

OVERSIGHT OF THE DEPARTMENT OF JUSTICE  
NATIONAL SECURITY DIVISION

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HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTEENTH CONGRESS

SECOND SESSION

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THURSDAY, JULY 28, 2022

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**Serial No. 117-76**

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Printed for the use of the Committee on the Judiciary



Available via: <http://judiciary.house.gov>

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U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2022

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## OVERSIGHT OF THE DEPARTMENT OF JUSTICE NATIONAL SECURITY DIVISION

Thursday, July 28, 2022

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to call, at 10:04 a.m., in Room 2141, Rayburn House Office Building, Hon. Jerrold Nadler [Chair of the Committee] presiding.

*Members present:* Representatives Nadler, Lofgren, Jackson Lee, Johnson of Georgia, Deutch, Jeffries, Cicilline, Swalwell, Lieu, Raskin, Jayapal, Demings, Correa, Scanlon, Garcia, Stanton, Dean, Escobar, Jones, Ross, Jordan, Chabot, Gohmert, Issa, Buck, Gaetz, Johnson of Louisiana, Biggs, McClintock, Steube, Tiffany, Massie, Roy, Bishop, Fischbach, Fitzgerald, Bentz, and Owens.

*Staff present:* Aaron Hiller, Chief Counsel and Deputy Staff Director; John Doty, Senior Advisor and Deputy Staff Director; Arya Hariharan, Chief Oversight Counsel; David Greengrass, Senior Counsel; Moh Sharma, Director of Member Services and Outreach & Policy Advisor; Jacqui Kappler, Oversight Counsel; Roma Venkateswaran, Professional Staff Member/Legislative Aide; Cierra Fontenot, Chief Clerk; Gabriel Barnett, Professional Staff Member; Casey Lee, Staff Assistant; Merrick Nelson, Digital Director; Stephen Castor, Minority General Counsel; Ella Yates, Minority Member Services Director; Caroline Nabity, Minority Senior Counsel; Michael Koren, Minority Senior Professional Staff Member; Andrea Woodard, Minority Professional Staff Member; and Kiley Bidelman, Minority Clerk.

Chair NADLER. The House Committee on the Judiciary will come to order. Without objection, the Chair is authorized to declare recesses of the Committee at any time.

We welcome everyone to this morning's hearing on Oversight of the Department of Justice National Security Division.

Before we begin, I would like remind Members that we have established an email address and distribution list dedicated to circulating exhibits, motions, or other written materials that Members might want to offer as part of our hearing today. If you would like to submit materials, please send them to the email address that has been previously distributed to your offices and we will circulate the materials to Members and staff as quickly as we can.

I will now recognize myself for an opening statement.

The National Security Division, or NSD, was established within the Department of Justice in 2006 with the purpose of creating a center for intelligence, national security, and counterterrorism that would streamline interactions between Federal prosecutors, Main Justice, and the intelligence community. The division operates on the front lines of major challenges facing our country including the rise of domestic terrorism, cyber espionage, and threats from foreign governments.

Leading the division today is Assistant Attorney General Matthew Olsen. We are pleased to welcome you to the Committee, Mr. Olsen, and to hear your perspective on the difficult tasks ahead of you.

NSD was created in the years after the September 11th attacks. It has its roots in what we used to call the United States Government's War on Terror. Indeed, the division is integral to the fight to keep our country safe from terrorist threats.

Today, the NSD faces the incomparable necessity of internal transformation because the face of terrorism has changed. The greatest threat to American safety is no longer extremism in far-off lands and we can no longer dismiss the threat is coming from other people from other cultures. The threat today is from within. It is right at home in our communities and on our social media feeds. We even see it from time to time on our cable news networks. It has taken root in the rhetoric of certain political leaders and none of us can afford to turn a blind eye to the growing danger. The new face of domestic terrorism is far-right extremism which is growing exponentially in the United States.

Attorney General Garland told our colleagues in the Senate just over a year ago that the greatest domestic threat facing the United States is from racially or ethnically motivated violent extremists "specifically those who advocate for the superiority of the White Race."

White supremacists, extremist militia members, and other violent far-right extremists were responsible for 66 percent of all domestic terror plots in 2020. Of the 30 fatalities from terrorism in 2021, 28 were at the hands of radicalized far-right attackers.

If the numbers do not convince you, we can put the imminence of the threat in practical terms. One Republican candidate for Senate has aligned his campaign with the website that promoted the hateful screeds of the shooter at the Tree of Life Synagogue. His campaign advisors said that Jews are not welcome in their political movement and will not be welcome in a Christian nationalist country they hope to build.

Across the country, anyone hoping to attend the turning Point USA Conference in Tampa first had to march past the well-organized demonstration of neo-Nazis who also appeared to have a preferred candidate for office. With the easy availability of weapons of war in this country, the distance from xenophobic messaging to hateful thoughts and from hateful thoughts to terrorist actions has never been shorter.

An 18-year-old radicalized over social media can walk into a pawn shop and leave with an AR-15 that same day. Far-right extremists and White supremacist terror groups present not only a

significant threat to the lives of Americans, but also relatedly, an unprecedented challenge with the National Security Division.

I applaud the Attorney General for the creation of DOJ's Domestic Terrorism Unit this past January which will be specifically dedicated to responding to the increasing threats posed by domestic terrorists. To be clear, the department already has the resources and structures in place to fight domestic terrorism.

What I hope to hear from Mr. Olsen is how the department will focus these resources where they are needed most and the growing threat of violent White nationalism and far-right extremism. In addition to advancing the fight against domestic terrorism, there are also many other important challenges facing the National Security Division as it works to keep us safe. For example, I am interested in hearing how the division is navigating threats posed by hostile actors targeting our system of government. As this Committee recently learned, the Federal court system faced an incredibly significant and sophisticated cyber security breach, one which has since had lingering impact on the department and other agencies.

While the concentration of national security matters within a single division ostensibly allows DOJ and the Executive Branch overall to respond more effectively to threats facing the United States, it also presents enhanced opportunities for abuse. That is why I am looking forward to hearing how the division is reforming the government's FISA processes to allay our long-standing concerns about the querying of the section 702 database to acquire Americans' information.

I am also interested to hear how the NSD is responding to the Inspector General's concerns regarding the division's compliance with the Woods Procedures which require agents to document support for all factual searches contained in FISA applications.

NSD is at the epicenter of programs and policy areas that both engender intense debate and are where the Federal government has historically fallen short when it comes to protecting civil liberties. Ranging from the warrantless surveillance of American citizens to the unfair targeting of Black and Brown communities, to sweeping collection of private data and communications, the ill-conceived China Initiative, politically-motivated investigations of the press and Members of Congress, and much more, NSD has at times found itself on the wrong end of the battle between civil liberties and security.

I hope that the division will commit to forging a new path and strikes a proper balance. Protecting our citizens from those seeking to do them harm is of paramount concern to the NSD. It is also a difficult task requiring those at the helm to balance our security with our liberty. This nuance speaks to the heart of the values that are essential to this Nation and it is your responsibility as the division's leader to protect the ideals along with the people.

Thank you for being here today, Mr. Olsen, and I look forward to your testimony.

I now recognize the Ranking Member of the Judiciary Committee, the gentleman from Ohio, Mr. Jordan, for his opening statement.

Mr. JORDAN. Thank you, Mr. Chair. Mr. Olsen, welcome.

In America, we shouldn't need to say that parents speaking out about their children's education aren't domestic terrorists or that those raising concerns about the radical direction the left is trying to take this country are not domestic terrorists or that Trump supporters aren't domestic terrorists, but apparently, we do because the Biden Administration is bound and determined to demonize anyone and everyone not in lockstep with their far-left agenda.

Last September, the Biden White House colluded, colluded with the National School Boards Association to orchestrate a letter to President Biden that portrayed concerned parents, speaking out at school board meetings, as security threats. The letter urged the President to use the Patriot Act to go after America's moms and dads. Just five days later, the Attorney General issued a memorandum directing the FBI and U.S. Attorney's Office to address a "disturbing spike in harassment, intimidation, and threats of violence at school board meetings."

If you remember, when we had the Attorney General in front of this Committee, we asked him about where did they get this—where did they learn about this harassment, this disturbing spike in intimidation? Where did they learn about it? His response was from the school board letter that helped coordinate and put together to send to the White House.

The press release that accompanied that memorandum said that Mr. Olsen's division, the National Security Division, would be involved in a department-wide effort to target parents. That is right. The division that is supposed to be prosecuting terrorists, protecting us from terrorists, the kind that want to hijack buildings, excuse me, hijack planes, and bring down buildings, decided that a priority of this division of the FBI is parents at school board meetings.

Oh, guess what? We find out that this whole situation was coordinated. That is right. Like I said earlier, the NSBA letter was a pretext for the memorandum. The letter was instigated by the White House. Documents released by the National School Boards Association showed that the White House knew that the letter would urge the administration to invoke the Patriot Act and the White House raised no objections. In fact, the National School Boards Association admitted that President Biden telephoned the then NSBA President to say that he was appreciative of the letter.

When this all came to light, and America's parents rightly became outraged, the National School Boards Association apologized for its action. The NSBA wrote to its members "We regret and apologize for the letter." That is a lot more than the Attorney General or the Biden Administration has done because as far as we know, the memorandum is still in place. That is right. As far as we know, the Attorney General's directive to the National Security Division to target moms and dads remains in place. If this was it, if it was just a political stunt, that would be bad enough, but it is actually much worse.

Because of whistleblowers who came forward, we know that the FBI created a threat tag specifically targeting parents, a designation specifically targeting moms and dads. We know that the FBI opened over two dozen investigations into parents merely because they stood up to speak on behalf of their children.

We have sent countless letters to the DOJ trying to get answers, but have gotten virtually nothing back in response. I am sure we will have some pointed questions for Mr. Olsen today and I hope that he is prepared to give us answers on our—the answers our constituents deserve. We also hope he is prepared to talk about the Department of Justice’s refusal to address people trying to intimidate Supreme Court Justices at their homes and their children’s schools and we have great concern about the terrorist attacks targeting pro-life facilities and groups around the country. This year, there have been dozens of attacks on these facilities, but the Biden Administration seems preoccupied with other politically-charged investigations.

We would also like to know why the DOJ is ignoring all the facts coming to light regarding the business dealings and illegal activities of Hunter Biden. In fact, a troubling pattern has come to light recently that indicates the Biden Justice Department seems more focused on politics than it is on fighting crime. Don’t forget, this is the division of the Department of Justice that we entrust with immense surveillance powers. The Chair mentioned, his reference to FISA, within the National Security Division is the Office of Intelligence. This office is responsible for preparing and filing all applications pursuant to FISA, as well as appearing before the Foreign Intelligence Surveillance Court.

Of course, we all know about the FISA visas over the past several years and how the Department of Justice and the FBI misused FISA to target the campaign of President Trump. Mr. Olsen has been entrusted with a great deal of responsibility. It is our hope that today he has come prepared to answer a great deal of questions this Committee has about the Department of Justice.

Thank you, Mr. Chair. I yield back.

Chair NADLER. Thank you, Mr. Jordan. Without objection, all other opening statements will be included in the record.

I will now introduce today’s Witness. Matthew Olsen is the Assistant Attorney General for National Security. In that capacity, he leads the Department of Justice’s mission to combat terrorism, espionage, cybercrime, and other threats to the national security. From 2011–2014, Mr. Olsen served as the Director of the National Counterterrorism Center. Prior to leading NCTC, he was the General Counsel for the National Security Agency.

For 18 years, Mr. Olsen worked at the Department of Justice as a career attorney and in a number of leadership positions including as an Associate Deputy Attorney General for National Security and Special Counselor to the Attorney General.

In 2006, he helped establish the National Security Division and served as the first career Deputy Assistant Attorney General for National Security. Mr. Olsen began his public service career as a trial attorney in the Civil Rights Division of the Department of Justice and later held positions as a Federal prosecutor in the U.S. Attorney’s Office for the District of Columbia and Special Counsel to the Director of the FBI, supporting a post-9/11 transformation of the FBI.

Previously, Mr. Olsen clerked for Judge Norma Holloway Johnson in the U.S. District Court for the District of Columbia. He

graduated from Harvard Law School and the University of Virginia.

We welcome our distinguished Witness. We thank him for participating today.

I will begin by swearing you in. I ask that you rise and raise your right hand. Do you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief so help you God?

Mr. OLSEN. I do.

Chair NADLER. Let the record show that the Witness has answered in the affirmative. Thank you, and please be seated. Please note that your written statement will be entered into the record in its entirety. Accordingly, I ask that you summarize your testimony in five minutes. To help you stay within that time, there is a timing light on your table. When the light switches from green to yellow, you have a minute to conclude your testimony. When the light turns red, it signals your five minutes have expired.

Mr. Olsen, you may begin.

#### **STATEMENT OF MATTHEW G. OLSEN**

Mr. OLSEN. Thank you, Chair Nadler, Ranking Member Jordan, Members of the Committee. I very much appreciate the opportunity to be here today to testify about the important work of the Justice Department on national security.

As you know, as you noted, Chair, Congress created the National Security Division in 2006. The goal was to unify and prioritize DOJ's national security efforts. The National Security Division has a wide range of responsibilities. You have touched on them. We prosecute terrorists and spies. We protect the Nation against cyberattacks. We enforce export controls and sanctions laws. We provide legal and policy support to intelligence operations and oversight, and we review foreign investments in U.S. companies for national security risks.

This morning, I would like to focus my opening statement on one of our top priorities and that is counterterrorism. The country faces a persistent and dynamic threat from terrorism. This threat encompasses both foreign terrorist groups that seek to carry out attacks against the United States, as well as domestic violent extremists who are often mobilized to violence by racism and antigovernment ideologies.

International terrorism poses a continuing and evolving threat to the U.S. both at home and abroad. We keep an unwavering focus on violent jihadist groups, and we play an integral role in the broader all-of-government effort to defend against these threats.

At the same time, the Department of Justice is committed to tackling the alarming threat at home from domestic violent extremism. Domestic violent extremists are individuals in the United States who seek to commit violent, criminal acts in furtherance of domestic social or political goals. For example, we have seen a growing threat from those who are motivated by racism. We also see an increase in threats from extremists who espouse antigovernment or anti-authority ideologies and who often target those who participate in civil life such as elected officials, police of-

ficers, and healthcare workers. There is no doubt that these threats are on the rise.

The number of FBI investigations over the past two years has more than doubled of domestic violent extremists. The January 6th attack on the U.S. Capitol stands apart. The department's investigation is the single largest domestic terrorism investigation in the nation's history. To date, that investigation has led to the arrest of more than 860 individuals. Many of these defendants have been charged with very serious crimes. They include seditious conspiracy, obstruction of Congress, and assaults on police officers. We are committed to holding accountable those who engage in violence and other illegal acts and to bringing to justice anyone who unlawfully tried to overturn the election. We are upholding our oath to defend the Constitution against those who tried to prevent the peaceful transfer of power.

Our national security mission requires that we protect these fundamental pillars of our democracy. We work to protect not just our democratic institutions, but also our citizens and communities from the terrible costs inflicted by terrorism and violent extremism. Tragedies in Buffalo and Pittsburgh, El Paso, Charlottesville, and elsewhere are seared in our memories.

We must be clear, that law enforcement faces very stark challenges when it comes to domestic extremism. Violent extremists are too often able to radicalize online quickly, easily acquire military grade weapons, and they target vulnerable locations such as public gatherings, places of worship, and shopping centers. These are places that are very difficult to defend.

The National Security Division plays a critical role in countering these threats. We lead and support terrorism investigations and prosecutions working with our partners at the FBI and with U.S. Attorney's Offices around the country.

We recently established, as you noted, a dedicated Domestic Terrorism Unit. The goal is to oversee and coordinate these cases across the department and around the country. Our Domestic Terrorism Unit works very closely with the Civil Rights Division in the Department of Justice which has prosecuted some of the most heinous terrorist attacks in recent years using our Federal hate crime statutes.

Having spent 18 years myself as a career Department of Justice attorney and prosecutor, I know that our work force is committed to the Constitution and to ensuring equal and impartial justice. We prosecute the cases based on the facts and the law without regard to ideology and politics. Our national strength comes from our founding values. These include the rule of law, freedom of speech, and freedom of association. We will uphold these values as we safeguard the American people from threats to our safety and to our national security.

I very much appreciate the opportunity to testify today, and I look forward to answering the committee's questions.

[The statement of Mr. Olsen follows:]



# Department of Justice

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STATEMENT OF

MATTHEW G. OLSEN  
ASSISTANT ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON THE JUDICIARY  
U. S. HOUSE OF REPRESENTATIVES

AT A HEARING ENTITLED

“OVERSIGHT OF THE DEPARTMENT OF JUSTICE NATIONAL SECURITY DIVISION”

PRESENTED

JULY 28, 2022

SENSITIVE BUT UNCLASSIFIED

**STATEMENT OF  
MATTHEW G. OLSEN  
ASSISTANT ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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COMMITTEE ON THE JUDICIARY  
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**AT A HEARING ENTITLED  
“OVERSIGHT OF THE DEPARTMENT OF JUSTICE NATIONAL SECURITY DIVISION”**

**PRESENTED  
JULY 28, 2022**

Good morning, Chairman Nadler, Ranking Member Jordan, and distinguished Members of the Committee, and thank you for the opportunity to testify on behalf of the Department of Justice. I am honored to be here representing the men and women of the National Security Division, who work every day to protect our national security with dedication, integrity, and professionalism. I am proud of their commitment to serving the American public and to upholding the Constitution. The career workforce of the Department is our greatest strength.

The National Security Division (“NSD”) was created in 2006 to consolidate the national security components of the Department into a single division to carry out the Department’s mission of combatting terrorism, espionage, and other national security threats. NSD unites prosecutors with attorneys across the intelligence community to ensure that we approach national security threats using every tool and resource available to the federal government. This founding vision continues to guide us today, even as the office and the scope of our work has grown over the years.

In addition to combatting international and domestic terrorism, the Division handles matters addressing nation-state cyber threats, sanctions evasions, and other threats to our national security. The work of NSD attorneys varies from representing the Government in federal district and circuit courts, including the Foreign Intelligence Surveillance Court; vetting sensitive potential foreign investments in the United States for national security concerns; participating in policy and legislative initiatives addressing the most pressing national security issues of the day; and helping American victims of overseas terrorism.

Even as the Division has evolved to address the changing nature of the threats we face, protecting the United States from terrorism and other threats to national security continues to be the core of NSD’s mission, and it is one of the Department’s top priorities. The threat posed by terrorism — both international terrorism and domestic terrorism — is persistent, complex, and continues to evolve. Far too often in recent years, communities across the United States have known the terrible costs inflicted by terrorism and violent extremism. In May, a gunman in

Buffalo, New York killed ten people at a grocery store, events that the Department is investigating as a hate crime motivated by racist ideology. The Department of Justice is committed to doing all we can to prevent such tragedies and to deliver justice to victims and their communities.

This commitment means that the Department of Justice uses all the tools and legal authorities available to prevent, disrupt, investigate, and prosecute all forms of terrorism. We also rely on the strength of our federal, State, local, Tribal, territorial, and international partnerships. The Department investigates and prosecutes violent extremists for their criminal acts, not for their beliefs or based on their associations, and regardless of ideology. We are committed to protecting the constitutional rights and civil liberties of all Americans and to safeguarding the exercise of First Amendment-protected speech, peaceful protests, and political activity.

One of NSD's top priorities is combatting both international and domestic terrorism. My testimony today will focus on how the Department of Justice — in particular, NSD, working in partnership with the Federal Bureau of Investigation ("FBI") and U.S. Attorney's Offices across the country — is organized to respond to all terrorism threats. I will begin by describing the nature of the threats the country faces from domestic and international terrorism. I will then describe how the Department of Justice is structured to address both types of threats, focusing on the complementary design of the FBI and NSD, and the concrete steps we have taken to tackle the rising threat from domestic violent extremists. Finally, I will discuss the range of legal authorities we use in investigating and prosecuting terrorism.

## I.

Keeping the country safe from all terrorism threats, foreign or domestic, is a top priority of the Department of Justice, even as the nature of those threats continues to evolve. There is no question that we continue to face the threat of foreign-origin terrorist attacks on the homeland. At the same time, over the last few years, our country has seen the threat posed by domestic terrorism and domestic violent extremists increase — and that must be addressed.

Notably, the most salient feature of the current threat picture concerns the type of actor involved and is not focused solely on either international or domestic terrorism. Federal law enforcement and the intelligence community assess that the greatest terrorism threat to our country is posed by lone actors or small cells, who typically radicalize online and look to attack soft targets with easily accessible weapons. We see these threats manifested in both domestic violent extremists ("DVEs") and homegrown violent extremists ("HVEs"), which, while two distinct threats, both involve actors who are based in the United States. Individuals who seek to commit violent criminal acts in furtherance of social or political goals stemming from domestic influences — such as racial or ethnic hate and bias, or anti-government or anti-authority sentiments — are described as DVEs. HVEs are individuals who are inspired primarily by foreign terrorist groups, but who are not receiving specific direction from those groups.

