representative Tlaib, who's with us today.

Ms. TLAIB. Thank you, Mr. Chairman. And thank you so much for allowing me to be here.

This is pretty complex, the more I hear about this. And as an attorney as well, you know, I'm always constantly looking at specific actions and words and some of the other circumstantial evidence in regards to whether or not. And it's very intriguing. Mr. Shivers, you talked about hate incident versus hate crime and so forth.

I believe that the government's priorities and resource allocation should be in coordinance with the magnitude and nature of the violence extremism threat in the United States. Do you all agree with that?

Ms. NEUMANN. With one caveat. I would say risk is how we evaluate application of resources. We take into account threat, vulnerability, and consequence.

Ms. TLAIB. Do you all agree?

Mr. MCGARRITY. Yes. We go through a threat review process, both at headquarters and in the field, to do that, to make sure our resources are properly aligned against our threats.

Ms. TLAIB. And I just want you to know many of my next questions, I know that you don't get to make these decisions, but I'm trying to educate the public but also put in the congressional Record.

So, Mr. McGarrity, the FBI has indicated that approximately 20 percent of the FBI's pending counterterrorism cases are characterized as so-called domestic terrorism investigations, which roughly parallels resource allocations of counterterrorism special agents in field offices working on domestic terrorism. Is that correct?

Mr. MCGARRITY. Yes.

Ms. TLAIB. How many pending domestic terrorism cases does the FBI have currently?

Mr. MCGARRITY. Approximately—and, again, it's a point in time it's static—approximately a month ago, it was approximately 850.

Ms. TLAIB. That's the number I have. Thank you.

And White supremacist extremism cases, would all fall under so-called domestic terrorism, correct?

Mr. MCGARRITY. Yes.

Ms. TLAIB. My understanding is that the remaining 80 percent of the FBI's pending counterterrorism cases would be characterized as the international, you called them H—I hate these labels, by the way, it drives me—as a Muslim, like I just hate them because it automatically makes me feel like people are targeting those of different faiths and colors and so forth. But called HVE cases.

Mr. MCGARRITY. So I think you're—

Ms. TLAIB. The 80 percent left from that budget, the resources are going to. No?

Mr. MCGARRITY. No. So we have approximately 4,500 to 5,000 terrorism cases.

Ms. TLAIB. Okay.

Mr. MCGARRITY. Of that, approximately 850 domestic terrorism cases. So take the rest, those are international terrorism cases.

Ms. TLAIB. Okay. So—

Mr. MCGARRITY. So we have approximately 1,000 homegrown violent extremist cases, approximately 1,000 ISIS-affiliated.

Ms. TLAIB. So the HVEs, those folks are falling under this—

Mr. MCGARRITY. International terrorism.

Ms. TLAIB. Okay. So one of the things that came up—and it's a good question to you, Mr. McGarrity, or anybody else that would like to answer—do you think we should have a domestic terrorism statute?

Mr. MCGARRITY. I will say as a former prosecutor, as a former investigator, I want every tool in the toolbox and I want options.

Ms. TLAIB. But, Mr. McGarrity—

Mr. MCGARRITY. So if I can have more options, I would say I want another tool in the toolbox, but I'll defer to the Department of Justice—

Ms. TLAIB. Of course.

Mr. MCGARRITY [continuing]. to work with Congress if there's a statute needed.

Ms. TLAIB. So the tools we have, is that enough? I mean, if somebody is threatening to kill people based on their faith, to kill people based on their beliefs, or just, you know, that kind of sort of—you know, I loved how you said any violence is a threat to society, right, any form of violence. And I appreciate that. But there's not enough right now to give you all power?

So I want to give an example. So I've been in office for about six months. And when you get something like this: Attention Congresswoman Alexandria Ocasio-Cortez and ragheads Rashida Tlaib and Ilhan Omar, I was totally excited and pleased when I heard about 49 Muslims were killed and many—many more were wounded in New Zealand. This is a great start. Let's hope and pray that it continues here in the good old USA. The only good Muslim is a dead one.

How is that enough—not enough—to fall under domestic terrorism if they're targeting solely based on my faith and others in saying that a good Muslim is a dead one, obviously directed to me.

By the way, they copied, in this threat to my office, they copied the U.S. Department of Justice, the President, the Department of Homeland Security, and so forth. And we get so many of them. And I keep asking, what happens, what happens to these individuals?

Are they—you know, I'm being sincere. I'm not trying to—I'm really sincere. I'm a mother, so I want to go home to my two boys.

Mr. MCGARRITY. So first, my empathy.

I'm in charge of domestic terrorism and international terrorism. I don't differentiate either when the threat comes in, nor does the FBI. We work them both the same.

Ms. TLAIB. I appreciate that and I hear that throughout your testimony. It's very consistent, Mr. McGarrity. But how come we don't have enough tools right now to pull these people in? Because this is a form—and you can see there's a pattern.

Mr. MCGARRITY. Well, there's two parts to that. So I can tell you the FBI, the Joint Terrorism Task Force, we are working hard, as was said earlier, we are working hard.

If there's another statute that you think is needed, come talk to the Department of Justice, absolutely. I mean, I think they've said that during their last testimony back in May.

Those type charges, as you're explaining that, I want to arrest that person before they do something. I have to, right?

Ms. TLAIB. Right.

Mr. MCGARRITY. What am I going to do? I'm going to look at any charge I can do. Probably in that case, if it gets a little more specific with the violence and targeted violence, I'm going to use 18 U.S.C. 875, interstate communication threat. That's what I'm going to do.

And we do that every day. And we actually do it more. And I'm not trying to be argumentative here either. I'm just telling you the men and women of the FBI are out here working this threat hard. And we arrest more of our subjects on domestic terrorism than we do international terrorism. And we're doing it as much as we can.

Ms. TLAIB. We don't have enough resources I think being spent on that.

Mr. MCGARRITY. It's not an apples-and-oranges.

Ms. TLAIB. And, you know, Mr. Shivers made a great point, because I am for, and I want my colleagues to know, I have my coffee hours, I have people protest. I absolutely welcome freedom of speech. I welcome anybody that has an opinion, even about my faith. But to get to the point where they pass it toward a threatening life, I mean, to me that is enough.

Sometimes I—you know, the protected speech, and that's something we have to be very careful and tread very carefully, very, very carefully with that.

But to that point where this person—where I feel like if it came from somebody of different—no matter what—as we try to proceed we say that's not true, but I feel like if they were Muslim or Black that it would be handled differently.

Even the threat that we had in Florida, they released him on a tether. I had to go to Florida the same weekend. I couldn't believe they released him on a tether.

And I've been on the other end, you know, defending many people that were wrongfully accused and wanting to—I couldn't get them on bail for the smallest incident of, you know, attempted assault and so forth, right? Serious offenses, I believe.