DVEs and HVEs are often motivated and inspired by a mix of socio-political, ideological, and personal grievances against their targets. Their ideologies can be fluid, evolving, and overlapping. And they can, in some instances, connect and intersect with conspiracy theories and other forms of disinformation and misinformation. More recently, DVEs and HVEs have focused on accessible targets. These include civilians, law enforcement, military, symbols or members of the U.S. Government, houses of worship, retail locations, and mass public gatherings. The selection by DVEs of these types of soft targets, in addition to the insular nature of their radicalization and mobilization to violence, and limited communication with others, pose challenges to law enforcement in its efforts to detect and disrupt the activities of lone actors before they occur.

The threat posed by domestic violent extremism and hate crimes is on the rise. This is evidenced by horrific attacks in Buffalo, Pittsburgh, El Paso, Charlottesville, and elsewhere, and by the many other plots or threats that have been disrupted. It's evidenced by recent attacks in the D.C. region, such as the 2017 shooting during a practice session of the Congressional Baseball Game. The number of FBI investigations of suspected DVE has more than doubled since the spring of 2020.

In response to the January 6<sup>th</sup> assault on the U.S. Capitol, the Department of Justice has undertaken unprecedented efforts to investigate and hold accountable all who engaged in violence, destruction of property, and other criminal activity on that day. We have arrested and charged more than 860 individuals in nearly all 50 States who took part in the Capitol assault. More than 350 individuals have either pled guilty or were found guilty at trial.

Those who engage in domestic violent extremism espouse a range of ideologies. Some are motivated by racial or ethnic animus. Others hold anti-government or anti-authority views. The FBI uses several categories and definitions for DVEs:

- Racially or Ethnically Motivated Violent Extremists (“RMVEs”): The primary source of lethal attacks perpetrated by DVEs in 2018 and 2019. The intelligence community assesses that RMVEs are the most likely to conduct mass-casualty attacks against civilians and that RMVEs who promote white supremacy are the DVE actors with the most persistent and concerning transnational connections.
- Anti-Government or Anti-Authority Violent Extremists (“AGAAVEs”): Responsible for three of the four lethal DVE attacks in 2020. Individuals in this category have specifically targeted law enforcement and the military, as well as institutions or members of the U.S. Government. These actors including the following subcategories:
  - Militia Violent Extremists (“MVEs”): Terrorist actors who take steps to violently resist government authority or facilitate the overthrow of the U.S. Government.
  - Anarchist Violent Extremists (“AVEs”): Terrorist actors who violently oppose all forms of capitalism, corporate globalization, and governing institutions.

Still other domestic terrorists may develop their own idiosyncratic justifications for violence that defy ready categorization.

Alongside the growing threat from DVEs, international terrorism continues to be a persistent threat to U.S. persons and interests both at home and abroad. The intelligence community has recently assessed that communal conflict, insurgency, and instability almost certainly will provide terrorist groups continued opportunities to recruit members, acquire funds, and establish or expand safe havens from which to plot attacks — including reviving safe havens in Afghanistan.

According to the FBI, HVEs pose the greatest, most immediate international threat to the U.S. homeland. HVEs are United States-based individuals, located in and radicalized primarily in the United States, who are inspired by global jihadist organizations, such as the Islamic State of Iraq and al-Sham (“ISIS”) and al-Qaeda to commit violence, but who are not receiving individualized direction from foreign terrorist organizations. Homegrown extremists pose significant challenges to our ability to proactively identify and disrupt them because they lack a direct connection with a terrorist organization, are able to rapidly mobilize without detection, and use encrypted communications.

Foreign terrorist organizations, such as ISIS and al Qaeda, remain committed to carrying out or inspiring large-scale attacks in the United States. Despite their loss of physical territory in Iraq and Syria, ISIS remains steadfast in its campaign of violence against the United States and our partners — both at home and overseas. ISIS continues to aggressively promote its hate-fueled rhetoric and attract like-minded violent extremists with a willingness to conduct attacks against the United States and our interests abroad, including the hostage-taking and death of two American journalists and two American aid workers in Syria. Two of the ISIS military fighters responsible for those deaths have plead guilty or been convicted of terrorism and terrorism-related charges.

ISIS’ successful use of social media and messaging apps to attract individuals seeking a sense of belonging is of continued concern to us. ISIS advocates for lone offender attacks in the United States and Western countries via videos and other English language propaganda that have, at times, specifically advocated attacks against soldiers, law enforcement, and intelligence community personnel.

Al Qaeda maintains its desire for large-scale, spectacular attacks. Because continued pressure has degraded the group’s senior leadership, in the near term, al Qaeda is more likely to continue to focus on building its international affiliates and supporting small-scale, readily achievable attacks in regions such as East and West Africa. Over the past year, propaganda from al Qaeda leaders sought to inspire individuals to conduct their own attacks in the United States and other Western nations.

Iran and its global proxies, including Iraqi Shia militant groups, continue to attack and plot against the United States and our allies throughout the Middle East in response. Iran's Islamic Revolutionary Guard Corps-Qods Force ("IRGC-QF") provides support to militant resistance groups and terrorist organizations. Iran also continues to support Lebanese Hezbollah and other terrorist groups. Lebanese Hezbollah has sent operatives to build terrorist infrastructures worldwide. The arrests of individuals in the United States allegedly linked to Lebanese Hezbollah's main overseas terrorist arm, and their intelligence collection and procurement efforts, demonstrate Lebanese Hezbollah's interest in long-term contingency planning activities here in the homeland. Lebanese Hezbollah Secretary-General Hasan Nasrallah also has threatened retaliation for the death of IRGC-QF Commander Soleimani.

The intelligence community assesses that foreign RMVEs very likely will continue to pose a threat to the United States and its allies. These actors continue to rely on transnational ties and adapt violent extremist narratives around current events, including the U.S. and Coalition departure from Afghanistan last August. They draw on a diverse range of ideologies, including white supremacy, neo-Nazism, exclusionary cultural-nationalist beliefs, and racial conspiracy theories. Foreign RMVEs organize primarily on a number of online platforms, especially podcasts, applications, and encrypted social media platforms, and they use these platforms to share tactics and information across borders.

Xenophobic sentiments have fueled a rise in the threat posed by RMVEs abroad. For example, in mid-2021, RMVEs in Europe sought to exploit popular fears of a potential Afghan refugee crisis similar to the influx of refugees from Syria in 2015 and 2016. In the 2019 terrorist attack on two mosques in Christchurch, New Zealand, the gunman was radicalized by social media and other online content promoting violent white supremacy. He then livestreamed the shooting via social media sites and disseminated a manifesto espousing this ideology. As the connectivity between foreign RMVEs and those based in the United States grows tighter, the threat to our homeland only increases.

## II.

The Department of Justice uses all of its authorities to take a Department-wide approach to combatting terrorism. The National Security Division, which was created in 2006 in part to lead and integrate the Department of Justice's core mission of combatting terrorism, is at the forefront of that effort, in partnership with the FBI, other DOJ components, and federal prosecutors around the country.

On the front lines of our efforts to investigate and prosecute domestic and international terrorism are the FBI-led Joint Terrorism Task Forces ("JTTFs") and the Department's 94 U.S. Attorney's Offices. JTTFs provide an essential hub for cooperation on both international and domestic terrorism matters across all levels of government nationwide. The FBI has established JTTFs across all 56 FBI field offices, which leverage enduring partnerships with federal and State, local, Tribal, and territorial agencies to detect, identify, and disrupt terrorist threats.

Each U.S. Attorney's Office also coordinates a group of federal, State, local, Tribal, and territorial officials in each district, referred to as an Anti-Terrorism Advisory Council ("ATAC"). The ATACs work in close partnership with corresponding JTTFs to promote training and information-sharing among federal, State, local, Tribal, territorial, and private sector partners, in both international and domestic terrorism matters. This training and information-sharing is critical because there are many more State, local, Tribal, and territorial law enforcement officers on the ground than there are federal agents, and they may be the first in law enforcement to come across individuals planning terrorist acts within their communities. Federal and State, local, Tribal, and territorial officials often evaluate these threats together, including assessing whether federal or State charges are available to disrupt them, with the goal of preventing terrorist attacks before they occur.

The U.S. Attorney's Offices each designate a senior prosecutor to serve as their National Security/ATAC Coordinator. The National Security/ATAC Coordinator serves as a lead counterterrorism prosecutor for the district as well as the primary point of contact for the Department on terrorism matters. Many U.S. Attorney's Offices also have established dedicated national security units that are specifically focused on counterterrorism and other national security matters. The National Security/ATAC Coordinator and other national security prosecutors in the U.S. Attorney's Offices are specially trained in domestic and international terrorism matters and work closely with the JTTFs to investigate and prosecute terrorism matters.

At FBI Headquarters, the National Security Branch ("NSB") was established in 2005, combining counterterrorism and counterintelligence investigative and intelligence programs into a singular, unified organizational structure. Today, NSB is principally composed of the FBI's Counterterrorism Division, Counterintelligence Division, Weapons of Mass Destruction Directorate, and the interagency Terrorist Screening Center.

At Main Justice, NSD was created to integrate, coordinate, and advance the Department's counterterrorism and other national security work nationwide. One of NSD's principal functions is to prosecute and coordinate the investigations and prosecutions of individuals and organizations involved in terrorist acts at home or against U.S. persons abroad. NSD has a Counterterrorism Section ("CTS") with more than 35 attorneys, all of whom work on both domestic and international terrorism cases in concert with U.S. Attorney's Offices. CTS is comprised of four litigation units, each managed by a Deputy Chief. The trial attorneys in each unit are the operational heart of the section and are assigned directly to terrorism-related investigations and prosecutions around the country.

CTS regularly coordinates with the FBI's International Terrorism Operations Section ("ITOS") and the Domestic Terrorism Operations Section ("DTOS"). CTS is fully integrated with the U.S. Attorney's Offices around the country for purposes of all terrorism matters. NSD attorneys serve as resources and partners in litigating issues and can also participate actively as co-prosecutors. In particular, CTS reviews and plays an important role in the initiation of international terrorism investigations, the decision to bring charges in international terrorism and

terrorism-related matters, and significant investigative steps, as well as strategic decision-making in these matters. CTS attorneys also provide subject matter expertise and guidance to U.S. Attorney's Offices on complex legal issues that arise in terrorism related prosecutions, including the use of foreign evidence and the protection of sensitive intelligence sources. CTS attorneys often serve as courtroom prosecutors alongside AUSAs, either as co-counsel or on specific issues, such as assisting with litigation relating to the Foreign Intelligence Surveillance Act and the Classified Information Procedures Act. CTS also coordinates investigations and prosecutions across U.S. Attorney's Offices and FBI field offices where certain conduct or activities occur in multiple jurisdictions.

When it comes to foreign terrorism threats, NSD serves an important statutory role as the liaison between law enforcement and the intelligence community. This role involves obtaining court-authorized electronic surveillance or physical searches of foreign terrorist actors pursuant to the Foreign Intelligence Surveillance Act and, where appropriate, using that information as evidence in a prosecution.

NSD has recently taken significant steps to strengthen its efforts to counter domestic terrorism in light of this rising threat. Specifically, I announced earlier this year NSD's plan to create a new Domestic Terrorism Unit within CTS. The Domestic Terrorism Unit was formally stood up in May, following consultations with the Department's leadership, the Civil Rights Division, the FBI, and other Department of Justice components. Drawing on expertise across NSD and the Department more broadly, the Domestic Terrorism Unit has several functions: prosecuting and coordinating domestic terrorism cases; developing training and policies on domestic terrorism matters; and supporting the work of the Department in implementing a whole-of-government strategy on countering domestic terrorism. The structure of the Domestic Terrorism Unit preserves flexibility, while allowing CTS to better support the FBI, which has dedicated teams for handling domestic terrorism and international terrorism matters.

We recognize that countering domestic terrorism must be a whole-of-Department effort. To that end, the unit will include liaisons from components outside of NSD, including the Civil Rights Division, to marshal Department-wide expertise and resources and offer a mechanism for Department of Justice components to work collaboratively and bring to bear all available tools to hold violent extremists accountable. In 2021, DOJ issued new guidance to the field on reporting and tracking investigations related to domestic terrorism. This information helps ensure that we are taking data-driven approach to tackling this problem and emphasizing a coordinated and consistent approach to disrupting these threats.

In all of our efforts, the Department of Justice leverages the full range of legal authorities to investigate and prosecute domestic and international terrorism. The Federal Criminal Code defines a "Federal crime of terrorism" as an offense that "is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct," and that violates one of the enumerated statutes prohibiting terrorism-related offenses and other serious crimes, such as statutes related to weapons of mass destruction. 18 U.S.C. § 2332b(g)(5). In addition, the Federal Criminal Code defines "domestic terrorism" as activities that "involve

acts dangerous to human life that are a violation of the criminal laws of the United States or of any State” and appear to be intended “to intimidate or coerce a civilian population,” or “to influence the policy of a government by intimidation or coercion,” or “to affect the conduct of a government by mass destruction, assassination, or kidnapping” and “occur primarily within the territorial jurisdiction of the United States.” 18 U.S.C. § 2331(5)).

Notably, acts of domestic terrorism may often constitute hate crimes, and in such instances hate crimes are often the most appropriate charges. A hate crime occurs where an attacker engages in criminal violence motivated by a person’s actual or perceived characteristics, such as race, color, national origin, religion, sexual orientation, gender, gender identity, or disability. A hate crime that is also designed to coerce a civilian population or influence the policy of a government in furtherance of a socio-political goal may also qualify as domestic terrorism. In 2019, the FBI created a Domestic Terrorism-Hate Crimes Fusion Cell to facilitate coordination and information-sharing between agents and prosecutors specifically regarding incidents and investigation of activities that could constitute both hate crimes and acts of domestic terrorism. This Fusion Cell provides multi-program coordination, helps ensure seamless information sharing, and enhances investigative resources to combat the domestic terrorism threat.

\* \* \*

In all our efforts, the Department of Justice is guided by our commitment to protecting civil rights and civil liberties. In our country, espousing an extremist ideology is not itself a crime. Nor is expressing hateful views or associating with hateful groups. We respect the constitutional rights of freedom of speech, association, and assembly of all Americans. We investigate cases based on suspected criminal violations, not ideologies, and hold sacred the rights of individuals to peacefully exercise their First Amendment freedoms.

The Department of Justice may not and does not open investigations solely based on First Amendment-protected activity. But when individuals or groups try to promote or impose an ideology through acts or threats of force or violence, those acts can be among the most dangerous crimes we confront as a society. Regardless of the motivating ideology, we will use every appropriate tool at our disposal to deter and disrupt such acts and to bring their perpetrators to justice.

I appreciate the opportunity to discuss these issues with you, and I would be pleased to answer your questions.

Chair NADLER. Thank you for your testimony. We will now proceed under the five-minute rule with questions. I will recognize myself for five minutes.

On January 6th, 2021, the Administrative Office of the Courts released a public statement about a cyber security breach dating back to early 2020 unrelated to SolarWinds. However, it was only in March of this year that the Committee first learned the startling breadth and scope of the Courts' document management system security failure. Perhaps even more concerning is the disturbing impact the security breach had on pending civil and criminal litigation, as well as on ongoing national security or intelligence matters.

Understanding that this is an unclassified setting, what types of cases or investigations or U.S. Attorney's Offices were impacted the most by this breach and how many of those cases and investigations are within your division?

Mr. OLSEN. Mr. Chair, let me begin by just saying that the threat we face from cyber-enabled attacks, whether that is to the government and public sector including Congress and to the private sector, is one of the most significant threats we face as a country, to our national security.

For the National Security Division, we are focused on nation-state attacks and those attacks can come from countries like China, Russia, Iran, and North Korea. While I can't speak directly to the nature of the on-going investigation of the types of threats that you have mentioned regarding the effort to compromise the public judicial dockets, this is, of course, a significant concern for us, given the nature of the information that is often held by the courts.

Chair NADLER. Have any cases or investigations within the NSD been materially impacted, prolonged, or dismissed because of the Courts' breach?

Mr. OLSEN. I can't think of anything, in particular, that has been affected in the way that you describe, although I would want to double check on that. We are very concerned and we are working, I can assure you, based on my own personal experience, that we are working very closely with the Judicial Conference and judges around the country to address this issue.

Chair NADLER. Thank you. Has the department or NSD audited your own systems to ensure that you were not compromised by the same three hostile foreign actors who attacked the document management system?

Mr. OLSEN. It is an on-going effort to ensure the protection of our systems for the exact same reason, but I would say that the challenge when it comes to the sophisticated nation-state type activity that we see in cyber, the challenge is significant and it is very difficult to ever be in a position to say that any system is 100 percent safe when it comes to sophisticated Nation states that seek to obtain persistent access to these systems.

Chair NADLER. The department's 2022 comprehensive cyber review concluded that DOJ "needs to consider carefully what data it collects, both the lawfulness of the sources and the veracity of the data itself."

As you heard last week during our Digital Dragnets hearing, unreliable or unverified data often purchased through commercially

available third-party sources can lead to incorrect identification, wrongful arrests, and costly litigation for innocent parties. Under the Brady Rule, prosecutors have a constitutional duty to disclose potentially exculpatory evidence, but when prosecutors rely on information purchased by law enforcement this is often not the case.

What is the department's policy on sharing exculpatory evidence with defendants when that information was acquired through purchases from data brokers, apps, social media platforms, or other third-party commercial sources?

Mr. OLSEN. Mr. Chair, as a former Federal prosecutor myself, I can assure you that the obligation of the Constitution to provide exculpatory evidence to the accused under the Brady Rule is one that is taken extremely seriously. It applies across the board to any information that the government has in its possession regardless of the source, so I would—while I haven't looked at that policy recently, I know that that general obligation applies across the board to Federal prosecutors.

Chair NADLER. I assume you have promised to keep us updated on the investigation of the Courts' breach?

Mr. OLSEN. Absolutely, absolutely. We stand ready to come to Congress to talk about that at any time.

Chair NADLER. Thank you very much. Mr. Jordan. Mr. Biggs. Mr. Biggs.

Mr. BIGGS. Thank you, Mr. Chair. Mr. Olsen, the Foreign Agents Registration Act, or FARA, which requires those representing foreign principals to register with DOJ is a law administered by your office, the National Security Division, is that fair?

Mr. OLSEN. That is correct, sir.

Mr. BIGGS. I have behind me an email from 2016 from the Obama-Biden Administration between Hunter Biden and Miguel Aleman, the son of a Mexican billionaire and grandson of the former Mexican President. The first lines say, "We are arriving late tonight on Air Force Two to Mexico City. We will be there for Thursday. I am attending a meeting with President N" meaning President Nieto "with dad." Highlighted are the comments:

We have been talking about business deals and partnerships for seven years. I have brought every single person you have ever asked me to bring to the fng White House and the Vice President's House and the Inauguration. I have delivered on every single thing you have ever asked.

In this email, Hunter Biden acknowledges his attendance at a meeting between Mexican President Nieto and then Vice President Biden, discusses business deals and partnerships with a wealthy and politically connected Mexican family, references access provided to Mexican businessmen at the White House and the Vice President's House. As states, he had already delivered on every single thing you have ever asked.

Did this email or does this email raise concerns that Hunter Biden might have acted contrary to FARA since it appears he never registered to represent foreign principals?

Mr. OLSEN. I am not familiar with the email that you are referring to. What I can tell you is that it is a fundamental principle of the Justice Department and consistent with my almost 20-year career that we follow the facts and the law in every case without regard to politics or ideology.

Mr. BIGGS. You are not familiar with this email here.

Mr. OLSEN. I am not.

Mr. BIGGS. We have next up, we are going to show you a picture of Vice President Joe Biden and Hunter Biden, Miguel Aleman, his father, and Carlos Slim, one of the richest men in the world in 2015 while Joe Biden was Vice President. This picture seems to conflict with President Biden's statement that he has never met with his son's business associates. Much of the information regarding Hunter Biden's foreign business dealings has come from the laptop that was abandoned by Hunter Biden and labeled by the media as misinformation as well as by 51 former intelligence officers in a weird letter dated October 19, 2020, which I will submit for the record.

[The information follows:]



**MR. BIGGS FOR THE RECORD**

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**Public Statement on the Hunter Biden Emails**

October 19, 2020

We are all individuals who devoted significant portions of our lives to national security. Some of us served in senior positions in policy departments and agencies, and some of us served in senior positions in the Intelligence Community. Some of us were political appointees, and some were career officials. Many of us worked for presidents of both political parties.

We are all also individuals who see Russia as one of our nation's primary adversaries. All of us have an understanding of the wide range of Russian overt and covert activities that undermine US national security, with some of us knowing Russian behavior intimately, as we worked to defend our nation against it for a career. A few of us worked against Russian information operations in the United States in the last several years.

*Perhaps most important, each of us believes deeply that American citizens should determine the outcome of elections, not foreign governments. All of us agree with the founding fathers' concern about the damage that foreign interference in our politics can do to our democracy.*

It is for all these reasons that we write to say that the arrival on the US political scene of emails purportedly belonging to Vice President Biden's son Hunter, much of it related to his time serving on the Board of the Ukrainian gas company Burisma, has all the classic earmarks of a Russian information operation.