But in many ways, these kinds of incidents, when it comes to threats of life toward other people based on, you know, somebody of Jewish faith, Muslim, being Black in America, this anti-Blackness movement that we have, when do we take those so seriously as a movement that is obviously pushing violence? I mean, when do—I mean, at this point you're letting the person out on a tether.

Mr. MCGARRITY. I'm not.

Ms. TLAIB. I know you're not. I know you're not, Mr. McGarrity.

And like what scares me about your, you know, kind of not requesting, but you're saying. Do you think we should have a domestic terrorism statute? What scares me about that is that we're expanding—and I'm sorry, Mr. Chairman—that we're going to allow this big balloon of—then we're still going to be leaving people out.

I feel like if they're threatening the life of someone else, that alone should be just enough for us to get them on it if it's based on—and it's based on hate, because they're mentioning a faith, if it's based on color and so forth, sexual orientation, that should be enough.

And, I mean, I commend you all on trying to keep our country safe, but I feel like almost like we need to be proceeding in a way that we're spending enough resources and money with the people that are here now that are threatening lives of fellow Americans.

Mr. RASKIN. Thank you.

Ms. TLAIB. With that, I yield. I'm so sorry. Thank you.

Mr. RASKIN. Thank you, Ms. Tlaib. I was so mesmerized by your statement I lost track of time there, so that was my fault.

I come now to Mr. Malinowski. I yield to you for five minutes.

Mr. MALINOWSKI. Thank you, Mr. Chairman.

And let me just say, in my congressional district virtually every synagogue now has armed security. Every mosque when I go for Friday prayers there is state police outside. And thankfully law en-

forcement is doing everything it can. But this is an ever-present fear for everybody who is worshipping in New Jersey. So these questions about resource allocation are absolutely legitimate.

Let me begin with actually where the chairman started at the beginning, the question of cooperation with our allies around the world.

Mr. McGarrity, you talked about this as, yes, a transnational threat in the sense that these people are communicating online, but isn't it more than that? They're traveling. They're meeting each other.

The shooter in Australia, New Zealand, traveled to Europe and met people in similar groups. We have Americans going to Ukraine to fight for militias there, coming back with military training, joining neo-Nazi groups.

My question to you, much more specific, if we can drill down on this intelligence sharing, is do you feel like you have the authorities with respect to sharing intelligence with our allies on members of neo-Nazi White supremacist organizations, so-called domestic terrorists, that you have if, for example, an American citizen is chatting online with al-Qaida in Yemen and then getting on a plane to Europe, in terms of contacting your counterparts in those law enforcement agencies so they can surveil, so they can contribute to our work?

Mr. MCGARRITY. If I have an open case on someone, it doesn't matter whether it's international terrorism, domestic terrorism, or criminal, I can charge—

Mr. MALINOWSKI. Open case, yes. But you don't necessarily have an open case if someone hasn't done anything yet, right?

Mr. MCGARRITY. No, no. Of course, we do, yes. So I mean, if we have an open case where someone is looking, whether international terrorism or domestic terrorism, looking to do violence, right, looking to do something.

So what the Congresswoman said, plus looking to do violence, not just hate but targeted hate, you know. And I can open a case. I can share that information and work with my foreign counterparts, and we do that every day.

Mr. MALINOWSKI. So despite the fact that we don't designate domestic groups—and I'm not suggesting we do—but—

Mr. MCGARRITY. I can share that.

Mr. MALINOWSKI. Are you suggesting that you have essentially the same authorities with respect—

Mr. MCGARRITY. To share, yes. If we're working an investigation and we would do a lead to that legal attache office to share with the local counterparts. We may not get the same response—

Mr. MALINOWSKI. Understood.

Mr. MCGARRITY [continuing]. to be quite honest, depending upon the country.

Mr. MALINOWSKI. Now, Ms. Neumann, Mr. McGarrity said at one point—well, several times—that he is focused on violence, not ideology, and I think that's probably the right answer from the FBI's point of view.

But in terms of a national strategy for dealing with this threat, if violence is animated by ideology, isn't it important that we un-

derstand it, that we counter it, and above all that nobody in a position of authority legitimize or echo that ideology?

Ms. NEUMANN. Sir, the studies that have been done by the National Institute of Justice, by the Secret Service's NTAC, have identified that ideology is certainly one of about five components of an individual that's been radicalized, but it is not significant enough that you have to know it in order to be able to see those behaviors and indicators of somebody on a pathway to committing an act of targeted violence. Meaning you usually don't even discover what that ideology is or that motivation is before you might have clued in that somebody was trying to do something. That is specific to—

Mr. MALINOWSKI. Okay, but there are motivations here.

Ms. NEUMANN. Yes.

Mr. MALINOWSKI. And with regard to the White supremacist individuals and groups, that there is a belief that is driving those actions, a belief that White people are being replaced, that they are being threatened by something.

And, you know, looking at the recent cases, isn't it fair to say that one of the common threads is that these people are animated by a conspiracy theory with regard to immigrants to America? I mean, they're all talking about it. Is that fair?

Ms. NEUMANN. So I think that the current rise of White supremacy that we're seeing is abhorrent. I'm very sorry, Ms. Tlaib, at what you have endured.

I believe that the prevention tools that we're trying to put in place will help identify those individuals as they're on their radicalization process. But that does not take away from the fact that we need to have a better understanding of every ideology that is posing a threat.

That said, that's not my office's job. That's where I refer to the intelligence community.

Mr. MALINOWSKI. No, I understand. I'm asking based on your expertise.

I mean, the guy—the shooter in Pittsburgh said explicitly he acted because immigrants were invading America, and he blamed Jewish Americans for abetting that because of Hebrew Immigrant Aid Society. The shooter in Christchurch said immigrants were invading Western countries. This is a common thread.

So let me just ask, you know, all of you. From the perspective of people who are charged with dealing with this threat, is it helpful if in our public discourse in America authoritative figures are themselves talking about immigrants invading the United States of America, threatening our way of life, threatening our culture? Does that not create—contribute to an environment in which these people who spout these conspiracy theories feel legitimized?

Mr. RASKIN. The gentleman's time is up. But did anyone want to take a shot at answering this question?

Mr. McGarrity?

Mr. McGarrity. I'll take a shot.

So it's usually—it's never one sole issue, but there's certainly many. And with the internet, it is you can find whatever ideology you want to justify your action. I can leave it at that.

And that is just because we're seeing cross-ideologies. In other words, there could be someone who is a racially motivated violent extremists, but also their ideology might be anti-immigration.

And then there's—everyone has got a little bit different—we're seeing that more and more over the last couple of years than we did in years past, which were more stovepipe ideologies, if you will, more organized.

Mr. MALINOWSKI. But you wouldn't want me echoing that ideology, would you, from my position as a—

Mr. RASKIN. Ms. Neumann, did you want to answer that question?

Ms. NEUMANN. What I was going to suggest is the fact that we live in a 24/7 news cycle now, the fact that the way that we get attention is through retweets and clicks, it leads us to more passionate rhetoric.

And as government officials, our job is not to worry about the rhetoric or police the rhetoric. It does make our job harder. But the focus is on identifying the individual before they commit that act of violence and getting them the help that they need and hopefully being able to get them out—hopefully to avoid the FBI having to investigate because we've gotten them the help they need to be able to see things clearly.

Mr. RASKIN. All right. We very much appreciate all of your contributions today. We will continue the dialog and we'll continue to work with you.

Ms. Neumann, Mr. Shivers, Mr. McGarrity, thank you all.

And we're going to bring up our second panel now. You are all dismissed.

Mr. RASKIN. Okay. The subcommittee is called back to order.

I want to again thank the first panel of witnesses for their testimony, and they should be aware there may be questions for the hearing record.

We will now swear in our first—or rather our second panel of witnesses. And we're still waiting for Ms. Brooks. Here she comes.

So the second panel is Tony McAleer, who is the co-founder of Life After Hate; Lecia Brooks, who is the outreach director of the Southern Poverty Law Center—welcome; Brette Steele, the director of prevention and national security at the McCain Institute for International Leadership at Arizona State University; and Todd Bensman, who is the former manager of counterterrorism intelligence at the Texas Department of Public Safety in the Intelligence and Counterterrorism Division.

Welcome to you all. And if you would stand and raise your right hand, I'll swear you in.

Do you swear or affirm that the testimony that you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Great.

Let the record show the witnesses have answered in the affirmative.

Thank you. Please be seated.

Please speak directly into the microphone so we can capture all of your remarks. And, without objection, your written statements will be made part of the record. And I'm going to recognize each

of you for five minutes. And, of course there will be active questioning by the distinguished members of the panel. So you have an opportunity to expand further.

With that, Mr. McAleer, you are now recognized first, and it's good to see you again. And you are recognized for five minutes.

STATEMENT OF TONY McALEER, CO-FOUNDER, LIFE AFTER HATE

Mr. McALEER. Thank you.

Chairman Raskin, Ranking Member Roy, members of the committee, thank you for the opportunity to appear before you today.

Life After Hate was founded in the summer of 2011 by former members of violent White supremacist groups. Our goal is to help people caught up in the destructive cycle of hate from which we were able to free ourselves.

Within a year of our founding, a former U.S. Army soldier with ties to White supremacists and neo-Nazi groups killed six innocent people and injured four others at the Sikh temple in Oak Creek in Wisconsin.

A little less than three years later, in 2015, another White supremacist walked into the A.M.E. Church in Charleston, South Carolina, with the same goal. He was armed and primed for murder and killed nine people on that day.

That same year, Life After Hate answered a call from a troubled veteran. He'd done tours to Iraq and Afghanistan and was becoming preoccupied with his local Muslim community.

Thankfully, he reached out to us. Within 24 hours, two of our team members were on a flight to meet with him. They spent the next 72 hours together, culminating in a powerful meeting with the imam from the local Muslim center.

To this day, that vet is still engaged with his local Muslim community, a community that is safer as a result.

Our team prides itself on our ability to assess and, where necessary, respond quickly to situations where delays can prove costly.

Fast forward five years to August 2017. A White supremacy rally draws the who's who of violent extremist groups to Charlottesville, Virginia. Attended by the KKK, White nationalists, and neo-Nazis, the subsequent violence claimed a young woman's life and was broadcast to a national television audience.

We saw it again in October 2018 at the Tree of Life Synagogue in Pittsburgh with nine more people being senselessly murdered.

In April of this year, at the Chabad of Poway, California, we saw another innocent person murdered by violent White supremacists. Thankfully, his gun jammed.

The expert team at Life After Hate are often referred to as "formers," meaning former violent extremists. Just as important as our unique firsthand experience within violent extremist groups is our collective professional training and experience. Collectively, the Life After Hate team has worked with hundreds of men and women who were able to successfully exit the White power movement and build more positive lives.

Our founding group has undergone extensive personal and professional development, and today the Life After Hate team has three decades of professional counseling experience between them.

There is no other organization that's able to perform this unique work that Life After Hate does and that has the credibility to encourage members of violent extremist groups to reach out to them and, just as importantly, to work at scale.

Life After Hate has built a successful model that combines our unique experiences, professional training, and evidence-based practices. We're now teaching this model.

This in-person training empowers local professionals—law enforcement, mental health, and social services—to recognize emerging threats within their community and to effectively engage with that person or group.

The outcome of this first contact from local professionals can define the success or failure. So it's vitally important that they receive this specialized training.

Since Charlottesville, Life After Hate has received more than 240 requests for help from individuals and families. This is almost two-and-a-half times the number of people that we helped in the six years prior. In the last three months alone, we have opened 45 new cases.

Life After Hate is committed to continuing our work and to sharing the unique understanding and knowledge that we've developed in assisting nearly 400 members of White supremacist groups to leave that movement.

I come before you today to urge the government to recognize that, if left unchecked, White supremacist ideology inevitably expresses itself in murder. This ideology is deadly and fueled by social media. The threat to society is growing exponentially.

Thank you.

Mr. RASKIN. Thank you very much.

Ms. Brooks, you are recognized for five minutes.

**STATEMENT OF LECIA BROOKS, OUTREACH DIRECTOR,
SOUTHERN POVERTY LAW CENTER**

Ms. BROOKS. Thank You, Chairman Raskin. And thank you, Ranking Member Roy and committee members. Thank you for being here.

In our country today there is without question an escalating crisis of hate-related violence. There are no longer isolated incidents. There are no lone wolves. We are well past the point of cautionary tales. Each senseless act after senseless act is intertwined and connected by bigotry's sinew, woven by callous disregard for human life.

On the last day of Passover, a 19-year-old nursing student in San Diego murdered Lori Kaye inside the Chabad of Poway, while injuring three others. In a manifesto posted online, easily located by anyone with a passing familiarity with the internet, the killer cited as his role models Adolf Hitler and two other men, one in Pittsburgh and one in Christchurch, New Zealand.

In March, two mosques in Christchurch were attacked by one of these men, killing 51 people, with another 50 injured. One of the worshippers, Naeem Rashid, was killed as he charged at his assailant.

Five months prior to Poway, the other man in Pittsburgh murdered 11 people at the Tree of Life Synagogue, including brothers

David and Cecil Rosenthal. The city's top FBI official called it the most horrific crime scene he had seen in 22 years on the job.

It is not a coincidence that these atrocities are carried out in houses of worship. This is deliberate.

In June 2015, as was mentioned, a 21-year-old White supremacist, who posed in pictures with handguns and the Confederate flag, murdered nine worshippers at the historic Mother Emanuel African Methodist Episcopal Church during their prayer group meeting.

These killers want to attack people when they are at their most vulnerable, practicing their religion, laying their burdens before their God.

These killings are not happening in a vacuum. White supremacy and White nationalism are allowed to grow unchecked. They remain underestimated by law enforcement and unnamed in the media, because we as a society are not able to properly identify them or are just too scared to say them aloud.