We want to emphasize that we do not know if the emails, provided to the New York Post by President Trump's personal attorney Rudy Giuliani, are genuine or not and that we do not have evidence of Russian involvement -- just that our experience makes us deeply suspicious that the Russian government played a significant role in this case.

*If we are right, this is Russia trying to influence how Americans vote in this election, and we believe strongly that Americans need to be aware of this.*

There are a number of factors that make us suspicious of Russian involvement.

Such an operation would be consistent with Russian objectives, as outlined publicly and recently by the Intelligence Community, to create political chaos in the United States and to deepen political divisions here but also to undermine the candidacy of former Vice President Biden and thereby help the candidacy of President Trump. For the Russians at this point, with Trump down in the polls, there is incentive for Moscow to pull out the stops to do anything possible to help Trump win and/or to weaken Biden should he win. A "laptop op" fits the bill, as the publication of the emails are clearly designed to discredit Biden.

Such an operation would be consistent with some of the key methods Russia has used in its now multi-year operation to interfere in our democracy – the hacking (via cyber operations) and the dumping of accurate information or the distribution of inaccurate or misinformation. Russia did both of these during the 2016 presidential election – judgments shared by the US Intelligence Community, the investigation into Russian activities by Special Counsel Robert Mueller, and the entirety (all Republicans and Democrats) on the current Senate Intelligence Committee.

Such an operation is also consistent with several data points. The Russians, according to media reports and cybersecurity experts, targeted Burisma late last year for cyber collection and gained access to its emails. And Ukrainian politician and businessman Adriy Derkach, identified and sanctioned by the US Treasury Department for being a 10-year Russian agent interfering in the 2020 election, passed purported materials on Burisma and Hunter Biden to Giuliani.

Our view that the Russians are involved in the Hunter Biden email issue is consistent with two other significant data points as well. According to the Washington Post, citing four sources, “U.S. intelligence agencies warned the White House last year that Giuliani was the target of an influence operation by Russian intelligence.”

In addition, media reports say that the FBI has now opened an investigation into Russian involvement in this case. According to USA Today, “...federal authorities are investigating whether the material supplied to the New York Post by Rudy Giuliani...is part of a smoke bomb of disinformation pushed by Russia.”

*We do not know whether these press reports are accurate, but they do suggest concern within Executive Branch departments and agencies that mirrors ours. It is high time that Russia stops interfering in our democracy.*

Signed by,

Jim Clapper  
Former Director of National Intelligence  
Former Under Secretary of Defense for Intelligence  
Former Director of the National Geospatial Intelligence Agency  
Former Director of the Defense Intelligence Agency

Mike Hayden  
Former Director, Central Intelligence Agency  
Former Director, National Security Agency  
Former Principal Deputy Director of National Intelligence

Leon Panetta

Former Director, Central Intelligence Agency  
Former Secretary of Defense

John Brennan  
Former Director, Central Intelligence Agency  
Former White House Homeland Security and Counterterrorism Advisor  
Former Director, Terrorism Threat Integration Center  
Former Analyst and Operations Officer, Central Intelligence Agency

Thomas Finger  
Former Deputy Director of National Intelligence for Analysis  
Former Assistant Secretary for Intelligence and Research, Department of State  
Former Chair, National Intelligence Council

Rick Ledgett  
Former Deputy Director, National Security Agency

John McLaughlin  
Former Acting Director, Central Intelligence Agency  
Former Deputy Director, Central Intelligence Agency  
Former Director of Analysis, Central Intelligence Agency  
Former Director, Slavic and Eurasian Analysis, Central Intelligence Agency

Michael Morell  
Former Acting Director, Central Intelligence Agency  
Former Deputy Director, Central Intelligence Agency  
Former Director of Analysis, Central Intelligence Agency

Mike Vickers  
Former Under Secretary of Defense for Intelligence  
Former Operations Officer, Central Intelligence Agency

Doug Wise  
Former Deputy Director, Defense Intelligence Agency  
Former Senior CIA Operations Officer

Nick Rasmussen  
Former Director, National Counterterrorism Center

Russ Travers  
Former Acting Director, National Counterterrorism Center  
Former Deputy Director, National Counterterrorism Center  
Former Analyst of the Soviet Union and Russia, Defense Intelligence Agency

Andy Liepman  
Former Deputy Director, National Counterterrorism Center  
Former Senior Intelligence Officer, Central Intelligence Agency

John Moseman  
Former Chief of Staff, Central Intelligence Agency  
Former Director of Congressional Affairs, Central Intelligence Agency  
Former Minority Staff Director, Senate Select Committee on Intelligence

Larry Pfeiffer  
Former Chief of Staff, Central Intelligence Agency  
Former Director, White House Situation Room

Jeremy Bash  
Former Chief of Staff, Central Intelligence Agency  
Former Chief of Staff, Department of Defense  
Former Chief Counsel, House Permanent Select Committee on Intelligence

Rodney Snyder  
Former Chief of Staff, Central Intelligence Agency  
Former Director of Intelligence Programs, National Security Council  
Chief of Station, Central Intelligence Agency

Glenn Gerstell  
Former General Counsel, National Security Agency

David B. Buckley  
Former Inspector General, Central Intelligence Agency  
Former Democratic Staff Director, House Permanent Select Committee on Intelligence  
Former Counterespionage Case Officer, United States Air Force

Nada Bakos  
Former Analyst and Targeting Officer, Central Intelligence Agency

Patty Brandmaier  
Former Senior Intelligence Officer, Central Intelligence Agency  
Former Deputy Associate Director for Military Affairs, Central Intelligence Agency  
Former Deputy Director of Congressional Affairs, Central Intelligence Agency

James B. Bruce  
Former Senior Intelligence Officer, Central Intelligence Agency  
Former Senior Intelligence Officer, National Intelligence Council

Considerable work related to Russia

David Cariens  
Former Intelligence Analyst, Central Intelligence Agency  
50+ Years Working in the Intelligence Community

Janice Cariens  
Former Operational Support Officer, Central Intelligence Agency

Paul Kolbe  
Former Senior Operations Officer, Central Intelligence Agency  
Former Chief, Central Eurasia Division, Central Intelligence Agency

Peter Corsell  
Former Analyst, Central Intelligence Agency

Brett Davis  
Former Senior Intelligence Officer, Central Intelligence Agency  
Former Deputy Director of the Special Activities Center for Expeditionary Operations, CIA

Roger Zane George  
Former National Intelligence Officer

Steven L. Hall  
Former Senior Intelligence Officer, Central Intelligence Agency  
Former Chief of Russian Operations, Central Intelligence Agency

Kent Harrington  
Former National Intelligence Officer for East Asia, Central Intelligence Agency  
Former Director of Public Affairs, Central Intelligence Agency  
Former Chief of Station, Central Intelligence Agency  
Former Analyst, Central Intelligence Agency

Don Hepburn  
Former Senior National Security Executive

Timothy D. Kilbourn  
Former Dean, Sherman Kent School of Intelligence Analysis, Central Intelligence Agency  
Former PDB Briefer to President George W. Bush, Central Intelligence Agency

Ron Marks  
Former Officer, Central Intelligence Agency  
Twice former staff of the Republican Majority Leader

Jonna Hiestand Mendez  
Technical Operations Officer, Central Intelligence Agency

Emile Nakhleh  
Former Director of the Political Islam Strategic Analysis Program, Central Intelligence Agency  
Former Senior Intelligence Analyst, Central Intelligence Agency

Gerald A. O'Shea  
Senior Operations Officer, Central Intelligence Agency  
Served four tours as Chief of Station, Central Intelligence Agency

David Priess  
Former Analyst and Manager, Central Intelligence Agency  
Former PDB Briefer, Central Intelligence Agency

Pam Purcilly  
Former Deputy Director of Analysis, Central Intelligence Agency  
Former Director of the Office of Russian and European Analysis, Central Intelligence Agency  
Former PDB Briefer to President George W. Bush, Central Intelligence Agency

Marc Polymeropoulos  
Former Senior Operations Officer, Central Intelligence Agency  
Former Acting Chief of Operations for Europe and Eurasia, Central Intelligence Agency

Chris Savos  
Former Senior Intelligence Officer, Central Intelligence Officer

Nick Shapiro  
Former Deputy Chief of Staff and Senior Advisor to the Director, Central Intelligence Agency

John Sipher  
Former Senior Operations Officer, Central Intelligence Agency  
Former Deputy Chief of Russian Operations, Central Intelligence Agency

Stephen Slick  
Former Senior Director for Intelligence Programs, National Security Council  
Former Senior Operations Office, Central Intelligence Agency

Cynthia Strand  
Former Deputy Assistant Director for Global Issues, Central Intelligence Agency

Greg Tarbell  
Former Deputy Executive Director, Central Intelligence Agency  
Former Analyst of the Soviet Union and Russia, Central Intelligence Agency

David Terry  
Former Chairman of the National Intelligence Collection Board  
Former Chief of the PDB, Central Intelligence Agency  
Former PDB Briefer to Vice President Dick Cheney, Central Intelligence Agency

Greg Treverton  
Former Chair, National Intelligence Council

John Tullius  
Former Senior Intelligence Officer, Central Intelligence Agency

David A. Vanell  
Former Senior Operations Officer, Central Intelligence Agency

Winston Wiley  
Former Director of Analysis, Central Intelligence Agency  
Former Chief, Counterterrorism Center, Central Intelligence Agency

Kristin Wood  
Former Senior Intelligence Officer, Central Intelligence Agency  
Former PDB Briefer, Central Intelligence Agency

In addition, nine additional former IC officers who cannot be named publicly also support the arguments in this letter.

Mr. BIGGS. This week we learned FBI whistleblowers have come forward and reported the FBI committed a widespread effort within the FBI to downplay or discredit negative information about Hunter Biden.

Are you familiar with that reporting?

Mr. OLSEN. No, I am not.

Mr. BIGGS. Okay. So, has any investigation of Hunter Biden by your office been influenced by the work product or actions taken by FBI Agent Timothy Thibault?

Mr. OLSEN. I am not going to comment on any investigation that may or may not be ongoing. What I can assure you is that we follow the facts and evidence, and we apply the law and the principles of Federal prosecution in every single case without regard to ideology or politics.

Mr. BIGGS. So, you were unaware because you are unaware of the reporting it. So, you are unaware of any efforts within the Department of Justice to label derogatory information on Hunter Biden as disinformation?

Mr. OLSEN. I am not going to comment on any potential ongoing investigation.

Mr. BIGGS. Okay. According to reports, Border Patrol has apprehended at least 50 illegal aliens at the Southwest border in Fiscal Year 2022 and the Office of Field Operations has encountered at least 50 aliens on a terror watch list at ports of entry in the fiscal year.

Does CBP consult with National Security Division when they encounter an illegal alien who is on a terrorist watch list?

Mr. OLSEN. The National Security Division was actually created to work with other agencies, whether that is the intelligence community or agencies including agencies in the Department of Homeland Security.

Mr. BIGGS. Okay, so this is a yes or no. This is not hard. Does CBP give you information when they find someone who is on the terrorist watch list when they encounter them at the border? Do they give that information to you?

Mr. OLSEN. I can't speak as I sit here today of any particular situation or circumstance, but I can tell you that the whole point of—

Mr. BIGGS. I am not asking about circumstances. Is the process being that they report to you? So, you have a hundred known encounters of people on the terrorist watch list. I assume one would think it is coming to you. I am asking about the process, not a specific case.

Mr. OLSEN. In general, Congressman, the way the system works is that the FBI investigates the crimes that we prosecute so it may well be that that information goes between CBP and the FBI, but I don't have specific information about that.

Mr. BIGGS. I reclaim my time. Are you familiar with the name Isan Basi?

Mr. OLSEN. I am sorry?

Mr. BIGGS. Are you familiar with the name Isan Basi?

Mr. OLSEN. No.

Mr. BIGGS. Okay, he is a Lebanese born Venezuela national, listed on the FBI's terror watch list who was released into the United States after crossing the border illegally. According to reports, the

FBI recommended keeping him in custody, but ICE headquarters intervened and released him because of a concern that he might catch COVID-19 because he was overweight. So far, there has been more than 500,000 known gotaways in the country illegally.

How many can you extrapolate are on the terrorist watch list? Have you done any assessment, according to the national security risk—

Chair NADLER. The time of the gentleman has expired. The Witness may answer the question.

Mr. OLSEN. I am not familiar with that, no.

Chair NADLER. Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chair. I would like to explore section 702 with you. As I am sure you are aware in his November 2020 recertification FISA Court Judge Boasberg found that the FBI employees had improperly searched Americans' emails that were collected without a warrant and were unrelated to foreign intelligence information and then in an ODNI annual statistical transparency report released in April of 2022 found that the FBI searched its 702 surveillance repository

... using the identifiers of Americans like their names, phone numbers, and addresses nearly 3.4 million times between December 2020–November 2021. This is nearly triple the number reported from 2020. Although the ODNI only reported 376 warrants issued through wire taps or physical searches of individuals in 2021, it found 232,000 plus named targets of FISA section 702 warrantless searches.

Now, during your confirmation hearing before the Senate Intelligence Committee, you told the Senators that restoring and maintaining trust in the FISA process was a critical priority for you and I was glad to hear that.

Since you have assumed your role as Assistant Attorney General, what have you done to prevent warrantless, improper backdoor searches of Americans' data conducted under section 702?

Mr. OLSEN. Thank you, Congressman, for the opportunity to talk about FISA and particularly section 702.

As you noted, when I was confirmed last year, I indicated that a priority for the Department of Justice and for me at the National Security Division was to ensure that Congress and the American people have confidence in our use of intelligence tools such as FISA.

FISA was passed first in 1978. As you know, it has proven to be an indispensable tool to go after spies and terrorists and hackers, and it remains so. In fact, section 702, part of FISA, was designed to collect information about non-U.S. persons, non-U.S. citizens and persons who are outside the United States. It has proven to be essential to protecting our national security since it was first passed in 2008.

The issues that you cite are ones that are of concern, the compliance of the FBI, in particular, with the way in which it searches through the section 70–702 data that is lawfully collected. The FBI with the Department of Justice has undertaken a series of steps over the past year to improve compliance through a system of systems changes and trainings. I have been part of that effort, to answer your question directly, in my eight months in office.

We are looking forward to improving the compliance record of the Department of Justice and the FBI when it comes to section 702, but I can assure you that it remains a priority and it is part of the broader really comprehensive system of oversight that takes place when it comes to foreign intelligence collection. That includes Congress, the Executive Branch, and the Judiciary.

Ms. LOFGREN. Well, if I may just follow up, we have had reassurances over the years and yet the performance continues to be poor, and it has been poor under both Democratic and Republican Administrations. So, we have considered imposing a warrant requirement for queries of known Americans. I guess I am thinking that this is probably a necessity, unless we can get some further definitive control of the warrantless search of Americans using the 702 databases. This is a misuse.

We agree. We want to catch the spies and the foreign bad actors, but to use that database for warrantless searches of Americans is simply improper and yet it continues. How can we get assurances and when will we get our next report from you about the controls that you have discussed?

Mr. OLSEN. As you know, section 702 expires at the end of next year. We are engaged in a concerted effort to be prepared to brief Congress at any time, brief you, your staff about the controls that are in place.

The way that section 702 works, if I may, it is information collected targeting non-U.S. persons overseas. It is lawfully collected. What the FBI has been able to do is search that data to find connections. So, it's not a warrantless search of Americans; it is a search of data that was collected targeting people who are outside the United States who are not U.S. citizens.

Ms. LOFGREN. If I may, sir, that is contrary to the report that we got from ODNI and from the FISA Court. So, I think my time is expired, but we need to get to the bottom of this.

Mr. Chair, [inaudible].

Ms. SCANLON. The gentlewoman's time is expired. Thank you.

Mr. Massie is recognized for five minutes.

Mr. MASSIE. I yield to my friend from Florida, Mr. Gaetz.

Mr. GAETZ. Is Hunter Biden a national security threat?

Mr. OLSEN. That's not a question that would come up before me, Congressman.

Mr. GAETZ. You are the head of the National Security Division, so it seems sort of on the nose.

Mr. OLSEN. It's not in my practice or experience to identify individuals and—

Mr. GAETZ. Not in my purview. We have heard that before.

Mr. OLSEN. —and to label any individual, an American citizen, or any individual as a national security threat.

Mr. GAETZ. Well, you would certainly concede that if the adult offspring of the President of the United States or the Vice President were compromised that would be a national security threat, right?

Mr. OLSEN. We speak through our filings in court, and we speak through our actions in an open court. So, I would remain in that position.

Mr. GAETZ. Okay. Well speak to this: Where is the laptop? Do you know where Hunter Biden's laptop is?

Mr. OLSEN. Again, I'm not going to talk about any potential ongoing investigation as I sit here.

Mr. GAETZ. Do you know where it is?

Mr. OLSEN. I'm not going to talk about any ongoing investigation as I sit here.

Mr. GAETZ. You come here and you tell us you follow the facts and the law, but you can't even follow a laptop that you guys have had for three years.

Mr. OLSEN. We follow the facts and the law, and we speak in open court about our cases.

Mr. GAETZ. Yes, but you aren't speaking about this, but you know who is speaking about it? The whistleblowers from the FBI who have gone to Senator Grassley and said that you guys purposely take any information that is derogatory about Hunter Biden, and you go and rat-hole it so that you never have to speak about it in any circumstance. The good news is you are not the only ones with that laptop.

So, Patrick Ho was convicted of bribing government officials in Africa and he gave a million bucks to Hunter Biden. Are you familiar with that?

Mr. OLSEN. I'm not going to speak about any ongoing investigation.

Mr. GAETZ. Is that an ongoing—

Mr. OLSEN. I can assure you that—

Mr. GAETZ. Is that an ongoing investigation?

Mr. OLSEN. I'm not going to speak about any potential ongoing investigation.

Mr. GAETZ. The Patrick Ho bribe?

Well, don't you see that this degrades the country's belief in you guys when you have whistleblowers saying that you are purposely rat-holing this information and then you come here and say you won't talk about it?

Inside Hunter Biden's multimillion-dollar deals with a Chinese energy company, *Washington Post*, Matt Viser. Chinese Elite Paid \$31 million to Hunter and the Bidens, Peter Schweizer in the *New York Post*. Hunter Biden's business partner called Joe Biden the Big Guy in panicked messages.

Do you guys call Joe Biden the Big Guy at the Department of Justice?

Mr. OLSEN. I think it's important to understand why we don't speak about cases outside of courtroom. We do that—

Mr. GAETZ. Wait. By the way—by the way—

Mr. OLSEN. We do that—if I may, sir—

Mr. GAETZ. —I already know why.

Mr. OLSEN. —if I may answer the question?

Mr. GAETZ. You know why you don't speak about it?

Mr. OLSEN. May I answer the question?

Mr. GAETZ. Because it is about Hunter Biden. You guys have no problem leaking about other stuff, right? Like you got no problem going out and tagging parents at school board meetings as a national security threat, but when all the facts and all the law are before you regarding the corruption of Hunter Biden, you don't

want to speak to that at all. It is precisely why you have got folks that are talking to Senator Grassley about it.

*Bohai Harvest.* So, 10 days after Vice President Biden takes Hunter Biden to China, 10 days after this long toiling venture of Hunter Biden that can't get off the ground, 10 days after they go, he automatically gets approved for a deal in China with Bohai Harvest. Have like you guys looked into that?

Mr. OLSEN. I'm not going to talk about any ongoing investigations.

Mr. GAETZ. Well, you know who else is talking? Tony Bobulinski. Tony Bobulinski told the world that Joe Biden was cut in on a CCP Energy deal that was orchestrated by Hunter Biden. Like have you guys talked to Tony Bobulinski?

Mr. OLSEN. Again, we don't talk about ongoing investigations in settings such as this.

Mr. GAETZ. Well, okay. How about this? Will you commit to a Class 5 briefings on these matters?

Mr. OLSEN. I'd certainly be happy to talk to you or any Member of the Committee about matters of national security.

Mr. GAETZ. Okay. Well, is this a matter of national security?

Mr. OLSEN. I don't talk about—we don't not talk outside of court-rooms about ongoing investigations.

Mr. GAETZ. Well, is there an ongoing investigation of the annual fund dinner that happened where Joe Biden was Vice President of the United States and Hunter Biden holds his fund's annual dinner at the Chinese embassy? To do that, to get the Chinese embassy to roll out the red carpet for Hunter Biden and to raise money for his fund he had to go to the embassy 30 minutes before and have a one-on-one meeting with the Chinese ambassador. Do you think it is possible that that meeting might have jeopardized national security?

Mr. OLSEN. I'm not going to comment about any potential or ongoing investigation.

Mr. GAETZ. Well, here is the thing: It is pretty easy to see that Hunter Biden is compromised. I think every American knows that is a threat to national security. I think we are watching a crime spree in progress that Hunter Biden is orchestrating. One has to wonder like what are the Chinese getting for the tens of millions of dollars that they are cutting the Biden family in on? What is the Chinese Communist Party getting as a result of cutting in 10 percent for the Big Guy?