The falsehood of White genocide is pervasive. The people behind these murders share a common fear of the end of a White majority in the U.S., and this dangerous myth has seeped into the mainstream, just as easily heard on the evening cable news as it is seen on fliers defacing college campuses across the country. This radical and racist idea is now the animating principle of many of our elected leadership and the guiding light of the current administration.

We've seen this idea become mainstreamed for three reasons.

One, in the mid-1980's, 77 percent of the U.S. population was White. It's roughly now 60 percent. In 30 years, it will be under 50 percent. This kind of change creates an existential anxiety that, after being fed a steady media diet of xenophobia and fear, metastasizes into hate.

Two, the internet is a highly effective tool for spreading propaganda and indoctrination. It would be impossible to overstate the sheer volume of misinformation that foments extremism available to all of us on our smartphones.

And three, the President of the United States is actively stoking these anxieties, demonizing immigrants, spreading conspiracy theories, and lying every day about the cause of society's challenges.

The Southern Poverty Law Center offers the following recommendations.

First, support a bill called the Domestic Terrorism Data Act. This bill would help to determine what resources are actually being applied to this threat and would improve interagency coordination on domestic terrorism.

Second, support the Khalid Jabara and Heather Heyer Hate Crime Reporting Act, which would help to improve the reporting of hate crimes and data collection.

And Congress must also compel tech and social media companies to more adequately address hate on their platforms. To date, they have demonstrated an insufficient and irresponsible lack of understanding of the vast scope of the problem. Their inaction suggests that they are either not up to the task or lack the will to do so.

Finally, in order to help communities deal with the impact of hate-inspired violence, we urge Congress to fully fund the Community Relations Service within the Justice Department. The adminis-

tration's proposed 2020 budget recommends that the program be eliminated.

Thank you for the opportunity to testify before you today. The Southern Poverty Law Center remains ready and willing to work with you to address White nationalism and White supremacy in our country.

Mr. RASKIN. Ms. Brooks, thanks so much for joining us.

Ms. Steele, you are recognized for five minutes.

STATEMENT OF BRETTE STEELE, DIRECTOR OF PREVENTION AND NATIONAL SECURITY, MCCAIN INSTITUTE FOR INTERNATIONAL LEADERSHIP, ON BEHALF OF ARIZONA STATE UNIVERSITY

Ms. STEELE. Thank you.

Chairman Raskin, Ranking Member Roy, and members of the subcommittee, thank you for inviting me to testify on the adequacy of Federal responses to violent White supremacy.

I am Brette Steele, director of prevention and national security at the McCain Institute for International Leadership at Arizona State University, and I am honored to appear before you today.

When a professed White supremacist intentionally drove his car through a crowd of peaceful protestors in Charlottesville, Virginia, Senator John McCain called on all Americans to unite against hatred and bigotry. The McCain Institute continues that call.

My testimony today outlines three concrete steps Congress can take to address hatred and violence. First, invest in prevention. Second, improve hate crime reporting. And third, establish parity in domestic terrorism charges.

First, the United States Homeland Security's Office of Targeted Violence and Terrorism Prevention faces dual pressures of an expanding mandate and shrinking resources.

As was acknowledged earlier today, and as George Selim testified, its predecessor office once managed a total budget of approximately \$21 million, including \$10 million in grant funding. Two years and two reorganizations later, the total budget is only \$2.6 million, and the Department expanded the office's mission to include not only terrorism but school shootings and workplace violence, among others. This budget is woefully inadequate to meet the expanded mission.

We position the McCain Institute to fill in gaps in the Federal prevention infrastructure. For example, the Federal Government launched the Peer-to-Peer: Challenging Extremism Program to empower university students to counter extremism and hate through the development and deployment of dynamic campaigns.

Since the spring of 2017, the Federal Government has failed to fund universities here in the United States to participate in this program. The McCain Institute and Arizona State University will relaunch this program in January 2020 as the Peace Mavericks Peer-to-Peer Challenge.

The McCain Institute also plans to build a national network of practitioners who will share promising practices for preventing hate and targeted violence. Through these initiatives, the McCain Institute hopes to realize Senator McCain's vision and build the ca-

capacity of local nonprofits to work together to prevent hatred and bigotry.

Despite the expanding role of civil society in preventing hate and terrorism, the Federal Government remains best positioned to fund scalable programs and coordinate technical assistance.

Congress should require an interagency strategy and implementation plan to prevent all forms of targeted violence, including violent White supremacy.

Congress should also codify an office tasked with, one, establishing a grant program for locally led initiatives to prevent targeted violence; two, funding independent academic evaluation of representative grant projects; and, three, expanding technical assistance to local community-led initiatives to ensure that programs are evidence-informed and protective of privacy and civil liberties.

These critical functions require line item funding and should not be left to the discretion of Department leadership.

The second point was improving hate crime reporting. Even with the expanded investment in targeted violence prevention, unaddressed hate will continue to fester into hate crimes. The government should, one, encourage hate crime reporting of all citizens; two, train local law enforcement; and, three, consider mandatory hate crime reporting.

My third point was creating a domestic terrorism charge. Finally, individuals who commit violent acts that violate criminal laws with an intent to intimidate or coerce civilian populations should qualify for a charge of terrorism, regardless of which violent ideology inspires them.

The American people deserve parity in our rhetoric, our resources, and our response, and Congress should take the first step toward parity by creating a criminal offense for domestic terrorism.

Congress must invest in scaling up local efforts to prevent targeted violence, improve reporting of hate crimes, and establish parity in terrorism charges.

Thank you for affording me the opportunity to discuss these important concrete steps that the Federal Government and Congress must undertake in order to effectively confront and defeat the ongoing threat posed by violent White supremacy. I look forward to any questions the subcommittee may have.

Mr. RASKIN. Ms. Steele, thank you very much.

Mr. Bensman, you're recognized for five minutes.

STATEMENT OF TODD BENSMAN, FORMER MANAGER, COUNTERTERRORISM UNIT, INTELLIGENCE AND COUNTERTERRORISM DIVISION, ON BEHALF OF THE TEXAS DEPARTMENT OF SAFETY

Mr. BENSMAN. Chairman Raskin, Ranking Member Roy, and subcommittee members, thank you for inviting me to discuss this important issue.

I served in the Texas Department of Public Safety's Intelligence and Counterterrorism Division for a decade countering domestic extremism. I helped build and manage a counterterrorism unit of intelligence analysts for one of the country's most muscular fusion centers, the Joint Crime Information Center in Austin. We worked

as one team with the FBI, DHS Intelligence and Analysis officers, and many other Federal agencies.

Texas certainly has its share of racially motivated extremists, and we worked hard to learn their criminal intentions. Neither FBI nor DPS ever dismissed the domestic extremist threat or violent White supremacists, as some have suggested, but faced them at every turn during my decade-long experience. I personally ensured that analysts were always dedicated to this threat.

We worked hand-in-glove with the FBI's five joint terrorism task forces in Texas, each of which maintained its own domestic terrorism squad. For an idea of how closely we worked, Texas DPS investigators were assigned to all five JTTFs, usually to the domestic terrorism squads. Information flowed both ways in our system.

What I can tell you from my experience is that our collaborative arrangements remained in place after the 2016 election. At the line level, we created intelligence, passed information to the FBI on their e-Guardian system or in person, and filled the requests for their case needs. Good things happened as a result.

For a number of years after 2010, DHS Intelligence and Analysis was not as helpful due to an order under Secretary Napolitano for the domestic threats group to stand down research and analysis. This was due to controversy over a leaked 2009 paper that returning military veterans might join extremist groups. In recent years, however, DHS I&A did begin to provide value.

The number of racially motivated criminal events is now higher than in the past. A pivot is necessary to reverse the trend. But any effort must account for the fact that not all dangerous domestic extremists are motivated by racist or religious animus. In Texas, antigovernment extremists, not animated by racism, threaten public safety, too.

As evidenced by Black nationalist extremists, in one term, who have murdered and wounded 25 police officers since 2016, including five in one horrific Dallas ambush, it would be a mistake not to recognize this fact.

We certainly worked on cases involving racial motivations, though, like the Atomwaffen Division. These are neo-Nazis who think violence will ignite a race war to establish national socialism in the United States. Some have been implicated in murders, building a dirty bomb, and wanting to destroy infrastructure, and some of that group's national leaders are based in Texas.

We worked on others not squarely in the White supremacist rubric, such as the sovereign citizen movement, which features antigovernment, antitax extremists who largely reject government authority.

Antigovernment militias. Texas residents have been linked with antiFederalists who carried out the 2014 Bundy Ranch standoff in Nevada and the 2016 Malheur National Wildlife Refuge standoff in Oregon.

Anarchist extremists, sometimes known as the Antifa movement. From November 2016 through the spring of 2017, masked anarchist extremists continually assaulted DPS troopers and peaceful demonstrators at the Texas State Capitol, harassed businesses in gentrifying neighborhoods, trained in live-fire military assault tac-

tics, appear on terror watch lists, and some are currently fighting with communist Kurdish groups in Iraq.

As FBI pivots to meet upcycling domestic extremism, it should be remembered that a national fusion center infrastructure with well-oiled collaborative practices was put in place as a result of 9/11.

I recommend that the homeland security enterprise mobilize the Nation's 78 fusion centers to focus them on increased support to FBI JTTFs on this problem set.

Conduct a national risk assessment of bias-motivated criminality to build knowledge of the problem set.

Require police agencies to report bias crimes to the FBI's Unified Crime Report system. It's voluntary right now, and reporting is not reliable enough to be effective.

Require military services to collect and share disciplinary case information and suspicious behaviors as a potential early warning. Service is a common background for certain extremists.

And with that, I'll yield and be available for questioning.

Thank you.

Mr. RASKIN. Mr. Bensman, thank you very much for your testimony.

I'm going to go to Mr. Roy first for the first round of questions. Oh, fair enough. Then I will start them with Ms. Kelly.

Ms. KELLY. Thank you, Mr. Chair.

I want to go to the area of education and schools.

The FBI found 10.5 percent of all hate crimes in 2017 occurred at schools or colleges. According to the Chronicle of Higher Education's examination of data from the Department of Education, hate incident crimes on college campuses increased by 25 percent from 2015 to 2016 and incidents of hate are still on the rise, as I think you have said.

Ms. Steele, in your written testimony you mentioned that the Department of Education must be a part of the conversation to prevent the rise of violent White supremacy. What role should the Department of Education play in addressing this threat?

Ms. STEELE. Thank you for that question.

I agree, as I said in my testimony, that the Department of Education should absolutely play a role in developing a comprehensive strategy as well as implementation plan. They played a role on the Countering Violent Extremism Task Force that now exists in name only but that it was my pleasure to be deputy director of.

Their role is—

Ms. KELLY. So they dismantled the task force?

Ms. STEELE. The task force was not dismantled, but it no longer has dedicated personnel, it no longer has full-time personnel serving on the task force.

Ms. KELLY. Might as well be dismantled. Okay.

Ms. STEELE. So the role of the Department of Education is in advising on policies in providing support to—oftentimes teachers, administrators are asking for guidance on what to do. They issued guidance in the face of bullying incidents on campus, for example.

And so to provide that support to the educators around this country who are looking for guidance on how to respond to this growing

threat, not just on college campuses, but on high school campuses as well.

Ms. KELLY. Sounds like more needs to be done in that arena.

You also wrote that the Department of Health and Human Services should be working to counter violent White supremacy. Again, what role should HHS play in addressing this threat? To your knowledge, what are they doing?

Ms. STEELE. Yes. So the Department of Health and Human Services was also a member of the Countering Violent Extremism Task Force. Some of the most helpful programs out of the Department of Health and Human Services come from the Center for Disease Control, which takes a public health approach to violence prevention. And so their literature has been very helpful in informing. We see common risk factors across targeted violence, violent White supremacy, and other forms of violence that the Center for Disease Control already works to prevent. So guidance on public health approaches to violence prevention.

Ms. KELLY. And let's move to the Department of Labor. What role should they play, and what role are they playing?

Ms. STEELE. So the Department of Labor also sat on the Countering Violent Extremism Task Force. You're seeing a theme here.

Ms. KELLY. Yes, I am.

Ms. STEELE. And their role historically, for example, when there was employment programs, summer internship programs that the Department of Labor was rolling out that could be part of a holistic wraparound service approach to prevention, I made sure that United States Attorneys were aware of those programs in their districts that again could be leveraged for preventative approaches to violence generally.

Ms. KELLY. So it doesn't sound like anyone is doing much now, from what you're reporting. I know you all sat on something, but that's not functioning anymore.

Ms. STEELE. I left the Department in January and left the Countering Violent Extremism Task Force in 2017, so I can't speak to current affairs.

Ms. KELLY. So what should Congress do to make sure the Departments of Education and Labor and HHS are doing their part?

Ms. STEELE. I think we need to start with a strategy and an implementation plan that clearly spells out the roles for each department and agency. We also need to be mindful of not creating unfunded mandates, that any responsibilities assigned to these departments and agencies also come with associated funding so that they can be faithfully executed.

Ms. KELLY. So just ending, you do believe that there's a role for agencies outside of law enforcement, that it really, as they say, is going to take a village?

Ms. STEELE. Absolutely. I think it's essential.

Ms. KELLY. Thank you. I yield back.

Mr. RASKIN. Thank you very much.

I yield to myself for five minutes.

Mr. McAleer, let me ask you. We spend billions of dollars in counterterror operations around the world, military and intelligence operations. If you had a billion dollars to try to deal with

the threat of terror in America, violent White supremacy, domestic terror, what would you do with it?

Mr. MCALEER. That's a great question.