I just happened to notice that like you guys canceled the China Initiative that President Trump put in place where you have focused talent on those things. Jim Biden said to Tony Bobulinski that the reason they are able to get away with this corruption is plausible deniability. That is precisely the plausible deniability that you are animating and exemplifying today.

You know what? Winter is coming, we are going to be in the majority, and then you are going to have to answer these questions for the country. I yield back.

Ms. SCANLON. The gentleman's time is expired.

For what purpose does Mr. Cicilline seek recognition?

Mr. CICILLINE. Madam Chair?

I have several unanimous consent requests.

My first unanimous consent request is the Ranking Member made reference to a Department of Justice whistleblower memo and grossly mischaracterizes content. So, I would ask unanimous consent that I be permitted to read the memo into the record.

Ms. SCANLON. So, ordered.

Mr. GOHMERT. Object.

Mr. CICILLINE. You object to—

Mr. GOHMERT. You have your own five minutes.

Mr. CICILLINE. You object to reading into the record the memo that was—okay.

Mr. BISHOP. Not if you do it on your time.

Mr. CICILLINE. Then I ask unanimous consent—

Ms. SCANLON. [Inaudible].

Mr. CICILLINE. Then I ask unanimous consent that the document that the Republicans are afraid to have been read aloud be introduced into the record.

Ms. SCANLON. Without objection.

[The information follows:]

**MR. CICILLINE FOR THE RECORD**

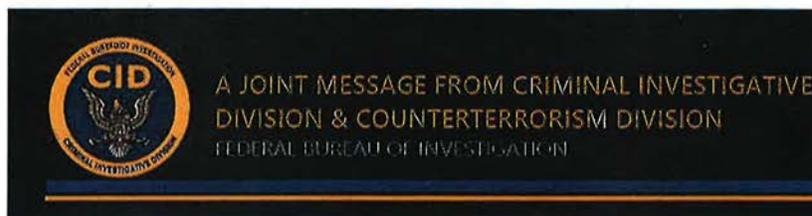
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Counterterrorism Unit Whistleblower DOJ Memo

From: Peeples, Carlton L. (INSD) (FBI) <[REDACTED]>  
 Sent: Wednesday, October 20, 2021 10:02 AM  
 To: FBI\_SACS <[REDACTED]>  
 Cc: Greenberg, Jay (CID) (FBI) <[REDACTED]>; Shivers, Calvin A. (CID) (FBI) <[REDACTED]>;  
 Cohen, Brian M. (CID) (FBI) <[REDACTED]>; Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>;  
 Vorndran, Kevin (CTD) (FBI) <[REDACTED]>  
 Subject: Guidance: Threat to violence against School Administrators --- UNCLASSIFIED

Classification: UNCLASSIFIED  
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All,

On October 04, 2021, the Attorney General forwarded a memorandum addressing a spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff. The memorandum directed each United States Attorney, in coordination with the FBI, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of the memorandum.

We share an obligation to ensure all individuals are able to do their jobs without threats of violence or fear for their safety. This can only be accomplished with effective coordination internally between relevant Divisions and through effective coordination and engagement with our law enforcement partners and United States Attorney Offices.

As a result, the Counterterrorism and Criminal Divisions created a threat tag, EDUOFFICIALS, to track instances of related threats. We ask that your offices apply the threat tag to investigations and assessments of threats specifically directed against school board administrators, board members, teachers, and staff. The purpose of the threat tag is to help scope this threat on a national level and provide an opportunity for comprehensive analysis of the threat picture for effective engagement with law enforcement partners at all levels. When evaluating potential threats, we ask that you attempt to identify the following:

- a) Is there a federal nexus?
- b) Are there potential federal violations that can be investigated and charged?
- c) What's the motivation behind the criminal activity?

We appreciate your attention to this matter and welcome any engagement to identify trends, strategies, and best practices to accomplish discouraging, identifying, and prosecuting those who use violence, threats of violence, and other forms of intimidation and harassment pertaining to this threat.

On behalf of,

AD Timothy R. Langan Jr.  
Counterterrorism Division

AD Calvin A. Shivers  
Criminal Division

Respectfully,  
Carlton Peoples  
A/Deputy Assistant Director  
Criminal Investigative Division  
[Redacted]

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

Mr. CICILLINE. I have a unanimous consent request that a document, a Politifact head—with a heading: “No, the Federal Government Isn’t Using the Patriot Act to Treat Parents Like Domestic Terrorists” be introduced into the record.

Mr. ISSA. Madam Chair? Madam Chair, point of order. Unanimous consent is limited to describing the document—

Mr. CICILLINE. Which I am doing right now.

Mr. ISSA. —[inaudible] put in.

Mr. CICILLINE. Madam Chair, I have the floor.

Mr. ISSA. Nobody is objecting to documents.

Ms. SCANLON. All right. All right. Hold on, guys. Okay. The gentleman can describe it.

Mr. CICILLINE. I am asking unanimous consent that the document entitled: “No, the Federal Government Isn’t Using the Patriot Act to Treat Parents Like Domestic Terrorists” be made a part of the record.

I have a unanimous consent request that a document entitled: “McCarthy’s False Claims that Garland Called Parents ‘Terrorists’” be made a part of the record.

A document entitled: “Attorney General Never Called Concerned Parents ‘Domestic Terrorists’” be made a part of the record.

Finally a fact check that reads: “Kevin McCarthy Keeps Repeating False Claim that Attorney General Called Parents ‘Terrorists’ for Wanting to Attend School Board Meetings” be made part of the record.

Ms. SCANLON. Without objection.

[The information follows:]

**MR. CICILLINE FOR THE RECORD**

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## No, the federal government isn't using the Patriot Act to treat parents like domestic terrorists

**PF** [politiFact.com/factchecks/2021/oct/22/steve-chabot/no-federal-government-isnt-using-patriot-act-treat/](https://politiFact.com/factchecks/2021/oct/22/steve-chabot/no-federal-government-isnt-using-patriot-act-treat/)



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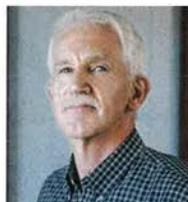
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Anti-vaccine mandate protesters rally outside the garage doors of the Los Angeles Unified School District, LAUSD headquarters in Los Angeles. (AP)



By Jon Greenberg October 22, 2021

### If Your Time is short

- A Justice Department task force on criminal threats against school officials involves many offices, including one created by the Patriot Act.

7/28/22, 10:19 AM

No, the federal government isn't using the Patriot Act to treat parents like domestic terrorists

- There are many laws that apply to violence and threats of violence, and the Patriot Act offers little additional legal power.
- Beyond creating the task force, the Justice Department has taken no action against anyone, and concerns that it would employ the Patriot Act are hypothetical.

See the sources for this fact-check

After U.S. Attorney General Merrick Garland told the FBI and every U.S. attorney to pay attention to threats against school officials, top Republicans have charged that the Biden administration is cracking down on parents with legitimate gripes over school policies.

When Garland appeared before the House Judiciary Committee Oct. 21, Rep. Steve Chabot, R-Ohio, said that the Justice Department had unloaded "the full power of the federal law enforcement in this country on involved parents" at the behest of the National School Boards Association. Chabot focused on the Patriot Act.

"I remember clearly that we were ... concerned about potential abuse of this new law enforcement tool," Chabot said Oct. 21. "I can tell you, not in a million years, did we dream that one day, we'd see the Justice Department treat American parents as domestic terrorists."

Is that an accurate take on the Justice Department's actions?

When Sen. Rick Scott, R-Fla., said Garland wanted the FBI to "go after" parents who spoke out against critical race theory, we rated that False. We gave a False rating to viral Instagram posts that said parents had been labeled as domestic terrorists.

Now, we look at whether the Justice Department has invoked the Patriot Act against parents of schoolchildren.

It has not, and Garland responded firmly to Chabot's suggestion.

"I can't imagine any circumstance in which the Patriot Act would be used in the circumstances of parents complaining about their children," Garland said at the hearing. "Nor can I imagine a circumstance where they would be labeled as domestic terrorism."

Chabot spokesman Brian Griffith walked us through why Chabot asserts the Patriot Act is in play, and we gathered the legal insights of several law professors, including a former federal prosecutor, to help sort out the issues.

The Justice Department puts things in motion

On Oct. 4, Garland sent a memo to the FBI, every U.S. attorney and the Justice Department's Criminal Division.

"While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views," Garland wrote.

Garland told the FBI to hold meetings across the country and bring together leaders at all levels of government to discuss "strategies for addressing threats against school administrators, board members, teachers, and staff, and (to) open dedicated lines of communication for threat reporting, assessment, and response."

Garland's memo makes no mention of the Patriot Act or terrorism, but the Justice Department's press release about the memo listed a number of departmental divisions that would be involved.

"Efforts are expected to include the creation of a task force, consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs," the press office wrote.

#### The Patriot Act connection

Some Republican lawmakers view the National Security Division as a red flag. The division was created by the 2006 reauthorization of the Patriot Act. The change put a number of existing Justice Department offices under one roof. The focus was largely on foreign terrorists, but the original Patriot Act, championed by Republicans, included a definition of domestic terrorism, and that fell within the scope of the new division.

Chabot spokesman Griffith said Garland's words in his memo about "threats of violence or efforts to intimidate individuals based on their views," mirrors the definition of domestic terrorism in federal law. Specifically, the part in Section 802 that talks about "acts dangerous to human life," designed "to influence the policy of a government by intimidation or coercion."

"What Attorney General Garland is saying in that first paragraph is that parents are entitled to express their views under the First Amendment, but should they cross the line and either threaten or attempt to intimidate school board members, they may be guilty of the federal crime of domestic terrorism," Griffith said. "And the main federal law utilized in investigating alleged domestic terrorism is the Patriot Act."

Griffith noted that the National School Boards Association listed the Patriot Act in its letter to the administration. It was one among many laws the association cited.

For over a decade, the Justice Department has dismissed concerns over the broad domestic use of the Patriot Act. The law would be triggered, the department has said, only if there was "criminal wrongdoing that could result in death."

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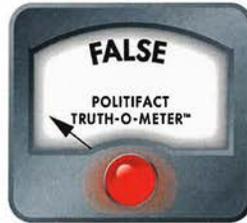
No, the federal government isn't using the Patriot Act to treat parents like domestic terrorists

**Featured Fact-check**

Ron DeSantis  
stated on June 30, 2022 in a press release

The Civics Secures Democracy Act "would allow the Biden administration to buy off states with \$6 billion" if they adopt critical race theory.

true



The Patriot Act's limited reach

Law professor and former federal prosecutor Daniel Richman at Columbia University said Griffith overstates the significance of the Patriot Act.

"The Patriot Act has vanishingly little to do with criminalizing any of this, and is unlikely to provide the legal authority needed to prosecute threats and other forms of intimidation over which DOJ has jurisdiction," Richman said. "A variety of criminal acts that federal enforcers might well categorize as domestic terrorism — because of the motivation or groups involved — are covered by ordinary criminal statutes."

A report from the Congressional Research Service, the nonpartisan policy arm of Congress, also found that the Patriot Act is far from the main weapon in the legal arsenal.

"Numerous federal statutes offer prosecutors options in charging violent and destructive conduct," the July 2 report said.

William Charles Banks, founding director of Syracuse University's Institute for Security Policy and Law, said there's also nothing new about the need to distinguish between expressing deep anger with government workers and making criminal threats.

"The lines that may be crossed are the same ones that law enforcement has had to observe and navigate for most of the last century, since the U.S. Supreme Court said that the First Amendment protects expressive conduct up to the point that it incentivizes imminent lawless action," Banks said. "Likelihood of violence and imminence of it are the two key factors, and they are always fact-sensitive."

Simply put, violence and true threats of violence are against the law, and would be even if the Patriot Act never existed.

Gregory Magarian at Washington University School of Law in St. Louis said Chabot "stretches the statements in the memo and the press release far past their breaking point." Chabot got ahead of himself, Magarian said, because so far the Justice Department has done very little.

"The memo and press release say nothing about whether the DOJ will take particular actions against particular actors or what those actions might be," Magarian said.

Magarian added that while the National Security Division will be part of a task force, that doesn't necessarily mean that the law that created the division will play a key role.

The fear of government overreach

There are grounds to worry about what the federal government might do, said George Mason University law professor Ilya Somin.

"It's not the federal government's job to enforce state and local law," Somin said. "There's no evidence of a need for the Justice Department to get involved where people behave obnoxiously. If people turn to violence, these are matters that states and local governments can handle."

Somin agreed that so far, the federal government "hasn't actually done anything."

"They've made statements that raise concerns," Somin said. "If they have something different in mind, there are ways they could clarify their intentions and quell a lot of that."

Griffith said that the primary concern is about using the surveillance and investigative tools provided under the Patriot Act, not prosecution itself.

"Attorney General Garland oversold the existence of these acts, and that will lead to more surveillance and more investigations than would otherwise occur," Griffith said. "I don't view that as terribly speculative."

#### Our ruling

Chabot said the U.S. Justice Department is treating "American parents as domestic terrorists" under the Patriot Act.

The Justice Department has moved to create a task force that spans federal, state and local agencies to focus on threats against local school officials. The department's National Security Division is one of many participants in that task force, and it was created through the Patriot Act.

Legal scholars say the Patriot Act plays little role in criminalizing threats of this sort. Many other federal and state statutes apply to violence and threats of violence. The memo and press release from the Justice Department don't mention terrorism or the Patriot Act, and to date, the federal government has not acted against anyone.

There can be a concern about government overreach, but at this point, those concerns are theoretical.

We rate this claim False.

#### Our Sources

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7/28/22, 10:19 AM

No, the federal government isn't using the Patriot Act to treat parents like domestic terrorists

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Interview, Ilya Somin, professor of law, George Mason University, Oct. 22, 2021

Email exchange, Daniel Richman, professor of law, Columbia Law School, Oct. 22, 2021

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# McCarthy's false claim that Garland called parents 'terrorists'

Analysis by [Glenn Kessler](#)

The Fact Checker

April 28, 2022 at 3:00 a.m. EDT

*"We are watching what's happening in the country ... parents that are being attacked by the attorney general saying that somehow they are terrorists because they want to go to school board meetings."*

— **House Minority Leader Kevin McCarthy (R-Calif.), interview on Fox News, April 25**

*"We're going to investigate the attorney general. Why did he go after parents, and call them terrorists, simply because they wanted to go to a school board meeting?"*

— **McCarthy, interview with Sean Hannity of Fox News, April 20**

*"The other thing that comes with a new [GOP] majority is you're able to hold this administration accountable. We're able to stand up to an attorney general who goes after parents and calls them terrorists if they want to go to a school board meeting."*

— **McCarthy, interview on "Fox News Sunday," April 17**

*"Biden used the FBI to target parents as 'domestic terrorists.' Can you imagine that? To use your own FBI to go after parents, calling them domestic terrorists. Without any evidence. Simply aiming to silence their First Amendment rights. A whistleblower just confirmed it."*

— **McCarthy, during a marathon floor speech, Nov. 18**

We're often interested when new rhetoric starts to become part of a politician's regular patter. Three times in recent weeks, McCarthy has asserted that Attorney General Merrick Garland called parents "terrorists" because they wanted to attend school board meetings.

Usually when a politician starts dropping a new talking point into his interviews, there's private polling indicating that it resonates with voters — and McCarthy's language fits a recent pattern in which Republicans have said they want to champion parents' rights to protest critical race theory or transgender accommodations.

It turns out McCarthy first used this line in his eight-hour speech last fall to protest President Biden's Build Back Better legislation. It was significant escalation of a Republican claim that we had previously fact-checked as false — that Garland had directed the FBI to “spy” on parents.

This new version also does not add up.

## The Facts

This all started with a Sept. 29 letter from the National School Boards Association that asked Biden for federal resources to help monitor “threats of violence and acts of intimidation” against public school members and other school officials. “As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes,” the six-page letter asserted.

The association's letter asked for a “joint expedited review” by various agencies, including involving “technical assistance” from the FBI's National Security Branch and Counterterrorism Division. The letter also requested examination of appropriate actions that could be taken under federal laws, including “the Patriot Act in regards to domestic terrorism.”

Usually, these sorts of letters take weeks to get a response. But within five days, on Oct. 4, Garland issued a memo addressed to FBI Director Christopher A. Wray and federal prosecutors. He called for action within 30 days to “facilitate the discussion of strategies for addressing threats” against school administrators, board members, teachers and staff.

“In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools,” Garland wrote. “While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.”

In an accompanying news release, the Justice Department said, “Those efforts are expected to include the creation of a task force, consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.”

Garland's memo unleashed a firestorm of criticism. The association's letter had offered examples of threats in detailed footnotes to news articles, including some that verged on violence, but upon inspection it was a stretch to use the phrase “domestic terrorism.”

The letter, for instance, mentioned an incident in Virginia in which a person was arrested “during a school board meeting discussion distinguishing current curriculums from critical race theory and regarding equity issues.” The arrest was of a father whose daughter had been sexually assaulted in the girls' bathroom of her Loudoun County school by a male student. Prosecutors said during the teen's trial that he was wearing a skirt at the time of the assault, but they have not commented on his gender identity.

(Some NSBA emails released by a conservative group suggested that the association might have been acting at the request of the White House or the Education Department, but that has been denied by the NSBA, the White House and the Education Department.)

As The Washington Post recounted in January, the blowback from the letter was so intense that it nearly led to the collapse of the organization. On Oct. 22, the NSBA apologized for the letter, saying “there was no justification for some of the language included.” A new executive director for the association was installed, the letter was deleted from the NSBA website, and the association announced in February that it had launched an independent review of how the letter was created.

Okay. An association letter mentioned terrorism. But what about Garland? There is no reference to terrorism in his memo. And, when questioned by Republicans in congressional hearings, Garland and other top Justice officials have insisted that they do not think concerned parents are terrorists.

“I can’t imagine any circumstance in which the Patriot Act would be used in the circumstances of parents complaining about their children, nor can I imagine a circumstance where they would be labeled as domestic terrorism,” Garland told the House Judiciary Committee on Oct. 21. He added: “Parents have been complaining about the education of their children and about school boards since there were such things as school boards and public education. This is totally protected by the First Amendment. I take your point that true threats of violence are not protected by the First Amendment. Those are the things we’re worried about here.”

This brings us to McCarthy’s statement that a whistleblower “confirmed” that the Biden administration believed parents were domestic terrorists. A McCarthy spokesman did not respond to queries, but he appears to be referring to a Nov. 16 letter by Rep. Jim Jordan (Ohio), the senior Republican on the Judiciary Committee.

Jordan’s letter cited a Justice email, dated Oct. 20, which he said was provided by “a Department whistleblower.” The email said the Counterterrorism and Criminal divisions had created a “threat tag,” called EDUOFFICIALS, to flag all assessments and investigations of threats against school board administrators, board members, teachers and staff. The email said that the threat tag, essentially a way to sort and characterize such threats, was created in response to Garland’s Oct. 4 memo.

The hook for McCarthy’s claim is the involvement of the national security division of the FBI — not mentioned in Garland’s memo but in the Justice news release. But in January, Matthew Olsen, the assistant attorney general in charge of Justice’s National Security Division, and Jill Sanborn, the executive assistant director of the FBI’s national security branch, told lawmakers that the national security units were only providing an advisory role.

Violence against school board officials is “certainly not a particular focus for the national security division nor do I have any anticipation that it would be,” Olsen said. Sanborn said “the tagging is simply an administrative process to be able to better analyze trends” and that the FBI would only be investigating allegations violating federal law.

## The Pinocchio Test

McCarthy is putting words in Garland’s mouth. Garland has never equated parents to terrorists, and in fact he told Congress he “can’t imagine” a circumstance under which that would happen.

Through a Rube Goldberg artifice, McCarthy is relying on an association letter that has been withdrawn, a Justice Department news release and a bureaucratic designation to somehow tag Garland with words he did not say and has rebutted. That's not enough to make such an incendiary claim. McCarthy earns Four Pinocchios.

## Four Pinocchios

(About our rating scale)

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## Attorney General Never Called Concerned Parents 'Domestic Terrorists'

[factcheck.org/2022/04/attorney-general-never-called-concerned-parents-domestic-terrorists/](https://factcheck.org/2022/04/attorney-general-never-called-concerned-parents-domestic-terrorists/)

Robert Farley

April 22, 2022



U.S. Attorney General Merrick Garland said that he couldn't even "imagine a circumstance" where "parents complaining" at a school board meeting would be "labeled as domestic terrorism." Yet, several Republicans have continued to falsely claim Garland called such parents "terrorists."

The nugget of truth behind the political spin is that a letter from the National School Boards Association to Garland last fall argued some violent threats against school officials "could be the equivalent to a form of domestic terrorism" that would warrant the intervention of federal law enforcement. In his response, Garland directed his agency to review strategies to address violent threats and harassment against school boards, but he didn't use the NSBA's "terrorism" language, for which the group later apologized.