I think, you know, we have to recognize that this is a whole-of-society problem that requires a whole-of-society solution. And I think I would begin to empower local communities that are trying to grapple with this problem. That includes helping law enforcement, mental health, social services, and those type of things to understand and recognize what the problem is and to be able to interface with it better, primarily in the precriminal space.

I think that's where the real work of prevention is done. That's where Life After Hate works. But I know that there is a large number of communities that just lack the resources to be able to respond in an effective way.

Mr. RASKIN. So would the investment be generally of the kinds of things that bolster communities, like job training and education and after-school work and mental health counseling and helping young people who are alienated or marginal, or would it explicitly try to address the ideologies of the group?

I mean, are we learning from you that the ideology is really secondary to just sort of the sense of social isolation and marginalization that certain young people are experiencing and therefore makes them vulnerable and susceptible to these kind of groups?

Mr. MCALEER. In Life After Hate's experience, when we peel away the labels, we find vulnerable human beings. And they are human beings. And when we're talking about, you know, hate crimes that are happening in schools, we're talking about children, too. And I think we just—we really need to take a comprehensive approach to address those things in an effective way.

Mr. RASKIN. And can you give us one good example of somebody who actually was in one of the groups, was committed to violent White supremacy, hurt people, but got out?

And, I mean, in other words, is there some reason to hope that the people who are in it can come through it?

Mr. MCALEER. Absolutely. And I would use myself as that example. I spent 15 years in the White supremacist movement. I was a skinhead. I was a neo-Nazi. I eventually moved to a suit and tie and was involved in the White Aryan Resistance.

And I committed a lot of violence, a lot of violence that I have a lot of shame for, a lot of healthy shame. And part of this work that I do is the accountability, the holding myself accountable for the horrible deeds that I've done.

But it was other people that reached out that gave me a way back in. And I think we have to keep the door open. As much as it's important to call people out when they're doing this stuff, we also must be in a position to call people in.

Mr. RASKIN. So the position you take now is that it's important to have muscular, strong law enforcement efforts to counter the violence that is happening at the same time that you try to remember the humanity of the people who are in there, that they were vulnerable, impressionable young people who got pulled into it, and to try to find a pathway out to them?

Mr. MCALEER. Yes. We're not saying we are the only solution to this. We are part of a much greater holistic solution.

And I think compassion is an extremely powerful tool, but it has to be married with healthy boundaries and consequences, and that's kind of the role of law enforcement. We have to have both together, otherwise it's an invitation for further abuse.

Mr. RASKIN. Okay. Ms. Brooks, then let me turn to you and ask the same question. I mean, if you had, you know, a big sum of money to try to spend to really make progress on this so we don't see any repeat of Tree of Life or the Mother Emanuel Church or any of these episodes of explosions of gun violence with a White supremacist motivation behind it, what would you do?

Ms. BROOKS. Thank you.

I think that I agree with my fellow panelists, is that we need wraparound services. And I guess I would point out that it is in some cases, in some instances, vulnerable populations, people who are living on the margins. But I'd also point out that, especially as it relates to White nationalists, who call themselves alt-right or whatever on college campuses, these are well-to-do young men in their thirties. So some people are purposely joining that movement.

And so I'm just reminded of the conversation that you all were having in the earlier panel, and I was just struck by people's hesitancy to talk about whiteness and race. And if we don't have those kinds of conversations, then we won't address the problem fully.

The fact of the matter is, is that what animates it most, this fear of a White genocide, this lie of a White genocide, is the demographic shifts.

And so I have worked with, you know, young White kids who have no one to talk to, you know, about what it means to be White and what it means to be becoming a minority in their own country.

And this is a real issue. But if we're not talking about race explicitly, then we can't get to it, right?

So I think that it's very important for us to acknowledge that education around diversity, equity, and inclusion, including kind of a very intentional race equity lens, that this happens at the elementary school level, this happens K through 12.

I have had occasion to work with many college-age students who are literally lost on college campuses. And this is why you see a lot of pushback and alt-right presence on college campuses, because these young White men feel like they're not a part of it, you know, they're not a part of the diversity on campus and then they break up into their own little group.

And these things are real. So if we don't address them in a more holistic fashion, we'll just continue down this path.

Mr. RASKIN. And I want to thank you for making that very powerful point. It's important that we wrestle with that serious issue, but also, as you observe, take care to notice that there are real racist movements around the world, especially in Europe where they have political presence and influence.

And so, you know, maybe we can prevent some young people from losing their lives in this way. But we also have to confront it at the level of politics and ideology.

Ms. BROOKS. If I could just add, I would add literacy around kind of the use of the internet, and we just need to educate young people from an early age on how to use that as a tool.

Mr. RASKIN. Okay. Very good.

I am coming to Ms. Pressley for five minutes.

Ms. PRESSLEY. Thank you, Mr. Chairman.

And thank you to all of our witnesses. You reiterate and remind us that hate begets hate and violence begets violence, and there's just far too much of it in the world. And the more silent we are about it, the more complicit we are in it. And so we can't work on it if we can't talk about it. So thank you all for being here.

And thank you, Mr. Chairman, for convening this hearing on this important subject, to discuss the unique perspectives on the growing dangers of White terrorism.

Ms. Brooks, according to your organization's website, there are more than 1,000 terrorist groups operating across the United States. I represent the Massachusetts Seventh. In the Commonwealth of Massachusetts in 2018, there were 14 terrorist groups.

Can you just speak to, you know, how these trends have changed in recent years and why?

Ms. BROOKS. Thank you, Congresswoman.

The trends have been going up since the year 2000. We've marked about a 52 percent increase in the number of active hate groups in the United States since 2000 to 2018. Over the last couple of years, I would say it's been about a five to six percent increase.

I think it's important for us that are convened today to note that there has been a 50 percent increase in the number of White nationalist hate groups. And it's important to note that, as someone mentioned earlier, we note an increase in hate groups, but we also note an increase in activity by individuals.

So, again, going back to the internet and how these messages of hate are spread, they're not solely confined to just groups. But I would say in answer to your question, that it's been on the increase since 2014 at least.

Ms. PRESSLEY. Okay. All right.

And then just picking up on Congresswoman Kelly's line of questioning around schools. Ms. Brooks, your organization recently released a report entitled "Hate at School," which exposed the surge of racist, xenophobic, anti-Semitic, and Islamophobic incidents taking place across our Nation's schools following the 2016 election.

Mr. Chairman, I would actually like to request unanimous consent to have this report included in the record.

Mr. RASKIN. Without objection.

Ms. PRESSLEY. The report links this phenomenon to a quote/unquote, Trump effect. Can you explain this Trump effect and the impact it has had both on children and educators at schools across our country?

Ms. BROOKS. Thank you so much.

As we all know, the 2016 Presidential campaign was ugly. It was just ugly. The rhetoric that went out from then-candidate Trump was echoed in our Nation's schools. And that's just a fact. Our research just bears it out.