On "Fox News Sunday" on April 17, for example, Rep. Kevin McCarthy, the House minority leader, said that if Republicans regained control of the House in the November elections, a Republican majority would be "able to stand up to an attorney general who goes after parents and calls them terrorists if they want to go to a school board meeting."

The claim has also found its way into political advertising. An ad for Republican Idaho Speaker of the House Scott Bedke, who is running for lieutenant governor, says, "When Joe Biden's Justice Department labeled parents 'domestic terrorists,' Scott Bedke said, 'Bull.' Scott Bedke stood up for Idaho parents, their right to be heard, and led the fight against critical race theory."



Watch Video At: <https://youtu.be/jLLAN18hJjE>

To be clear, the Justice Department did not label parents "domestic terrorists." As we said, the use of the phrase originated with a Sept. 29, 2021, letter sent by the National School Boards Association, a federation of state associations that represent locally elected school board officials, to the White House seeking federal assistance to stop what it said was a growing number of threats and acts of violence against public school board members and other public school district officials — mainly over the issues of mask mandates and "propaganda purporting the false inclusion of critical race theory within classroom instruction and curricula." (Critical race theory is the study of institutional racism as a means to better understand and address racial inequality. It has become a hot-button political issue among Republicans who oppose it being taught in public schools.)

In that letter, the NSBA said that while it had been working with state and local law enforcement officials, it believed federal involvement was warranted as well.

**NSBA letter, Sept. 29, 2021:** As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes. As such, NSBA requests a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight. Additionally, NSBA requests that such review examine appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statute, the Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the protection of students and public school district personnel, and any related measure.

The Bedke ad cites an article from an ABC TV affiliate in Virginia about a group of mothers "ticked off" at the NSBA letter for "comparing parental behavior at school board meetings to domestic terrorism." The article makes no mention of the Justice Department.

On Oct. 4, five days after receiving the NSBA letter, Garland issued a memo citing "a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views."

Garland directed "the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days ... [to] facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response."

According to a Justice Department press release, its efforts included the creation of a task force "consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes."

The Justice Department's response quickly became an issue in the Virginia governor's race in November, part of a larger Republican strategy in that state to promote parental rights to speak out against mask mandates, critical race theory and transgender policies in schools. The department's response also became an issue in Congress.

During a Senate Judiciary Committee hearing two days later, Republican Sen. Ted Cruz said "the Department of Justice looked at that issue [critical race theory] and decided to label the parents objecting to this teaching as domestic terrorists."

At that hearing, Cruz asked Kristen Clarke, assistant attorney general for the Civil Rights Division at the Department of Justice, "Do you believe parents objecting at school boards are domestic terrorists?"

"I don't, senator," Clarke responded.

Clarke said the Department of Justice was "committed to ensuring robust civil discourse" and Garland's memo was "focused on threats." Clarke said the review directed by Garland would "determine how federal enforcement tools can be used to prosecute crimes."

Nonetheless, later in the hearing, Cruz again claimed, "when it comes to parents at school boards, you're perfectly comfortable with calling a mom at a PTA meeting a domestic terrorist."

Republicans, who said they were concerned about how Garland's memo might chill protected parent participation at school board meetings, grilled Garland about the memo in a House Judiciary Committee hearing on Oct. 21.

"I have to say I find it deeply disturbing that the National School Board Association convinced the Biden administration to sic you and your Justice Department, the FBI, the full power of the federal law enforcement in this country on involved parents as if they were domestic terrorists," Republican Rep. Steve Chabot of Ohio said at the hearing.

"Parents speaking up at a school board meeting against the teaching of critical race theory or anything else that they want to talk about is clearly a First Amendment activity," Chabot said.

Garland agreed.

"I want to be clear, the Justice Department supports and defends the First Amendment right of parents to complain as vociferously as they wish about the education of their children, about the curriculum taught in the schools," Garland said. "That is not what the memorandum is about at all, nor does it use the words domestic terrorism or Patriot Act. Like

you, I can't imagine any circumstance in which the Patriot Act would be used in the circumstances of parents complaining about their children, nor can I imagine a circumstance where they would be labeled as domestic terrorism."

Later in the hearing, Garland was asked if he agreed with the NSBA "that parents who attend school board meetings and speak passionately against the inclusion of divisive programs like critical race theory should be characterized as domestic terrorists?"

"I do not believe that parents who testify, speak, argue with, complain about school boards and schools should be classified as domestic terrorists or any kind of criminals," Garland said. "Parents have been complaining about the education of their children and about school boards since there were such things as school boards and public education. This is totally protected by the First Amendment. I take your point that true threats of violence are not protected by the First Amendment. Those are the things we're worried about here."

The following day, on Oct. 22, the NSBA board of directors released a memo apologizing for some of the language used in the letter.

"On behalf of NSBA, we regret and apologize for the letter," the memo states. "To be clear, the safety of school board members, other public school officials and educators, and students is our top priority, and there remains important work to be done on this issue. However, there was no justification for some of the language included in the letter."

The letter noted that the "voices of parents ... should and must continue to be heard when it comes to decisions about their children's education, health, and safety."

The following month, Republican Rep. Jim Jordan sent a letter to Garland saying that information from a Justice Department whistleblower called into question the accuracy of Garland's testimony that "the Department of Justice and Federal Bureau of Investigation were not using federal counterterrorism tools to target concerned parents at local school board meetings."

Jordan said a "protected disclosure" from the whistleblower showed "that the FBI's Counterterrorism Division is compiling and categorizing threat assessments related to parents, including a document directing FBI personnel to use a specific 'threat tag' to track potential investigations."

Specifically, Jordan cited an FBI email that said in response to Garland's Oct. 4 memo, "the Counterterrorism and Criminal Divisions created a threat tag, EDUOFFICIALS, to track instances of related threats." It directed FBI offices to apply that threat tag to "investigations and assessments of threats specifically directed against school board administrators, board members, teachers, and staff."

According to Jordan, "This disclosure provides specific evidence that federal law enforcement operationalized counterterrorism tools at the behest of a left-wing special interest group against concerned parents."

But the email does not say that the FBI ought to apply tags to parents merely speaking out at school board meetings. Rather, the practice applies only to cases of "violence, threats of violence, and other forms of intimidation and harassment" directed at school officials.

To summarize: Garland's memo never labeled parents speaking at school board meetings "domestic terrorists." In congressional testimony, Garland made clear that he considered parents voicing concerns at school board meetings to be protected under the First Amendment's freedom of speech.

And the attorney general said that he could not "imagine a circumstance" where "parents complaining" at a school board meeting would be "labeled as domestic terrorism." Rather, as his memo made clear, the Justice Department was solely focused on addressing threats of violence against school officials. That focus was affirmed in the FBI email released by Jordan.

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## Fact check: Kevin McCarthy keeps repeating false claim that attorney general called parents 'terrorists' for wanting to attend school board meetings

[cnn.com/2022/04/26/politics/fact-check-mccarthy-garland-parents-terrorists-school-board/index.html](https://www.cnn.com/2022/04/26/politics/fact-check-mccarthy-garland-parents-terrorists-school-board/index.html)

April 26, 2022



*Washington (CNN)* House Minority Leader Kevin McCarthy keeps repeating a false claim about Attorney General Merrick Garland.

In an interview on Fox last Wednesday, McCarthy said that if Republicans win control of the House in the November midterm elections, "We're gonna investigate the attorney general. Why did he go after parents, and call them terrorists, simply because they wanted to go to a school board meeting?"

McCarthy had made the same claim about Garland in a Fox interview the Sunday prior, saying that a Republican majority would be "able to stand up to an attorney general who goes after parents and calls them terrorists if they want to go to a school board meeting." And McCarthy delivered near-identical rhetoric in another Fox interview this Monday.

**Facts First:** *McCarthy's claim about the attorney general is just wrong. Garland never called parents terrorists for attending or wanting to attend school board meetings. While the National School Boards Association, a nonprofit federation of states' own school board associations, sent President Joe Biden a letter in September arguing that "acts of malice, violence, and threats against public school officials" could be classified as "the equivalent to a form of domestic terrorism and hate crimes" and suggesting that the Patriot Act could be*

*used against perpetrators, Garland himself never endorsed the "domestic terrorism" language or the deployment of the Patriot Act on this subject. Garland testified to Congress in October that complaints about education and school boards are "totally protected by the First Amendment" as long as they are not threats of violence -- and said he "can't imagine any circumstance in which the Patriot Act would be used in the circumstances of parents complaining about their children, nor can I imagine a circumstance where they would be labeled as domestic terrorism."*

### **Garland's memo didn't mention terrorism**

#### **Read More**

Here's what actually happened in the fall of 2021.

The week after the National School Boards Association sent its letter to Biden, Garland issued a memo to the FBI and federal prosecutors. The October memo decried "a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers and staff," said the Department of Justice would work to identify such threats "and prosecute them when appropriate," and directed the FBI and prosecutors to convene meetings with various leaders around the country to "facilitate the discussion of strategies for addressing threats" against education personnel.

Various Republicans have criticized Garland over the memo, some of them claiming it amounted to the Department of Justice adopting the view that parents concerned about education policy were "domestic terrorists." (The National School Boards Association board of directors apologized for the letter in October, saying that "there was no justification" for some of its language.) But whatever the merits or flaws of Garland's memo, the reality is that it simply did not say anything at all about "domestic terrorism" or the Patriot Act -- much less use the word "terrorists" to describe parents who merely wanted to attend school board meetings, as McCarthy falsely claimed Garland had done.

Garland told the House Judiciary Committee in October: "I want to be clear, the Justice Department supports and defends the First Amendment right of parents to complain as vociferously as they wish about the education of their children, about the curriculum taught in the schools. That is not what the memorandum is about at all, nor does it use the words 'domestic terrorism' or 'Patriot Act.'"

Garland also told the committee, "I do not believe that parents who testify, speak, argue with, complain about school boards and schools should be classified as domestic terrorists or any kind of criminals." He said that "true threats of violence are not protected by the First Amendment," and that "those are the things we're worried about here. Those are the only things we're worried about here."

FactCheck.org fact-checked McCarthy's comments last week. CNN has previously debunked similar Republican claims. McCarthy's office did not respond to requests for comment for this article.

### **There's no basis for broader Republican allegations, either**

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There is clearly no basis for McCarthy's claims that Garland called parents "terrorists" for wanting to attend school board meetings. It's also worth noting that there is no basis for Republican claims that the broader Biden administration is treating parents as terrorists for expressing concerns about education.

Seeking to link the Biden administration to the National School Boards Association's use of the phrase "domestic terrorism," some Republicans have cited October reports in conservative media that White House staffers were in talks with association officials in the weeks prior to the association sending its letter to Biden. But nobody has presented evidence that the White House was responsible for the association's decision to include the phrase "domestic terrorism" in that letter.

Some Republicans have also pointed to the fact that the FBI's counterterrorism division was involved last year in the creation of a "threat tag" -- the phrase "EDUOFFICIALS" -- to help employees keep track of investigations and assessments related to threats of violence against education officials. But a threat tag is just an internal organizing tool, and the existence of the tag is not evidence that the FBI has overreached against parents who have not made threats.

The FBI told CNN in a November statement that the counterterrorism division was involved because it shares responsibility with the criminal investigative division for handling violent threats. The FBI statement said that "the FBI has never been in the business of investigating parents who speak out or policing speech at school board meetings, and we are not going to start now."

Mr. CICILLINE. I would ask unanimous consent that my Republican colleagues read these documents and stop making a false claim.

Ms. SCANLON. Good luck with that.

[Simultaneous speaking.]

Mr. GOHMERT. The gentleman just impugned our integrity. I would demand that his words be taken down. He is not allowed under the rules to impugn false statements by this side. As far as Politifact and some of those, they couldn't find the truth with both hands.

Ms. SCANLON. That is a separate allegation.

Mr. ISSA. I would like the gentlelady's words to be taken down.

Mr. GOHMERT. Well, I would ask that the words be taken down.

Ms. SCANLON. The gentlelady from Texas—

Mr. ISSA. No, no. No, no, your words need to be taken down, Madam Chair.

Mr. GOHMERT. You can't highlight the rules like that.

Ms. SCANLON. The Committee will suspend.

[Pause.]

Mr. BISHOP. Yes, in response to Mr. Cicilline's comments the gentlelady said "Good luck with that." I think that impugns the Republican side. I think that is actually totally inappropriate. If we are going to start letting people out of order, just throw in documents, man, I have got about 20 sitting right here.

Ms. SCANLON. I will withdraw the comment.

Mr. BISHOP. Thank you.

Ms. SCANLON. Now, we would like to recognize Ms. Jackson Lee.

Mr. GOHMERT. Well, we have got to have a ruling on my request that the gentleman's words be taken down where he said we made false statements.

Mr. RASKIN. Madam Chair?

Ms. SCANLON. Yes, Mr. Raskin?

Mr. RASKIN. As I understand it, the gentleman's point, he said that the gentleman from Rhode Island had impugned his false statements and perhaps the gentleman from Rhode Island would just say he does not impugn his false statements.

Mr. CICILLINE. I don't think Mr. Gohmert made any statements. I think the report were repeating—or reporting to this Committee the headlines of five documents that said those claims are false. Those are what the documents say. I am not going to change the words of the documents. I am not impugning them. I am simply putting into the record those documents that in fact refute the claim.

Mr. GOHMERT. The gentleman said that the Ranking Member grossly mischaracterized the statements and—

Mr. CICILLINE. That is not a breach of decorum. I think it is an accurate statement.

Mr. GOHMERT. Yes, it is. Well, it is not an accurate statement.

Mr. CICILLINE. In my opinion it grossly mischaracterized the contents of the DOJ memo. That is absolutely appropriate.

Mr. GOHMERT. It impugns intention—

Mr. CICILLINE. No, it does not impugn. It doesn't say anything about his intention.

Mr. GOHMERT. You have gotten so used to making statements that are outside the rules of decorum that you don't even recognize when you do. You can't just constantly malign people on this side of the aisle.

Mr. ISSA. Madam Chair, are you prepared to rule?

Ms. SCANLON. Can the gentleman from Rhode Island rephrase to make clear that this is a difference of opinion with respect to—

Mr. CICILLINE. Well, I certainly—to the extent that they thought that my words were impugning them, they were responding to statements made and they rejected those statements to the written documents, not impugning any declarant in this hearing. I don't think that our rules require me to accept assertions without challenging them. That is exactly what a Committee process is about. I am not going to limit my right to challenge claims that are made appropriately, which I believe I did.

Mr. GOHMERT. That is outside the bounds for any Member to just take over time and start impugning other people making false statements—

Mr. CICILLINE. I don't think there was anybody impugning anybody. I think we were challenging the claims that were made.

Mr. GOHMERT. The unanimous consent request allows a request for unanimous consent. It doesn't allow you to start mischaracterizing what you allege are mischaracterizations.

Ms. SCANLON. Yes, Mr. Jordan?

Mr. JORDAN. Well, let's just get to the facts. The facts are the White House coordinated with the School Board Association [inaudible]—

[Simultaneous speaking.]

Mr. CICILLINE. If we are having an argument about the facts, I welcome that, Mr. Jordan.

Mr. JORDAN. Oh, well, he stated something that is just not accurate. I got the letter right here.

Ms. SCANLON. Mr. Jordan, you are not [inaudible].

[Simultaneous speaking.]

Ms. SCANLON. All right. Fine.

[Pause.]

Ms. SCANLON. In the opinion of the Chair, the words did not impugn the Members on the other side.

Mr. JORDAN. Madam Chair? Are you going to appeal that ruling?

Mr. GOHMERT. Appeal the ruling.

Mr. JORDAN. Motion to table.

Ms. JACKSON LEE. Motion tabled.

Ms. SCANLON. Okay. We will get the clerk. The clerk will call the roll.

Ms. FONTENOT. Mr. Nadler?

[No response.]

Ms. SCANLON. Just so everyone is clear, after the exchanges this is a vote on the motion to table.

Ms. FONTENOT. Ms. Lofgren?

[No response.]

Ms. FONTENOT. Ms. Jackson Lee?

Ms. JACKSON LEE. Aye.

Ms. FONTENOT. Ms. Jackson Lee votes aye.

Mr. Cohen?

[No response.]  
 Ms. FONTENOT. Mr. Johnson of Georgia?  
 Mr. JOHNSON of Georgia. Johnson votes aye.  
 Ms. FONTENOT. Mr. Johnson of Georgia votes aye.  
 Mr. Deutch?  
 [No response.]  
 Ms. FONTENOT. Ms. Bass?  
 [No response.]  
 Ms. FONTENOT. Mr. Jeffries?  
 Mr. JEFFRIES. Aye.  
 Ms. FONTENOT. Mr. Jeffries votes aye.  
 Mr. Cicilline?  
 Mr. CICILLINE. Aye.  
 Ms. FONTENOT. Mr. Cicilline votes aye.  
 Mr. Lieu?  
 [No response.]  
 Mr. SWALWELL. Swalwell is aye.  
 Ms. FONTENOT. Mr. Swalwell votes—  
 Mr. SWALWELL. I think you skipped Swalwell.  
 Ms. FONTENOT. Mr. Swalwell votes aye.  
 Mr. Raskin?  
 Mr. RASKIN. Aye.  
 Ms. FONTENOT. Mr. Raskin votes aye.  
 Ms. Jayapal?  
 [No response.]  
 Ms. FONTENOT. Ms. Demings?  
 Ms. DEMINGS. Aye.  
 Ms. FONTENOT. Ms. Demings votes aye.  
 Mr. Correa?  
 Mr. CORREA. Aye.  
 Ms. FONTENOT. Mr. Correa votes aye.  
 Ms. Scanlon?  
 Ms. SCANLON. Aye.  
 Ms. FONTENOT. Ms. Scanlon votes aye.  
 Ms. Garcia?  
 [No response.]  
 Ms. FONTENOT. Mr. Neguse?  
 [No response.]  
 Ms. FONTENOT. Ms. McBath?  
 [No response.]  
 Ms. FONTENOT. Mr. Stanton?  
 Mr. STANTON. Aye.  
 Ms. FONTENOT. Mr. Stanton votes aye.  
 Ms. Dean?  
 [No response.]  
 Ms. FONTENOT. Ms. Escobar?  
 Ms. Escobar?  
 Ms. ESCOBAR. How did the Chair vote?  
 Ms. SCANLON. Aye.  
 Ms. ESCOBAR. Aye.  
 Ms. FONTENOT. Ms. Escobar votes aye.  
 Mr. Jones?  
 [No response.]  
 Ms. FONTENOT. Ms. Ross?

Ms. ROSS. Ross votes aye.  
 Ms. FONTENOT. Ms. Ross votes aye.  
 Ms. Bush?  
 [No response.]  
 Ms. FONTENOT. Mr. Jordan?  
 Mr. JORDAN. No.  
 Ms. FONTENOT. Mr. Jordan votes no.  
 Mr. Chabot?  
 [No response.]  
 Ms. FONTENOT. Mr. Gohmert?  
 Mr. GOHMERT. No.  
 Ms. FONTENOT. Mr. Gohmert votes no.  
 Mr. Issa?  
 Mr. ISSA. Mr. Issa votes no.  
 Ms. FONTENOT. Mr. Issa votes no.  
 Mr. Buck?  
 Mr. BUCK. No.  
 Ms. FONTENOT. Mr. Buck votes no.  
 Mr. Gaetz?  
 Mr. GAETZ. No.  
 Ms. FONTENOT. Mr. Gaetz votes no.  
 Mr. Johnson of Louisiana?  
 Mr. JOHNSON of Louisiana. No.  
 Ms. FONTENOT. Mr. Johnson of Louisiana votes no.  
 Mr. Biggs?  
 Mr. BIGGS. No.  
 Ms. FONTENOT. Mr. Biggs votes no.  
 Mr. McClintock?  
 Mr. McCLINTOCK. No.  
 Ms. FONTENOT. Mr. McClintock votes no.  
 Mr. Steube?  
 Mr. STEUBE. No.  
 Ms. FONTENOT. Mr. Steube votes no.  
 Mr. Tiffany?  
 Mr. TIFFANY. Tiffany. No.  
 Ms. FONTENOT. Mr. Tiffany votes no.  
 Mr. Massie?  
 Mr. MASSIE. No.  
 Ms. FONTENOT. Mr. Massie votes no.  
 Mr. Roy?  
 Mr. ROY. No.  
 Ms. FONTENOT. Mr. Roy votes no.  
 Mr. Bishop?  
 Mr. BISHOP. No.  
 Ms. FONTENOT. Mr. Bishop votes no.  
 Ms. Fischbach?  
 Ms. FISCHBACH. No.  
 Ms. FONTENOT. Ms. Fischbach votes no.  
 Ms. Spartz?  
 [No response.]  
 Ms. FONTENOT. Mr. Fitzgerald?  
 Mr. FITZGERALD. No.  
 Ms. FONTENOT. Mr. Fitzgerald votes no.  
 Mr. Bentz?

Mr. BENTZ. No.

Ms. FONTENOT. Mr. Bentz votes no.

Mr. Owens?

[No response.]

Ms. LOFGREN. How is Lofgren recorded?

Ms. FONTENOT. Ms. Lofgren, you are not recorded.

Ms. LOFGREN. Aye.

Ms. GARCIA. Madam Chair, how am I recorded?

Ms. FONTENOT. Ms. Lofgren votes aye.

Ms. Garcia, you are not recorded.

Ms. GARCIA. Garcia votes aye.

Ms. FONTENOT. Ms. Garcia votes aye.

Ms. DEAN. How am I recorded? Dean.

Ms. FONTENOT. Ms. Dean, you are not recorded?

Mr. LIEU. Madam Chair, how am I recorded?

Ms. FONTENOT. Ms. Dean votes aye.

Mr. Lieu, you are not recorded.

Ms. LIEU. Lieu votes aye.

Ms. FONTENOT. Mr. Lieu votes aye.

Mr. CHABOT. Chabot. How am I recorded?

Ms. FONTENOT. Mr. Chabot you are not recorded.

Mr. CHABOT. No.

Ms. FONTENOT. Mr. Chabot votes no.

Mr. DEUTCH. Mr. Chair, how am I recorded?

Ms. FONTENOT. Mr. Deutch, you are not recorded.

Mr. DEUTCH. Aye.

Ms. FONTENOT. Mr. Deutch votes aye.

Ms. SCANLON. Has Ms. Jayapal been recorded?

Ms. FONTENOT. Ms. Jayapal is not recorded.

Ms. JAYAPAL. Jayapal votes aye.

Ms. FONTENOT. Ms. Jayapal votes aye.

Mr. JOHNSON of Georgia. Madam Chair, how am I recorded?

Ms. FONTENOT. Mr. Johnson, you are recorded as aye.

Mr. JOHNSON of Georgia. Thank you.

Ms. SCANLON. The clerk will report.

Ms. FONTENOT. Madam Chair, there are 18 ayes and 17 noes.

Ms. SCANLON. The motion to table is agreed to.

The gentlewoman from Texas is recognized for five minutes.

Ms. JACKSON LEE. Welcome. This may be another long hearing. I don't know what your time frame is, but let me first indicate that this idea of national security should be a bipartisan. I knew as I woke up this morning that the family member of the President would be center point. I wonder why the insurrection on January 6 is not center point. Let me have my line of questioning in specific areas.

First, I want to say that I would be interested, and I think it is going to be very important for us to know how many cases have been impacted by the Federal court's breach. I don't pose that as a question. I pose that as a serious concern that this Committee needs to have. I would expect your preparation and for us to be able to get that information as quickly as possible in a setting that would be appropriate. This is a dangerous set of circumstances. It has now been publicly announced and we need to know how many

and how many were dismissed. So, I wanted to get that on the record.

Then I wanted to make sure that we pose a question: Nearly 3.4 million warrantless searches for American identifiers is an astronomical number. Are you confident that none of these queries were as Judge Boasberg described designed to retrieve evidence of crime that is not foreign intelligence information? This relates to obviously our FISA concerns. I was here for the Patriot Act. Here for its reform. The Judiciary Committee did it. If you can give brief answers because I have a series of other questions. Thank you.

Mr. OLSEN. Sure. If I may very briefly just to remark that in my experience having served under a number of different administrations national security is a bipartisan concern.

Now, on the number of queries that you referenced, that was a significant jump over the prior year. We've looked closely at that number of three million queries. The more than half of that number I believe is attributable to one search involving a cyber incident where we were looking for potential victims of a cyber incident.

So, I'm happy to come back and give you more details on that in a classified setting, but that's the basic answer to that question.

Ms. JACKSON LEE. Well, you know how concerning it is that Americans would be subjected to that kind of invasion. I want to go on record for opposing it. We will need to get a briefing as quickly as possible.

Let me also pursue this issue dealing with Incel and the rise, the horrific rise of domestic terrorism in this country. For me it is overwhelming, but it is true.

In January 2022, DOJ announced the creation of a Domestic Terrorism Unit to fight homegrown extremism. What quickly does this new unit demonstrate about DOJ's strategy for countering White supremacy and can you briefly talk about the threat from far-right extremists who also misrepresent the truth? I think that is an important point and that draws in recruits. Would you comment briefly, please, on that unit and that recruiting concept of telling an untruth and getting people to join you?

Mr. OLSEN. Well, the Domestic Terrorism Unit that we announced in January and stood up officially in May consists of a number of prosecutors as well as policy-oriented attorneys to make sure that we're taking a consistent approach across the country when it comes to domestic violence extremism and cases involving domestic terrorism, which run the gamut.

We follow the evidence and the law and we take on the issue of domestic terrorism without regard to politics or ideology. We have seen a rise particularly in lethal attacks by individuals motivated by racism as well as individuals motivated by antigovernment or anti-authority ideology.

Ms. JACKSON LEE. What does the unit do?

Mr. OLSEN. The unit is within our broader Counterterrorism Section. It oversees and coordinates domestic terrorism prosecutions and investigations that are typically carried out by U.S. attorneys' offices around the country. The goal is to make sure that we're handling these cases on a consistent basis. It also is charged with ensuring that we are looking at violence and acts of violence and not looking at protected speech.

Ms. JACKSON LEE. Obviously. Let me move quickly to Incel. This is egregious, horrific, deadly. The perpetrators of the crime in Uvalde, Oxford, Michigan, and UC Santa Barbara were Incel proponents, and that is the hatred of women, gender, misogyny, extremism mixed in with the toxicity of race. This National Treat Assessment Center released a study on the growing terrorism threat from men who call themselves antifeminist or involuntary celibates and draw motivation for violence from the inability to develop relationships with women. The study highlighted the specific threat.

So, my question is, if you can finish the question, which is your focus on that.

Mr. OLSEN. We're focused on all manners of ideologically-focused or directed violence. Certainly, the instances you mentioned, some of them are under investigation. Obviously, I can't talk about ongoing investigations. The challenge generally is that individuals with a mix of ideologies are easily radicalized online and have access to significant and powerful weapons.

Ms. SCANLON. The gentlelady's time is expired.

Ms. JACKSON LEE. I yield back.

Ms. SCANLON. The gentleman from California is recognized.

Mr. ISSA. Thank you. Thank you, Madam Chair.

Mr. Olsen, the 22 years that I have sat down there and now up here on the dais I saw the creation of your organization, the creation of suborganizations. Like a few of us at the top of the dais, I remember why you were formed. Because of 9/11 created the mandate. We were concerned about domestic activities leading to attacks on the United States, but primarily foreign-motivated.

It does seem to me, just a commentary, that we are straying further and further from your mission. I do think that it is important that you follow the facts where they lead and that you go after terrorists. I, myself, had an attempt to bomb my office which was an act of domestic terrorism. Members of this body on both sides have been shot and nearly killed by people who objected to our positions.

So, I am not saying to get rid of them, but I am concerned that what we fund, what we promote, and what your responsibility is to keep the homeland safe. Disproportionately that is based on foreign actors linked to U.S. actors. To that extent I have a question today that is of deep concern.

On June 6, a Venezuelan flagged plane landed in Buenos Aires. It had five Iranians and 14 Venezuelan crew. They were in fact IRGC officials. Other crew members had ties to terrorism. The plane was owned by a designated, U.S.-designated airline that had, in fact, been seen and proven to be ferrying weapons into Syria from Iran. It was designated to be connected to Hezbollah. All this is undeniable.

The plane itself, its tail number is designated by the United States in the past.

As a result, six weeks ago a Federal judge in Argentina referred an MLAT to your organization and to date has not had a response. This is normally a 24-hour turnaround because to hold these people, to have the information, to fight the war on terror and terrorism they need your cooperation. Are you familiar with this case?

Mr. OLSEN. I am generally familiar with the case, yes, Congressman.

Mr. ISSA. Can you explain why both myself and a U.S. Senator do not have an answer along with the Argentineans, which should have come in 24 hours?

Mr. OLSEN. This is an ongoing matter; I can't talk about the specifics. I am happy to take this question back and get back to you with any information I can further provide.

Mr. ISSA. Myself, Senator Ernst, and others would appreciate that, but let me just say that we find it conspicuous that Iran seems not to be getting the kind of scrutiny particularly considering the connection to Hezbollah, considering the threat to Israel, the threat to the United States, the threat to our allies in South and Central America that this should have been a high priority. Yes, I would like an answer, but I would like to know here today in the remaining time what you believe the appropriate turnaround time is for this kind of a request, particularly with proven terrorist activities in the hands of a friendly foreign government.

Mr. OLSEN. I will tell you that we take very seriously the threat from Iran, the Quds Force, the IRGC, and—

Mr. ISSA. No, no. Wait a second. If I can pause you for a moment. We took it seriously under the Trump Administration. We took it seriously when we were fighting Iran. Currently, there are negotiations to essentially normalize relations with Iran going on at the highest level of this government. So, the scrutiny I have now is why is it taking beyond the 24 hours? Tell me it is serious. Tell me why it is not 24 hours, and what are you going to do to get back to the historic turnaround time to work with our allies when confronted with terrorists?

Mr. OLSEN. So, I simply can't speak to the particulars of that request.

Mr. ISSA. I will take every other case. Are we going to get 24-hour turnaround time in other cases or are we going to consistently not get it when there are policy issues at the very top that would seem to have you not want to go after the IRGC for their conducting of terrorist activities that endanger us, Israel, and our other allies?

Mr. OLSEN. I can absolutely assure you that political considerations do not affect how we enforce our national security laws.

Mr. ISSA. You can assure me, Mr. Olsen. You haven't done it here today.

Ms. SCANLON. The gentleman's time is expired.

Mr. JOHNSON of Georgia is recognized.

Mr. JOHNSON of Georgia. Thank you, Madam Chair. Thank you to this Witness for your appearance today.

Sir, I would like to ask you, does the FBI target parents at school board meetings who are protesting against mask mandates, critical race theory, or any other subject, and they do not threaten violence? Does the FBI have a system where it investigates these parents who are lawfully exercising their First Amendments rights?

Mr. OLSEN. So, the answer is no. The FBI, the Department of Justice investigates crimes, violence, and threats of violence. It does not, in fact, it is prohibited from opening investigations based solely on First Amendment protected activities. So, there is no targeting of anyone for exercising their First Amendment rights. In

fact, that was made clear by the Attorney General and is consistent with my experience over 20 years at the Justice Department.

Mr. JOHNSON of Georgia. Has the FBI seen a rise in threats against local school board officials that are threatening violence?

Mr. OLSEN. So, my understanding is that there has been a general rise in threats against individuals who serve in positions such as school boards, but also other local and State elected officials, as well as law enforcement, and that this concern about the rise in threats of violence, criminal activity, involving people who serve in positions of civic life is a growing concern for the Department of Justice, as it is for State and local police departments and prosecutors around the country.

Mr. JOHNSON of Georgia. Does the FBI and the Justice Department coordinate with local and State governments when there are threats of violence against school board officials?

Mr. OLSEN. Yes. In fact, that partnership between Federal law enforcement and Federal prosecutors, but particularly on the law enforcement side, between the Federal side and the State and locals is at the heart of the effort to ensure that people who serve in positions of public trust at every level are not subject to threats of violence, and at the same time, that individuals who seek to speak out at open hearings, whether in a school board or a city council hearing, that those rights are protected as well.

Mr. JOHNSON of Georgia. Thank you. Do you find that the United States, excuse me, has been targeted with disinformation from both foreign and domestic sources and that this disinformation affects parents at local school board meetings, it affects Members of Congress with respect to disinformation about Hunter Biden, should there be any? Do you find that disinformation has caused people to react in ways that are problematic?

Mr. OLSEN. So, I can't speak to particular instances of disinformation or misinformation and how it may affect individuals in particular matters.

What I can tell you is that the intelligence community for the United States does believe and has assessed that the spread of information, particularly over social media, has increased the reach and the speed of that reach of violent content, and it has increased the speed at which individuals may become radicalized and mobilized to violence. That is where we are focused, is where individuals are moved to commit acts of violence or threats of violence, criminal acts, that we, therefore, can then investigate and prosecute.

Mr. JOHNSON of Georgia. Has this disinformation been a factor in the rise of the terrorist threat from far-right nationalists, domestic far-right nationalists, who are also racists?

Mr. OLSEN. In my view, Congressman, the challenge of disinformation and misinformation is agnostic. We saw this challenge when it came to the use by ISIS of propaganda to try to recruit and mobilize people to violence in the United States. It is true when it comes to domestic violent extremists as well, who may be moved to become radicalized based on misinformation and disinformation that they may consume over social media from other sources.

Mr. JOHNSON of Georgia. Thank you. I thank you for being diligent in the protecting of the security of the American people. With that, I yield back.

Ms. SCANLON. Thank you. Mr. Jordan of Ohio is recognized for five minutes.

Mr. JORDAN. Thank you, Madam Chair. Mr. Olsen, are you juicing the numbers?

Mr. OLSEN. I am not sure what you are referring to.

Mr. JORDAN. Well, you talked all about, your opening about the number of domestic terrorism threats. We have had multiple whistleblowers come to our office and tell us that they are being pressured to categorize cases as domestic terrorist threats that aren't. I am just wondering, because it was the opening of your statement. Most of your statement you talked about this new office you field. Are you juicing the numbers?

Mr. OLSEN. I am not aware of the references you are making to the whistleblowers. What I can tell you is—

Mr. JORDAN. Well, we are aware of them. Who is—

Mr. OLSEN. —that the intelligence community has assessed that the threat we face from domestic violent extremism is elevated, and that is consistent with what I—

Mr. JORDAN. Who is Timothy Thibault?

Mr. OLSEN. I am sorry. I don't know that name.

Mr. JORDAN. You don't know that name? Mr. Grassley does. Mr. Grassley cited him in his letter. Mr. Gaetz brought him up in his five minutes of questioning. Mr. Thibault is a guy who suppressed information that was verifiable about Hunter Biden in 2020. You don't know who this individual is?

Mr. OLSEN. I am sorry. I don't know who that is.

Mr. JORDAN. Well, you know what is also interesting about this individual? He is the guy that the whistleblowers told us is pressuring them to recategorize the cases as domestic terrorism cases. You don't know anything about him.

Mr. OLSEN. I do not.

Mr. JORDAN. All right. Well, I guess that maybe stands to reason. I find that interesting. How many more parents has the Department of Justice investigated?

Mr. OLSEN. The Justice Department and the FBI investigate individuals who commit acts of violence or threats of violence or Federal crimes.

Mr. JORDAN. I am talking—and relative to the school board issue, how many more parents have you—we know of 20-some, over two dozen, because, again, we have had other whistleblowers come forward and tell us about that. The number—it is almost like it is a well-worn trail of FBI agents coming as whistleblowers to our office because so many things that they are concerned about going on at the Justice Department. So, we know of over two dozen. I want to know how many more have you done since we sent that letter two months ago to the Justice Department.

Mr. OLSEN. We don't investigate anyone based on their status as a parent or not a parent. We would investigate and prosecute—

Mr. JORDAN. You would investigate them based on the threat tag EDUOFFICIALS, the designation. How many more than the 20-some we know about already, how many more have been inves-

tigated because they have that threat tag associated with their name?

Mr. OLSEN. I don't believe that anyone has been investigated because they have a threat tag. I can't speak to that—

Mr. JORDAN. How else are you going to identify them? That was the FBI memo, threat tag on their name, EDUOFFICIALS, and they have been investigated. Again, we know of over two dozen of them.

Mr. OLSEN. I don't have specific information about that.

Mr. JORDAN. All right. You were on the press release when the Attorney General issued his memorandum on October 4, 2021. The National Security Division was mentioned on this press release that went out that day. Here is what the press release says. According to the Attorney General's memorandum, the Justice Department will launch a series of additional efforts, to include the creation of a task force.

Has that task force been created?

Mr. OLSEN. I believe that it has, yes.

Mr. JORDAN. You believe or has it?

Mr. OLSEN. I believe that it has, yes.

Mr. JORDAN. Who is on it?

Mr. OLSEN. So, a number of components across the Justice Department.

Mr. JORDAN. No. Who is on the task force?

Mr. OLSEN. A number of components are represented on the task force from the Criminal Division to the Civil Division—

Mr. JORDAN. Well, components don't serve on task force. People do. Who are the people on the task force?

Mr. OLSEN. A number of representatives of those components serve on the task force.

Mr. JORDAN. Do you serve on it?

Mr. OLSEN. I am not a member of the task force. I have not been doing any meetings. So, there are a number of representatives across the department who form that task force.

Mr. JORDAN. Who from the NSD is on the task force?

Mr. OLSEN. So, I don't have any information about who, particularly, is on the task force from my division.

Mr. JORDAN. This was a big press release. This was the biggest story in the news last fall. The National Security Division is one of the components on the task force. You have never been to a task force meeting? You don't know who from your division is?

Mr. OLSEN. Correct.

Mr. JORDAN. Are you guys embarrassed about this whole looking into the school boards, going after moms and dads? Is this an—the National School Boards Association has pulled back their letter. They said they apologize for it. They regret that they did it. A bunch of States have pulled out of the organization. I am just wondering if that is the same attitude you guys now have. Frankly, that would be good if you did.

Mr. OLSEN. I think we take very seriously that anyone who serves in civic life deserves to be safe. Anyone who serves on a school board, on a city council, in any position of public trust, they should not be the subject of threats of violence or violence. That is the point of this effort is to work with particularly—

Mr. JORDAN. Yeah, and parents should be, should feel safe that they can speak their mind about their kids' education and not be harassed for doing so. We have sent you a 103 letters, 584 specific requests over the last nine months. I have a whole stack of them here. Have you collected any of the information we have asked for? Have you collected that information?

Mr. OLSEN. I am aware that there have been requests. I don't know the status of the response of those requests. I am certainly willing to take—

Mr. JORDAN. Well, we know the status of the response. You have basically given us the finger and said we are not going to give you anything. We received two letters with a half a paragraph on each letter. I just want to know if you have actually collected the information. We know you are not going to give it to us because we would be seeing that over the last nine months. Have you collected any of it?

Mr. OLSEN. I am not sure what, sir, I am not sure what you mean by collected any of the information. I am certainly willing to—

Mr. JORDAN. Five hundred and eighty-four specific requests about correspondence, emails, communications between the Justice Department, the White House, and the Department of Education. We have asked for the information. I am just asking if you even started to collect it?

Mr. OLSEN. I am certainly willing to take that question back to our Office of—

Mr. JORDAN. Well, I think it is interesting you don't know the answer to it. So, it tells me you probably haven't.

Ms. SCANLON. The gentleman's time has expired. The gentleman from Rhode Island is recognized for five minutes.

Mr. CICILLINE. Thank you. I want to thank you, Assistant Attorney General Olsen, for being here today.

One of the more dire threats we are seeing to our national security is coming from within our borders. In recent years, we have seen a rise in domestic terrorism and hate crimes across the country. In fact, an analysis by the Center for Strategic and International Studies showed that domestic terrorism in 2020 was at the highest level in nearly three decades.

Since 2005, right-wing extremists have been involved in 267 domestic terror plots or attacks and responsible for 91 deaths according to the Center. This has included countless racially motivated attacks, mass shootings and killings, including earlier this year in Buffalo, New York, and El Paso, Texas, in 2019 and at the Tree of Life Synagogue in 2018, and too many other places to name, instilling great fear and even insecurity among the American people.

The National Security Division and your work is incredibly important to the defense of the homeland, not only from foreign threats but from domestic ones as well, which brings me to my first question. Attorney General Garland and Secretary of Homeland Security Mayorkas have both testified that the greatest domestic threat facing the United States comes from racially or ethnically motivated violent extremists, specifically those who advocate for the superiority of the White race.

How has the DOJ modified its intelligence and prosecution apparatus since the beginning of the Biden Administration to prioritize terrorist activity by White supremacists, White nationalists, and antigovernment groups in the United States responsible for the kind of violence I just described?

Mr. OLSEN. Sure. Look, we are threat driven at the National Security Division and across the Justice Department. So, we respond to the nature of the threats that we see and the way the FBI and the rest of the intelligence community characterizes those threats. They include threats from international terrorist groups like Al Qaeda and ISIS, but increasingly we have become concerned about groups that are based in the United States. Those groups run the gamut in terms of ideology and mix of ideology.

Mr. CICILLINE. I guess my question is, why has the DOJ struggled to investigate and prosecute these threats.

Mr. OLSEN. So, what I would say, for our part, what we did in the National Security Division was to establish a specialized unit within our counterterrorism section this year to focus on domestic terrorist threats and domestic violent extremists to make sure that we have the right data, because that is a challenge to understand the nature of the threat, to make sure that we have prosecutors dedicated to that effort, and also to make sure that we are focusing on violence and not First Amendment protected activities, because, of course, one of the concerns is that an individual may espouse hateful rhetoric, racist rhetoric, antigovernment rhetoric, but that is protected by the First Amendment. Our concern is when that, those views cross over into criminal acts, such as acts of violence.