So on the Presidential campaign trail, when things are said about immigrants—and I believe candidate—I know candidate Trump entered the campaign vilifying immigrants, and Mexicans in particular. And so the language and the rhetoric that's used in the public square was then echoed on school campuses.

Teachers reported to us, and we must have researched about 10,000 teachers at least that reported to us, without attribution to any candidate, that they had never seen anything like it before. So there's an increase in anti-immigrant rhetoric, there's an increase anti-Muslim rhetoric, there's an increase in anti-LGBT.

And as my colleague said, schools—and I'm a former fifth grade teacher—schools have done a lot to push back against bullying and harassment on school campuses, but it just all flipped during the Presidential campaign. And teachers, as I say, didn't know how to handle it because they didn't want to offend the parents.

So we see this trend kind of—well, continuing. The Southern Poverty Law Center, through our Teaching Tolerance program, sent out resources that would help teachers address hate and bias on campus. So we always want to be able to help educate teachers and make a safe place, create a safe place for students.

Ms. PRESSLEY. Thank you. Thank you for that research and also for that resource.

And just before my time ends, Ms. Brooks, in your opinion, how might designations like Black identity extremism reinforce racial stereotypes and perpetuate racial tensions?

Ms. BROOKS. A few months into the President's administration then Attorney General Sessions—who, as you know, was the Senator in Alabama—identifies as the biggest threat to our country domestically was Black identity extremists.

The research at the Southern Poverty Law Center, ADL, any other group that maintains records and keeps up with and tracks and monitors hate and extremism, will tell you that that's just not true. There is no organized threat from Black extremists or Black identity groups or anything of the sort.

The reference that the panelist made to the murders in Texas, the Southern Poverty Law Center tags that ideology to sovereign citizens. It's interesting that when a Black person is the perpetrator, then they automatically become a Black identity extremist and not allowed to hold a sovereign citizen identity as if it were a White person.

So a White person that is tagged with sovereign citizen ideology gets to remain just that. They don't then become a White supremacist. Do you know what I mean?

Ms. PRESSLEY. I do.

Ms. BROOKS. So I think it's unfortunate. We've tried to push back against it. The Southern Poverty Law Center two years ago on our website wanted to be clear that the Black Lives Matter movement was not—we did not identify Black Lives Matter as a hate group, and we were not—our information about Black extremist groups—because we do identify Black nationalists groups, we do—that they were not to be confused or conflated with the FBI's list at all.

Ms. PRESSLEY. Thank you for clarifying.

Mr. RASKIN. Thank you so much, Ms. Pressley.

And, Ms. Tlaib, you're recognized for five minutes.

Ms. TLAI B. Thank you, Mr. Chairman.

So, Ms. Brooks, thank you.

And thank you all so much for being here.

I got a little text message from my staff: “Ms. Brooks speaks to my soul.” So it’s just appreciated what you were talking about in regards—probably some people know who that was.

The one thing that I heard from the previous panel, Ms. Brooks, is they talked about—one of my colleagues brought up the whole ideology. And then someone from Homeland Security said, well, there’s five components to so-called terrorism and ideology is only one part of that.

Do you know what the other four—like how do they come and decide, okay, this is a group that we need to maybe put on a list or target or so forth?

Ms. BROOKS. I have no idea what they do. I can tell you what we do.

Ideology drives or animates participation in the movement, right? People are not—they don’t—they don’t align themselves with the alt-right movement, say, for example, unless they adopt a White nationalist or White supremacist ideology.

So to adopt that ideology kind of brings you down a rabbit hole of extremism that, as Tony mentioned, can lead to real violence.

And I want to point out that I just think it’s important to speak to the truth of what happens to individuals, because if we don’t they will end up creating—acting out violent racial—they’ll act out, you know, violently. Sorry.

I just feel so strongly about it. You can’t erase the ideology from who these folks are. They wouldn’t be involved in any of this.

I mean, it’s easy for us to assign ideology across the groups. And I’ll just bring it up again in terms of people of color. But when it comes to saying that some young White men adopt a White supremacist ideology, we seem to want to stop.

And I don’t do it to attack White men. I do it because I want to help them. This is what they are believing, this is what they are fed, and this is what is animating their actions. And if we don’t recognize it, we cannot help them.

Ms. TLAI B. Thank you so much.

And, Mr. McAleer, I really appreciate your courage in coming forward. And just a tremendous amount of respect for you to do that.

And I love what you talked about regarding compassion. You talk about leading with compassion. Even as a Member of Congress, always approaching people, many—I mean, I want to say I think close to 60 percent of Americans have never met a person of Muslim faith before. And so just kind of coming from that school of thought and, again, leading with compassion.

I’m just curious—and you don’t have to share, you know, this is a public setting—but when was that moment, when was the moment where you said, “I have to change”?

Mr. MCALEER. It was a moment that started a process. So it wasn’t a moment where it all happened. But it started in the delivery room with the birth of my daughter. And I had a son 15 months later. And at that point in my life, at that point in the movement, I was completely disconnected from who I came into the world to be as little Tony, right? And I had become numbed.

And with children, it is—they're infectious. You know, they're—

Ms. TLAIB. You become so much more focused.

Mr. MCALEER. Yes. But it's also safe to love a child, right?

Ms. TLAIB. That's right.

Mr. MCALEER. The reason we shut down and the reason, you know, we get disconnected is because we learn somewhere along our lives that it's not safe to be open. And they provided a place, a safe place for me to be able to thaw and allow my heart—to become connected to my heart again.

Ms. TLAIB. That's very beautiful. Thank you so much for providing that.

And, Mr. Bensman, I'm so glad you mentioned this in your testimony about there's these groups that are just antigovernment. You know, I see that as antidemocracy, you know, trying to push forward and not wanting everyone to be able to participate.

And one of the things that I'm worried about, though, is when you do that there are people that are expressing their First Amendment right of freedom of speech and wanting to, "Look, I don't like this form of government."

But when do you decide when it turns into more of a—does it turn into some sort of type of like hate versus—because I know people that are like, "I don't want to vote, I don't want to participate, I think this whole system is, whatever, broken, whatever." I mean, I've participated in actual college campus, like, protests, where it's like, "Not until we're all truly free will I"—you know.

When do you decide when antigovernment kind of groups are past that line and lead into some sort of violent group? Just curious.

Mr. BENSMAN. Sure. Well, to start with, just coming from a purely law enforcement perspective, one of the other earlier panelists made this point, that protected speech includes hate speech. So speech—and speech that references a desire to change the government. So hate speech is protected speech.

But from a law enforcement perspective, we are governed by Federal rules and our own internal policy, 28 CFR Part 23. I don't know if you've heard that. But that restricts us from monitoring groups without criminal predicate. So we are very limited in what we can do in terms of even opening up a Facebook page, okay?

So what we look for from law enforcement is some sort of predicate that looks like—that would rise to reasonable suspicion that a crime is about to occur or has occurred. And at that point, we can get involved. So it has to cross a line of criminality.

So if we're looking at somebody who is saying something like—I think you were reading from your—an email. I didn't hear the predicate in that. If the email would have said, "I am going to kill you tomorrow at noon," then of course everybody would be—you know, you'd have SWAT teams on that guy's house. It would be something like that. But if they just sort of generally say that—

Ms. TLAIB. Like "I want New Zealand to happen here."

Mr. BENSMAN. Okay. Well, you know, that is expressing a general aspiration—

Ms. TLAIB. To kill Muslims.

Mr. BENSMAN. Right. But what law enforcement is looking for in that circumstance is, "I'm going to do it and everybody else should do it" on this such-and-such a date.

Now, we saw that sort of thing ahead of the Garland terror attack a few years ago when the two guys drove from Phoenix to Garland, Texas, to attack the draw the Muhammad cartoon. There were a lot of social media postings that were very specific about murder, and it was inciting violence. And you can't incite violence. That would cross the predicate line there.

So that's kind of—I don't know if that gets at the answer, but that's how we look at it. You have to cross that line.

Mr. RASKIN. Great. The gentlelady's time has expired. Yield back.

And thank you for that explication of the constitutional standard, too, which is the Brandenburg standard of specific incitement to imminent lawless action. And I think that's what law enforcement does.

Mr. Roy, I will recognize you for the final five minutes. Thank you for your patience.

Mr. ROY. Thank you, Mr. Chairman. I appreciate it, and appreciate the questions here today.

And thank you all for your patience. It's been a long afternoon with two panels and for your commitment to public service and in whatever walk of life you each are in. So I appreciate it.

A couple of quick questions. Mr. Bensman, you conveyed some information about some of the—and I alluded to it in my opening statement earlier on about some of the cases the FBI has dealt with in Texas. And I think you shared some information. I just wanted to see if you could expand on that just a little bit because one of the things that I want to make clear today is—and I think everybody is in agreement here, right? But I just want to make sure it's clear that there are issues here we're trying to address and figure out. And I think everybody has been consistent in that point, in trying to figure out how we can pivot from a focus on one particular kind of terrorist threat and then, you know, use resources, to allocate them and deal with the different threats, and all of that's ongoing, but that our law enforcement communities are working within the resources they have to go stop a lot of bad actors, right? And can you just go into just maybe 30 seconds or a minute and kind of summarize just a few of the ones that I know you're aware of in Texas.

Mr. BENSMAN. Sure. There's one that just wrapped up recently. That's the case, a former Texas State University student. I think you mentioned that earlier. This is a young man who made online postings, messaging that he wanted to commit mass murder and kill minorities. That individual also had some other crime problems, so they used that to get him off the street right away. But he has pled guilty. That's Benjamin Bogard of New Braunfels.

Then we had a student, a DACA recipient, who made threats against—to kill ICE agents. He is now deported into Mexico. He chose deportation rather than standing trial.

We've had a number of I would say sovereign citizen cases. We've got sovereigns all over Texas of different varieties. Two members that are living in a compound in central Texas. I think that case

may be going on, so I can't talk too much about it. But some of it broke into the public record, and there are police reports that they committed armed robbery of a jewelry store in furtherance of their ideology and their enterprise.

Mr. ROY. Let me ask you one question: In your experience as a law enforcement—in law enforcement, resources are always an issue, right? I mean, in terms of trying to figure out how we go after bad actors. In other words, there's more than enough to go around, right? And we're just constantly trying to go figure out how to stop bad actors, you know, ahead of time and/or deal with a crime after the crime has been committed.

So, really, this is extraordinarily a resource allocation between Federal, state, and local. Is that a fair statement?

Mr. BENSMAN. Absolutely.

Mr. ROY. And so, without objection, I'm going to introduce into the record a detailed description of the various cases that Mr. Bensman alluded to.

Mr. RASKIN. Without objection.

Mr. ROY. The one thing I'll end with, and I want to make this a positive, not a negative, because we're wrapping up the day, and it's been a long day, and I appreciate everybody's time, but I do think it's important, is something, Ms. Brooks, you alluded to that caught my ear, and that is the question about demonizing immigrants, for example. Because this gets to the heart of, for me, when you get into hate speech and when you get into what people are kind of, you know, impugning somebody's motives about what they may be saying or not saying.

Without getting into the specifics of what you allege the President did something along those lines and without getting into that game or identifying specific, you know, tweets or statements or anything like that, I've been a fairly outspoken critic of our current immigration policy and border policy.

And I think my question is, is, what is the line, right? Because, you know, when someone says that we're, you know, demonizing immigrants is that, you know, too often I find that people are saying you're demonizing immigrants simply because you believe the border laws ought to be enforced, right, that you believe that that's actually better for migrants seeking to come here so they're not being held in stash houses in Houston, so they're not being abused by cartels, there's not little girls getting abused on the journey through Mexico, so cartels aren't making \$2 billion dollars like they did in 2018, and that if you're standing up and saying, "I think the border ought to be secure, it's better for our country, it's better for migrants," that somehow that's demonizing immigrants, right?

And then how does that then translate to what we're talking about in terms of hate, which I think gets to the heart of, you know, from a civil libertarian standpoint and not wanting to have the government, you know, policing every statement you make? So my question is, is what would constitute demonizing immigrants relative to saying, I just want a secure border?

Ms. BROOKS. That's fine. I believe that we need to have a conversation about comprehensive immigration reform. I don't want people, you know, sleeping under a bridge on the border either. I think when you call people subhuman, when you refer—when you

lose your humanity for a person, when you start identifying them as just—as drug dealers, when you don't see people as people or just calling them out of their name, that's just not necessary.

It's not necessary at all to have—to engage in intellectual discourse about immigration in our country. We don't have to resort to name calling. And it has an effect, sir, it does, because, as I mentioned, children will pick that up, and then the next thing you know there's bullying that's happening on school campuses. And hate incidents do lead to hate crimes, they just do.

Mr. ROY. Well, my only point—and I'm over my five minutes, and I do want to wrap it up. I would say this, is that it is also true that the Southern Poverty Law Center has suggested that CIS, which Mr. Bensman works, is a hate group. And I know Mark and I know Todd and I know some of the folks there who are trying to fight for a secure border.

I would suggest to you that that designation heightens the tension quite a bit about groups that are trying to I think work hard to come to a consensus on what a strong secure border is.

I yield back.

Ms. BROOKS. Understood. We can all do better. Thank you, sir.

Mr. RASKIN. Well, I want to thank all four of you for your superb presentations and for a very civil, productive, and enlightening exchange of views and ideas today. And we will collect everything that we did in this set of hearings and move forward in the legislative process with it. And so I want to thank all of you guys for being part of this.

And, Mr. Roy, I want to thank you for holding up that side of the dais and Ms. Tlaib for joining us, even though you're just a member of the general Oversight Committee, being part of the subcommittee today. Thank you all for coming.

The meeting is adjourned.

[Whereupon, at 5:45 p.m., the subcommittee was adjourned.]