Mr. CICILLINE. I want to ask you a question about a piece of legislation, the American Innovation and Choice Online Act. This is bipartisan legislation that promotes competition, innovation, and consumer choice online.

In its letter of support, a very strong letter of support, the Department of Justice explained that the gatekeeper power of dominant platforms threatens our economic leadership and resiliency and that by reining in this power our legislation will help promote America's dynamism and competitiveness.

Some opponents of the bill have falsely claimed it could harm our national security or that the legislation has not been properly vetted for national security considerations. Isn't it true that the Justice Department's support of this bill reflects the entire department's views, including those of the National Security Division? As head of the National Security Division, do you have any national security concerns about the legislation?

Mr. OLSEN. Yes, I am certainly aware of the legislation and also that we have, at the department, have submitted a views letter in support of the bill, and that views letter reflects the input of my division, the National Security Division.

I also know that the bill contains a number of provisions that are designed to address the types of concerns that were raised about and are being raised about national security. I look forward to working, if there are additional changes that need to be made, to address any additional national security concerns.

Mr. CICILLINE. Thank you. Finally, terrorism in the form of mass shootings has become increasingly prevalent in the United States.

In 2021, we saw nearly 700 mass shootings, the most since the Gun Violence Archive began tracking them in 2014.

Does the DOJ view these attacks as part of a broader domestic extremist terrorism problem? How does the DOJ incorporate the prevention of mass shooting into its national security work, if it does at all?

Mr. OLSEN. So, the challenge of mass shootings, tragic as we have seen, spans across the Department of Justice, right, at the Criminal Division, the Civil Rights Division, and the National Security Division. When we have instances of a mass shooting that is motivated by political views or ideology that falls into the category of domestic terrorism, that might be something, that would be something then that the National Security Division works on. We often work in coordination with the Civil Rights Division, because it has the jurisdiction over hate crime statutes, and many of these cases are prosecuted through hate crimes.

What I can say, which I think is obvious, is that easy access to military grade weapons increases the likelihood that individuals who are extremists and hold extremist views and seek to carry out acts of violence are able to do so on a more significant scale.

Ms. SCANLON. The gentleman's time—

Mr. CICILLINE. Thank you. I yield back.

Ms. SCANLON. Thank you. Mr. Johnson of Louisiana is recognized for five minutes.

Mr. JOHNSON of Louisiana. Thank you. Mr. Olsen, over here. It is ironic to hear my colleagues today talk about disinformation, because there is a lot of it being shared from the other side of the aisle. Let me reset the table here on the documented facts of what exactly we know about this whole school boards issue.

As activist groups on the left continued to push their agenda on America's children last year, parents across the country began to speak out. They came to school board meetings. They expressed their views on critical race theory, mask mandates, and controversial curricula. That is their First Amendment right.

As more parents spoke out, the National School Boards Association and the Biden Administration colluded, that is a specifically used term for a reason, to create a justification to use Federal law enforcement tools to silence those parents who were becoming a real problem for the agenda. As part of this collusion, the NSBA, the school board association, sent a now-famous letter to the White House dated September 29, 2021 urging the Biden Administration to use the heavy hand of Federal law enforcement, including the PATRIOT Act, to target those moms and dads and chill their protected First Amendment rights.

The White House not only colluded with the NSBA to craft the substance of that letter, but following the letter, President Biden called the then SBA President to say he was "appreciative" of their letter and invited her to visit the Oval Office.

The NSBA letter stated, "malice, violence, and threats against school officials," quoting, "could be the equivalent of a form of domestic terrorism or hate crimes." We didn't make that up. This is all documented.

[The information follows:]



**MR. JOHNSON OF LOUISIANA  
FOR THE RECORD**

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National School Boards Association  
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 Phone: (703) 838.6722 • Fax: (703) 683.7590  
[www.nsba.org](http://www.nsba.org)

September 29, 2021

The Honorable Joseph R. Biden  
 President of the United States  
 The White House  
 1600 Pennsylvania Avenue, NW  
 Washington, DC 20500

Re: *Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators*

Dear Mr. President:

America's public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation. Local school board members want to hear from their communities on important issues and that must be at the forefront of good school board governance and promotion of free speech. However, there also must be safeguards in place to protect public schools and dedicated education leaders as they do their jobs.

NSBA believes immediate assistance is required to protect our students, school board members, and educators who are susceptible to acts of violence affecting interstate commerce because of threats to their districts, families, and personal safety. As our school boards continue coronavirus recovery operations within their respective districts, they are also persevering against other challenges that could impede this progress in a number of communities. Coupled with attacks against school board members and educators for approving policies for masks to protect the health and safety of students and school employees, many public school officials are also facing physical threats because of propaganda purporting the false inclusion of critical race theory within classroom instruction and curricula.<sup>1</sup> This propaganda continues despite the fact that critical race theory is not taught in public schools and remains a complex law school and graduate school subject well beyond the scope of a K-12 class.

On behalf of our state associations and the more than 90,000 school board members who govern our country's 14,000 local public school districts educating more than 50 million schoolchildren, NSBA appreciates your leadership to end the proliferation of COVID-19 in our communities and our school districts. We also appreciate recent discussions with White House and U.S. Department of Education staff on many critical issues facing public schools, including threats school officials are receiving.

<sup>1</sup> The Armed Conflict Location & Event Data Project (ACLED), "Fact Sheet: Demonstrations over Critical Race Theory in the United States," July 14, 2021, [https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED\\_FactSheet\\_CRT-Demos\\_2021.pdf](https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_FactSheet_CRT-Demos_2021.pdf).

*The leading advocate for public education*

Preclusion of Further Threats and Violence Against Students and Educators  
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In addition, we applaud your actions to restore resources to school districts that have not yet received their education stabilization funding through the Project SAFE (Supporting America's Families and Educators) grant program for coronavirus recovery efforts, including the use of face masks and other precautions to help prevent COVID-19 infections among students and educators. Now, we ask that the federal government investigate, intercept, and prevent the current threats and acts of violence against our public school officials through existing statutes, executive authority, interagency and intergovernmental task forces, and other extraordinary measures to ensure the safety of our children and educators, to protect interstate commerce, and to preserve public school infrastructure and campuses.

While local and state law enforcement agencies are working with public school officials in several communities to prevent further disruptions to educational services and school district operations, law enforcement officials in some jurisdictions need assistance – including help with monitoring the threat levels. As these threats and acts of violence have become more prevalent – during public school board meetings, via documented threats transmitted through the U.S. Postal Service, through social media and other online platforms, and around personal properties – NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement, and with public school officials be undertaken to focus on these threats.<sup>2</sup> NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center<sup>3</sup> regarding the level of risk to public schoolchildren, educators, board members, and facilities/campuses. We also request the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.

As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes. As such, NSBA requests a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight. Additionally, NSBA requests that such review examine appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statute, the Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the

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<sup>2</sup> The Herald Editorial Board, *HeraldNet*, "Editorial: Mob's actions at school board meeting unacceptable," September 1, 2021, <https://www.heraldnet.com/opinion/editorial-mob-actions-at-school-board-meeting-unacceptable/>.

<sup>3</sup> U.S. Secret Service, National Threat Assessment Center, "Averting Targeted School Violence," March 2021, <https://www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf>.

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protection of students and public school district personnel, and any related measure. As the threats grow and news of extremist hate organizations showing up at school board meetings is being reported, this is a critical time for a proactive approach to deal with this difficult issue.

These threats or actual acts of violence against our school districts are impacting the delivery of educational services to students and families, as many districts receive federal funds and subsidies for services to millions of students with disabilities, health screenings and supplemental supports for disadvantaged students, child nutrition, broadband connectivity, educator development, school safety activities, career and technical education, and more. School board meetings have been disrupted in California<sup>4</sup>, Florida<sup>5</sup>, Georgia<sup>6</sup>, and other states<sup>7</sup> because of local directives for mask coverings to protect students and educators from COVID-19.

An individual was arrested in Illinois for aggravated battery and disorderly conduct during a school board meeting.<sup>8</sup> During two separate school board meetings in Michigan<sup>9</sup>, an individual yelled a Nazi salute in protest to masking requirements, and another individual prompted the board to call a recess because of opposition to critical race theory.

<sup>4</sup> Elizabeth Marie Himchak, *Poway News Chieftain/ Rancho Bernardo News Journal*, "Protesters disrupt Poway Unified board meeting, cause its adjournment," September 9, 2021, <https://www.sandiegouniontribune.com/pomerado-news/news/schools/story/2021-09-09/protesters-disrupt-poway-unified-board-meeting-force-its-ag>.

<sup>5</sup> Ryan McKinnon, *Sarasota Herald-Tribune*, "Sarasota school board may limit public input after some meetings get disorderly," September 20, 2021, <https://www.heraldtribune.com/story/news/education/2021/09/20/sarasota-school-board-may-limit-public-input-after-meetings-gone-wild/8417784002/>.

<sup>6</sup> Alia Malik, *The Atlanta Journal-Constitution*, "Anti-mask crowd disrupts Gwinnett school board meeting," May 21, 2021, <https://www.ajc.com/news/anti-mask-crowd-disrupts-gwinnett-school-board-meeting/YO7R6GHJ5DTLEFCQHER7V3GBA/>

<sup>7</sup> Julie Wootton-Greener, *Las Vegas Review-Journal*, "School board meeting turns contentious over COVID-19 policies," August 12, 2021, <https://www.reviewjournal.com/local/education/school-board-meeting-turns-contentious-over-covid-19-policies-2418652/>.

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<sup>8</sup> WGEM, "Mendon man arrested following disruption at Unity School board meeting," September 2, 2021, <https://wgem.com/2021/09/02/mendon-man-arrested-following-disruption-at-unity-school-board-meeting/>.

<sup>9</sup> Steve Neavling, *Detroit Metro Times*, "Nazi salute, insults hurled at chaotic Birmingham schools meeting over mask mandate," August 19, 2021, <https://www.metrotimes.com/news-hits/archives/2021/08/19/nazi-salute-insults-hurled-at-ruckus-birmingham-schools-meeting-over-mask-mandate>.

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In New Jersey<sup>10</sup>, Ohio<sup>11</sup>, and other states<sup>12</sup>, anti-mask proponents are inciting chaos during board meetings. In Virginia<sup>13</sup>, an individual was arrested, another man was ticketed for trespassing, and a third person was hurt during a school board meeting discussion distinguishing current curricula from critical race theory and regarding equity issues. In other states including Washington<sup>14</sup>, Texas<sup>15</sup>, Wisconsin<sup>16</sup>, Wyoming<sup>17</sup>, and Tennessee<sup>18</sup>, school boards have been confronted by angry mobs and forced to end meetings abruptly. A resident in Alabama, who proclaimed himself as “vaccine police,” has called school administrators while filming himself on Facebook Live.<sup>19</sup>

<sup>10</sup> Joe Strupp, *Asbury Park Press*, “NJ mask mandate for students sparks school board disruption, suspends meeting,” August 26, 2021, <https://www.app.com/story/news/education/in-our-schools/2021/08/26/nj-school-mask-mandate-sparks-disruption-boe/5585283001/>.

<sup>11</sup> Maia Belay, *Fox8*, “Sheriff deputies called to tense Noidonia Hills school board meeting due to mask policy,” August 31, 2021, <https://fox8.com/news/sheriff-deputies-called-to-tense-noidonia-hills-school-board-meeting-due-to-mask-policy/>.

<sup>12</sup> Pete Bannon, *The Delaware County Daily Times*, “Mask protest brings police to Garnet Valley School Board meeting,” August 25, 2021, Updated August 26, 2021, <https://www.delcotimes.com/2021/08/25/mask-protest-brings-cops-to-garnet-valley-school-board-meeting/>.

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<sup>13</sup> Drew Wilder, Jackie Bensen, Andrea Swalec and NBC4 Washington Staff, *NBCWashington.com*, “The Meeting Has Degenerated: 1 Arrest, 1 Injury at Loudoun Schools Meeting on Equity,” June 22, 2021, Updated June 23, 2021, <https://www.nbcwashington.com/news/local/northern-virginia/loudoun-school-board-transgender-student-policy-race-equity/2708185/>.

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<sup>14</sup> Emily Gilbert, *Whidbey News Times*, “Oak Harbor school board clears the room after audience shouts disrupt meeting,” August 13, 2021, <https://www.whidbeynewstimes.com/news/oak-harbor-school-board-clears-the-room-after-audience-shouts-disrupt-meeting/>.

<sup>15</sup> Talia Richman and Brayden Garcia, *The Dallas Morning News*, “Critical race theory’ roils Fort Worth school board meeting as Texas braces for continued fight,” June 22, 2021, <https://www.dallasnews.com/news/education/2021/06/22/critical-race-theory-roils-fort-worth-school-board-meeting-as-texas-braces-for-continued-fight/>.

<sup>16</sup> WBAY news staff and Jason Zimmerman, *WBAY.com*, “Oshkosh School Board meeting postponed after protesters disrupt it, argument breaks out,” August 25, 2021, Updated August 26, 2021, <https://www.wbay.com/2021/08/25/oshkosh-school-board-meeting-called-off-after-protesters-enter-board-members-walk-out/>.

<sup>17</sup> Margaret Austin, *Wyoming Tribune Eagle* via *Wyoming News Exchange*, *Pinedale Roundup*, “School board meeting over COVID stopped after disruption,” August 4, 2021, <https://pinedaleroundup.com/article/school-board-meeting-over-covid-stopped-after-disruption>.

<sup>18</sup> Jackie Delpilar, *WZTV Nashville*, “Anti-mask protesters show lack of empathy at recent Middle Tennessee school meetings,” September 12, 2021, <https://fox17.com/news/local/anti-mask-protesters-show-lack-of-empathy-at-recent-middle-tennessee-school-meetings>.

<sup>19</sup> Aubrey Bailey, *WHNT.com*, “‘If you give one more shot, you yourself will be executed’ Alabama man tells Missouri pharmacists,” August 24, 2021, <https://whnt.com/news/alabama-news/if-you-give-one-more-shot-you-yourself-will-be-executed-alabama-man-tells-missouri-pharmacists/>.

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Other groups are posting watchlists against school boards and spreading misinformation that boards are adopting critical race theory curriculum and working to maintain online learning by haphazardly attributing it to COVID-19.<sup>20</sup>

In Ohio, an individual mailed a letter to a school board member labeling the return address on the envelope from a local neighborhood association and then enclosing threatening hate mail from another entity.<sup>21</sup> This correspondence states that, “We are coming after you and all the members on the ... BoE [Board of Education].” This hate mail continues by stating, “You are forcing them to wear mask—for no reason in this world other than control. And for that you will pay dearly.” Among other incendiaries, this same threat also calls the school board member a “filthy traitor,” implies loss of pension funds, and labels the school board as Marxist. Earlier this month, a student in Tennessee was mocked during a board meeting for advocating masks in schools after testifying that his grandmother, who was an educator, died because of COVID-19.<sup>22</sup> These threats and acts of violence are affecting our nation’s democracy at the very foundational levels, causing school board members – many who are not paid – to resign immediately and/or discontinue their service after their respective terms.<sup>23</sup> Further, this increasing violence is a clear and present danger to civic participation, in which other citizens who have been contemplating service as either an elected or appointed school board member have reconsidered their decision.

NSBA believes public discussions and transparency by local school board members are important for the safe and effective operations of schools.<sup>24</sup> It is vital that public discourses be encouraged in a safe and open environment, in which varying viewpoints can be offered in a peaceful manner. Our children are watching the examples of the current debates and we must encourage a positive dialogue even with different opinions. However, with such acute threats and actions that are disruptive to our students’ well-being, to the safety of public school officials and personnel, and to interstate commerce, we urge the federal government’s intervention against individuals or hate groups who are targeting our schools and educators.

<sup>20</sup> Nick Surgery, *Documented*, “TPUSA launches project targeting school board members,” August 20, 2021, <https://substack.documented.net/p/tpusa-school-board-watchlist>

<sup>21</sup> Lindsey Mills, WBNS, “Disturbing’: Worthington school board member receives threats for masks in schools,” September 21, 2021, <https://www.10tv.com/article/news/local/worthington-school-board-member-receives-threats-for-masks-in-schools/530-f3c04240-76b4-456b-aad9-8555397b5427>.

<sup>22</sup> Kim Bellware, *The Washington Post*, “Student mocked at school board meeting after sharing that his grandmother died of covid-19,” September 10, 2021, [https://www.washingtonpost.com/nation/2021/09/10/grady-knox-tennessee/?utm\\_campaign=wp\\_main&utm\\_medium=social&utm\\_source=facebook&fbclid=IwAR29rIKzY0tz4p0yB5VJDK\\_n\\_oIj5AJp6oiEvjC1oRAYsMMMOPb8EwjY](https://www.washingtonpost.com/nation/2021/09/10/grady-knox-tennessee/?utm_campaign=wp_main&utm_medium=social&utm_source=facebook&fbclid=IwAR29rIKzY0tz4p0yB5VJDK_n_oIj5AJp6oiEvjC1oRAYsMMMOPb8EwjY).

<sup>23</sup> Andy Humbles, *The Nashville Tennessean*, “Jon White resigns as Wilson County School Board member,” September 8, 2021, <https://www.tennessean.com/story/news/local/wilson/2021/09/08/jon-white-resigns-wilson-county-school-board-member/5750949001/>.

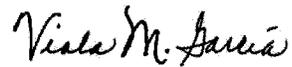
Terri Pederson, *The Daily Citizen*, “Beaver Dam school board member resigns citing safety concerns for family,” September 20, 2021, Updated September 21, 2021, [https://www.wiscnews.com/bdc/news/local/education/beaver-dam-school-board-member-resigns-citing-safety-concerns-for-family/article\\_066fc86c-4356-5a00-9940-187e02eb7340.html](https://www.wiscnews.com/bdc/news/local/education/beaver-dam-school-board-member-resigns-citing-safety-concerns-for-family/article_066fc86c-4356-5a00-9940-187e02eb7340.html).

<sup>24</sup> National School Boards Association and AASA, The School Superintendents Association, “NSBA, AASA Issue Joint Statement Calling for End to Threats and Violence Around Safe School Opening Decisions,” September 22, 2021, <https://www.nsb.org/News/2021/end-threats-violence-joint-statement>.

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NSBA is committed to working with you and your Administration as a partner to address this crisis affecting America's public schools, and greatly appreciates your prompt attention to our requests. We stand ready to work with you.

Respectfully,



Viola M. Garcia, EdD  
President



Chip Slaven, Esq.  
Interim Executive Director & CEO

Mr. JOHNSON of Louisiana. The NSBA on May 20th of this year released a report. It had to commission a report because 20 of its organizations, its State school board associations, pulled out and disavowed the NSBA over all this nonsense. So, they commissioned a report to examine the events surrounding that September 29th letter to President Biden.

The report offered all us and all the American people who were paying attention new evidence of exactly how the Justice Department coordinated with the White House to target parents. The report found that the first communications between the NSBA and the White House occurred on September 9th, almost a month prior to all this, and that the Biden White House closely coordinated with the NSBA on its letter to President Biden. This is the NSBA's information, not Republicans in Congress.

Contrary to Attorney General Garland's sworn testimony to this Committee, sir, whistleblower information now shows that the Justice Department and its components quickly operationalized his directive. On October 20th, the day before AG Garland's congressional testimony, the FBI's Assistant Director for Counterterrorism Division sent an email referencing Garland's October 4th directive and notifying FBI personnel about a new threat tag created to apply to school board investigations. We know the threat tag is EDUOFFICIALS.

We are not making this up, sir. The whistleblowers have confirmed it all. That threat tag has been used in almost every region of the country relating to all types of educational settings.

I don't want to misquote you, but you are under oath. I believe that just a few moments ago you testified, "no one has been investigated because of the EDUOFFICIALS threat tag." Did I misquote you?

Mr. OLSEN. No one has been investigated solely because of a threat tag. I will tell you that people are investigated because of acts of violence or threats of violence. That is why people are investigated.

Mr. JOHNSON of Louisiana. Okay. All right. So, it is your testimony today that parents, moms and dads, who went to school boards, engaged in violence sufficient to trigger investigations?

Mr. OLSEN. I don't have specific information on the number of cases.

Mr. JOHNSON of Louisiana. Of course, you don't. Of course, you don't.

Mr. OLSEN. What I—

Mr. JOHNSON of Louisiana. You don't know the number? You can't tell us the number of cases? Why is that sensitive?

Mr. OLSEN. I don't know the number of cases. What I can tell you is that—

Mr. JOHNSON of Louisiana. Hold on. Wait a minute. You are the director. How do you not know the number of cases? Isn't this an important thing? You have testified here how important this is. You don't know the number?

Mr. OLSEN. If I may, so the National Security Division would only handle a matter if it were a matter that falls within the crimes that we are responsible for prosecuting. There may be cases that are being handled by other divisions—

Mr. JOHNSON of Louisiana. Okay. How many is your division handling?

Mr. OLSEN. I am not aware of any that the National Security Division is handling.

Mr. JOHNSON of Louisiana. Tell me about the threat tag EDUOFFICIALS. What was its purpose?

Mr. OLSEN. I would suggest directing that question to the FBI.

Mr. JOHNSON of Louisiana. That is so convenient, because when they are here, they point the finger elsewhere. Let me just say this. Look, moms and dads voicing their concerns at school board meetings are not domestic terrorists. For the White House to suggest as much or collude with anybody who does is absolutely outrageous. It is one of the glaring examples and the reasons why millions of American people now believe that the U.S. Department of Justice has been weaponized for political purposes.

You and I both know the real threat to that is the rapid erosion of faith that our citizens have in our system of justice itself, in our institutions. It is at record lows right now. We cannot maintain a constitutional republic if people don't trust the system of justice and the fairness of the system. Targeting citizens for expressing their outrage over curricula is not an appropriate use of your resources.

We are going to get down to the bottom of this when we get the majority here in a few months. We need you back under oath, because I think there is a lot more answers you are going to have to provide. I yield back.

Mr. OLSEN. If I may respond?

Mr. JOHNSON of Louisiana. Sure.

Mr. OLSEN. I absolutely agree. It is essential that we maintain the trust of the American people and that they understand that we follow the rule of law and that we investigate crimes without regard to politics and ideology. Allegations that the FBI is silencing parents is reckless and false.

Mr. JOHNSON of Louisiana. That is not what the facts show. That is not what the whistleblowers say.

Ms. SCANLON. The gentleman's time has expired. The gentleman from New York is recognized for five minutes.

Mr. JEFFRIES. Thank you, Madam Chair. To be clear, the Department of Justice has not been weaponized. What has been weaponized is a radical, right-wing, runaway, illegitimate Supreme Court majority taking away long-held freedoms from the American people. That is what has been weaponized.

Mr. Olsen, Attorney General Garland testified that the greatest domestic threat facing the United States comes from racially or ethnically motivated violent extremists. Do you agree with that statement?

Mr. OLSEN. Look, I agree that the—I can't say which type of ideology, because there is a mix of ideologies that often form the domestic terrorism threat. I do think that the rise in domestic terrorism from a range of ideologies is a significant concern.

Mr. JEFFRIES. So, in recent years, we have seen a significant uptick in violent attacks, in many cases perpetrated by White supremacists. According to a 2020 report by the Center for Strategic and International Studies, White supremacists conducted 67 per-

cent of terrorist plots and attacks in the United States. Is that figure consistent with what you have seen in terms of the rise of domestic terrorist attacks?

Mr. OLSEN. I don't know that exact report. I do know that our intelligence community has said that the most significant number of attacks come from two sets of ideologies, racially motivated and antigovernment. Those are the two that are most likely result in lethal attacks.

Mr. JEFFRIES. Has there been any understanding as to why we have seen sort of a rise in organized, racially motivated domestic terrorist activity?

Mr. OLSEN. I think there are studies to look at the potentially many factors that give rise to this threat. I would note that it is not new. It goes back, obviously, to the beginning of the country. In fact, the Department of Justice was founded in part to take on the KKK. So, it is not a new challenge, but it is one that has increased in recent years.

Mr. JEFFRIES. It is not a new challenge certainly, but it is newly resonant. It is a very troubling development. What role does social media play in the ability to sort of radicalize potentially hundreds of thousands, if not millions, of Americans with respect to this violent extremism that we are seeing increase in its resonance?

Mr. OLSEN. I think it is a significant challenge, Congressman. I think the intelligence agencies that look at this have assessed that the way social media works it can accelerate an individual's move from being radicalized to even mobilizing to violence because of the exposure to online content that can happen at such a quick pace so that individuals are radicalized quickly and often radicalized in ways that are difficult to detect because they are consuming this content by themselves or in very small groups.

Mr. JEFFRIES. Now, with respect to the January 6th attack, am I correct that there were several White supremacist organizations, like the Oath Keepers and Proud Boys, that seemingly played a prominent role in the horrific events of that fateful day?

Mr. OLSEN. There is no doubt that individuals who identify themselves as members of those groups that you mentioned, Oath Keepers and Proud Boys, were present. Many of them have been charged and indictments here in Washington, DC, including two separate indictments that charge the crime of seditious conspiracy.

Mr. JEFFRIES. Is it also fair to say that the Oath Keepers and Proud Boys are increasingly targeting people within law enforcement or former law enforcement personnel or in some cases people within the military or former military personnel?

Mr. OLSEN. We certainly do look at whether individuals within these groups espouse those types of ideologies. Look, we are looking at individuals, some of them identify, self-identify as being members of those groups. We don't look at those groups as groups. We look at individuals who may, in fact, conspire with other individuals who are self-identified as members of those groups to see if they have committed criminal acts. That is how we look at those cases.

Mr. JEFFRIES. Given this rise in racially motivated violent extremism, how is the Department of Justice or your particular division working with State and local law enforcement officials to try to pre-

vent, to the best extent possible, things like the massacre at Mother Emanuel Church or the massacre at the Tree of Life Synagogue or most recently the massacre at a supermarket in Buffalo, New York?

Mr. OLSEN. It is a really important question, because when it comes to this type of violence, it is almost certainly going to be the State and local first responders who are going to be first on the scene. In many cases, they will ultimately prosecute these cases.

So, the partnership between the FBI and State and local police, as well as at the prosecutorial level, is critical to addressing this challenge. We do training. The FBI is often in a support role from an investigative standpoint, sometimes in a primary role. Some of these cases are ultimately prosecuted in Federal court based on Federal charges. Many, many cases are prosecuted in State courts, so we need to make sure that we are all playing at the same level.

Mr. JEFFRIES. Thank you.

Ms. SCANLON. The gentleman's time has expired. The gentleman from Colorado is recognized for five minutes.

Mr. BUCK. I thank the Chair. Mr. Olsen, I was honored to serve as a career prosecutor with the Department of Justice, at the U.S. Attorney's Office primarily, part of the time at main Justice for 15 years. I understand what you are saying about revealing information about ongoing investigations. I understand what you are saying about the, or at least I understand your reticence in answering some of the questions.

I think it would comfort the American people—and I had some prepared questions. I am going to someday, hopefully, get answers to those questions. I think it would comfort the American people to know that you get it.

I now have the honor of listening over and over, practically every weekend, to constituents who are afraid that the Federal government is getting into an area that it shouldn't get into. State and local officials can handle the protests, threats, and violent attacks. They are fairly rare when you look at all the school board meetings that are going on across this country.

It would be comforting for all of us to hear that you understand that it is not a Federal issue. Antifa is a Federal issue. White nationalism, I hope you eradicate White nationalism in this country. I think everybody on this side on the aisle and that side of the aisle would agree on that. I hope that there are no Nazis left in the United States who would commit a violent act. Now, if there are people that believe things, we don't go after them for their beliefs. Anybody who would commit a violent act because of White supremacist beliefs or White nationalist beliefs, by all means look at that at a national level, because it is of a national scope.

School board meetings and the threats against school board meetings, it concerns a lot of us greatly that there is actually a tag that is associated with that. I give you an opportunity to answer that. I would like to ask a couple of other questions, too.

Mr. OLSEN. I really appreciate that, because I think I agree completely with everything you just said. By and large, what we are talking about when it comes to threats of violence directed against State and local officials, school board members, those are matters that are going to be handled by State and local prosecutors and law

enforcement. They always have been, and they will, they must I think continue to be.

There is a role for the Federal government certainly with the national level cases you are talking about. Whether we are talking about racially motivated violence, domestic violent extremism, there may be a case at the State and local level that, the rare case that rises.

I do think you are right that this—look, I am a parent of three children. My son is sitting behind me. I have been to school board meetings. I have spoken, much to his dismay, at school board meetings. I understand that parents absolutely have a right to be involved and should be involved in speaking up and disagreeing paciferously at times with the decisions that are being made at the local level.

Absolutely we are committed. I personally am committed. The National Security Division is committed to protecting the rights of parents, citizens to speak out, to voice their concerns, even if we don't agree. We really need to draw that line between that free speech that we cherish and violence. That is the line that we draw.

I also agree we need to be thoughtful about the role that the Federal government plays and to play an appropriate role, often in partnership and support of State and local law enforcement.

Mr. BUCK. I appreciate you saying that. I think it does comfort the American people that a leader says that. I want to make sure your son understands that he should be very proud of his father's service to our country.

I want to ask, though. There is another area that concerns me and another area that I continue to hear a concern from my constituents. That is that the riots on January 6th at the United States Capitol were horrific. They were intended to disrupt a legitimate government function. They should be prosecuted to the full extent of the law.

The riots that occurred throughout our country in the Summer of 2020 were horrific. They were damaging. The American, many of the American people in my district—and granted, it is a fairly rural district and a fairly conservative district. Many of those people expressed concerns that there is not a parity between the attention that was given to those that committed crimes on January 6th and those that committed crimes throughout the Summer of 2020.

Furthermore, as part of that analysis, the crimes that were committed on, throughout the Summer of 2020 appeared to be coordinated. I would like to ask you very specifically. Can you tell this Committee that George Soros was not behind, and his money was not behind, directly or indirectly, the Antifa activities that occurred in the Summer of 2020?

Mr. OLSEN. Yeah, certainly any of the work I have done I have never seen any suggestion of that. However, that is not really something that I would look at in terms of the cases that we handle in the National Security Division.

So, but I do agree with you that we need to look, and we are looking evenhandedly across the board, whether we are talking about crimes committed during the riots and destruction of the Summer of 2020 and at the horrific attack on the Capitol on January 6th and using the tools that we have.

The reality is that the thousands of arrests that occurred in the Summer of 2020, most of those were handled by State and local, as they should have been. The difference, of course, in some ways, I think it accounts for the attention paid on January 6th beyond the nature of that attack and the significance of it is that most of those crimes are Federal crimes, if not all, because the target was the Capitol. So, I do think that accounts for some of the difference in view when it comes to the role of the Federal government.

The fundamental point that you make I completely agree with. We need to be apolitical in how we handle these cases. We need to look across the board and be driven by the nature of the threats we face.

Ms. SCANLON. The gentleman's time has expired. Mr. Swalwell from California is recognized for five minutes.

Mr. SWALWELL. Thank you.

Mr. Olsen, my Republican colleagues have said over and over that school board violence is, quote, "fairly rare." A Reuters story on February 15, 2022, begins with:

The letter came to the home of Brenda Sheridan, a Loudoun County Virginia School Board member, addressed to one of her adult children. It threatened to kill them both unless she left the board. It's too bad that your mother is an ugly communist whore, said the hand-scrawled note, which the family read just after Christmas. If she doesn't quit or resign before the end of the year, we will kill her, but first we will kill you.

The story goes on to document over 220 examples of such violent intimidation. I would like to enter that under unanimous consent into the record.

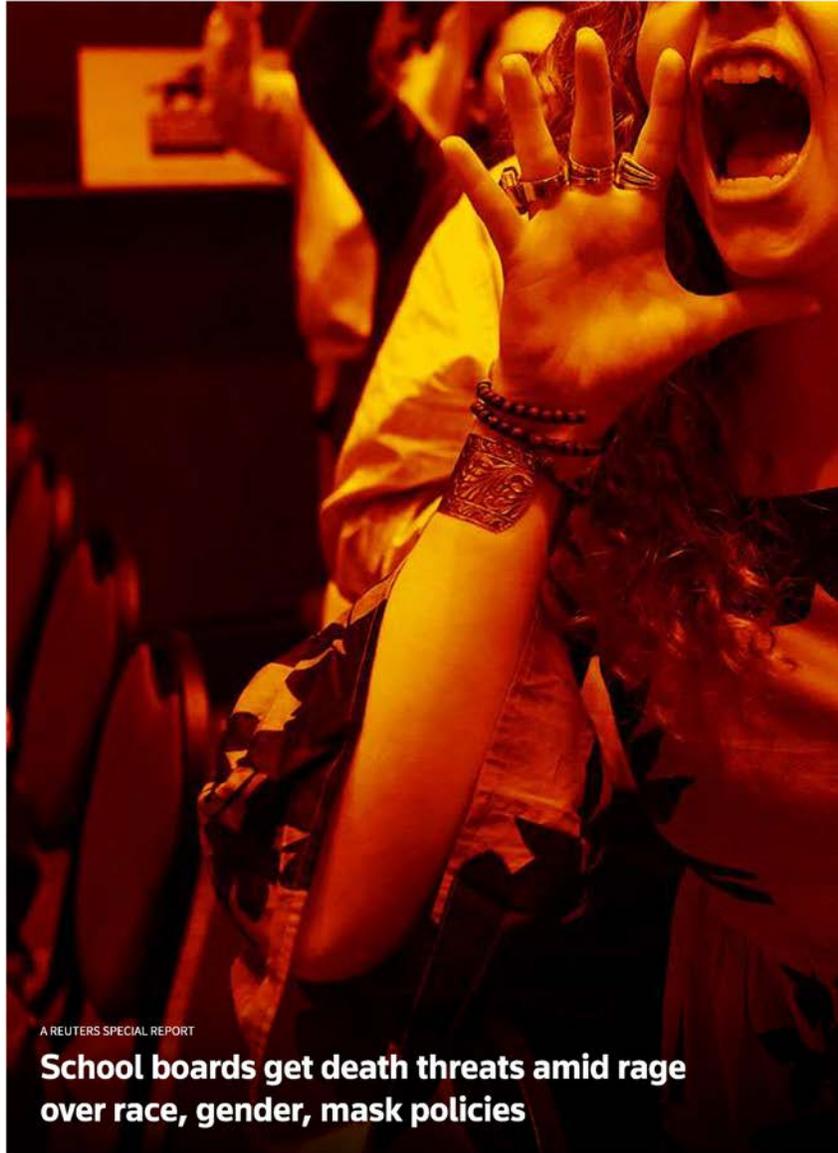
Ms. SCANLON. Without objection.  
[The information follows:]



**MR. SWALWELL FOR THE RECORD**

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A REUTERS SPECIAL REPORT

**School boards get death threats amid rage  
over race, gender, mask policies**

The Loudoun County school board in Virginia is one of many targeted by threats of violence over its handling of hot-button issues that provoke fury from the political right. REUTERS/Evelyn Hockstein

Local school officials across the United States are being inundated with threats of violence and other hostile messages from anonymous harassers nationwide, fueled by anger over culture-war issues. Reuters found 220 examples of such intimidation in a sampling of districts.

By GABRIELLA BORTER, JOSEPH AX and JOSEPH TANTANJ | Filed Feb. 15, 2022, 11 a.m. GMT

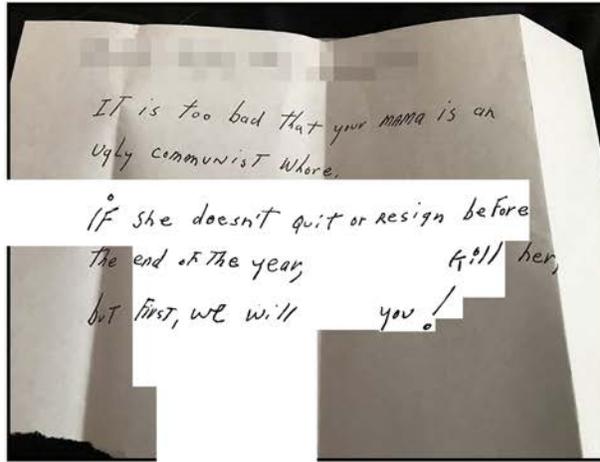
*This story contains text, images and audio clips with offensive language.*

The letter came to the home of Brenda Sheridan, a Loudoun County, Virginia school board member, addressed to one of her adult children. It threatened to kill them both unless she left the board.

"It is too bad that your mother is an ugly communist whore," said the hand-scrawled note, which the family read just after Christmas. "If she doesn't quit or resign before the end of the year, we will kill her, but first, we will kill you!"

School board members across the United States have endured a rash of terroristic threats and hostile messages ignited by roiling controversies over policies on curtailing the coronavirus, bathroom access for transgender students and the teaching of America's racial history.

Reuters documented the intimidation through contacts and interviews with 33 board members across 15 states and a review of threatening and harassing messages obtained from the officials or through public records requests. The news organization found more than 220 such messages in this sampling of districts. School officials or parents in 15 different counties received or witnessed threats they considered serious enough to report to police.



Threatening letter sent to the home of Loudoun County, Virginia, school board member Brenda Sheridan

While school controversies are traditionally local, these threats often come from people out of state with no connection to the districts involved. They are part of a rising national wave of threats to public officials – including election officials and members of Congress – citing an

array of grievances, often underpinned by apocalyptic conspiracy theories alleging “treason” or “tyranny.”

About half the hostile messages documented by Reuters were sent to Sheridan, former chair of the Loudoun County, Virginia, school board, amid controversies over coronavirus protections, anti-racism efforts and bathroom policy. Twenty-two messages sent to Sheridan or the entire board included death threats or said members should be or would be killed.

In June, she received a threat saying: “Brenda, I am going to gut you like the fat f---ing pig you are when I find you.”

The message, like the letter to her home, also threatened her children. Reuters agreed not to publish any personal details about Sheridan’s family members, at her request, because of her continuing safety concerns.

Board members in Pennsylvania’s Pennsbury school district received racist and anti-Semitic emails from around the country from people angry over the district’s diversity efforts. One said: “This why hitler threw you c--ts in a gas chamber.”

In Dublin, Ohio, an anonymous letter sent to the board president vowed that officials would “pay dearly” for supporting education programs on race and mask mandates to stop the coronavirus. “You have become our enemies and you will be removed one way or the other,” it said.

School officials reported the messages to law enforcement in those three cases, as in many others documented by Reuters. No one has been arrested for sending these threatening messages, though a few people have been arrested for unruly or threatening behavior at board meetings.

*“This why hitler threw you c--ts in a gas chamber.”*

ANONYMOUS THREAT TO SCHOOL BOARD MEMBERS IN PENNSYLVANIA’S PENNSBURY SCHOOL DISTRICT

Attorney General Merrick Garland vowed last year to devote federal resources to combating threats to school officials after the National School Boards Association in September sent the White House a request for federal enforcement to stop the “growing number of threats of violence and acts of intimidation occurring across the nation.” But the association’s plea for help only added to the controversy as Republican politicians argued the administration of President Joe Biden, a Democrat, sought to censor free speech and label dissenting parents as terrorists. Nineteen state school boards withdrew their membership or withheld dues from the national association in protest of its Sept. 29 letter.

The school boards association apologized to its state members for the letter on Oct. 22, saying there was “no justification” for some of its language, without specifying what it regretted. The organization did not respond to requests for comment.

The hostility faced by school officials mirrors the [campaign of fear](#) documented by Reuters against U.S. election workers in response to former President Donald Trump’s false claims of voting fraud. A federal election-threats task force was announced in June, after a [Reuters investigation](#) that month revealed the widespread threats. In January, the task force reported the [arrests of two people](#) who had threatened election officials.

Biden’s Justice Department has also convened a task force on threats to school officials. The department, however, declined to say who serves on it, whether the task force has met or whether it was investigating any threats. In a statement, the

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Campaign of Fear: The Trump world’s assault on U.S. election workers



Reuters unmasks Trump supporters who terrified U.S. election officials

department said it had “taken action” to prevent violence and intimidation of “those who are threatened because of the jobs they hold,” including school board members, election workers and other public officials.

The Federal Bureau of Investigation, in a statement, characterized Attorney General Garland’s commitment to protect school officials as simply highlighting the FBI’s “ongoing efforts” to address threats of violence “regardless of the motivation.” The agency emphasized it was not “investigating parents who speak out or policing speech at school board meetings.”

Nearly half of the 31 school boards contacted by Reuters said they had added extra security at meetings, limited public comment or held virtual meetings when in-person gatherings became too chaotic.

In Luray, Virginia, a woman furious about mask mandates was charged by local police with making a threat after she told school board members at a January meeting that she would “bring every single gun loaded and ready” to school. The woman, Amelia King, emailed an apology to board members before the meeting was over, saying she was speaking figuratively and “in no way” meant to imply she would bring firearms to a school.

King’s lawyer declined to comment on the pending charge.

Some board members have quit their posts or decided not to seek reelection. A board member in Gwinnett County, Georgia, said she bought a gun for self-defense after prolonged online harassment. The board chair in Union County, North Carolina, said she installed cameras outside her house at “every angle.” Sheridan – the Loudoun County board member – said she rarely goes out in public alone anymore.

Jean Marvin, the board chair in Rochester, Minnesota, said a barrage of threats there last year deeply unsettled her fellow board members and her own children: “They said, ‘Mom, they’re going to kill you. They know where you live.’”



Jon Tigges is detained following a controversial Loudoun County school board meeting in Ashburn, Virginia that included discussion of critical race theory. REUTERS/Evelyn Hockstein

## Living in fear

The wave of mostly anonymous threats has emerged against a backdrop of public protests by a new constellation of local and national activist groups, such as Moms for Liberty, No Left Turn in Education and Parents Defending Education. Parents started some groups. Others have ties to veterans of the conservative movement or Republican political operatives.

Many Republican elected officials have sought to harness the anger over education policy in advance of this November's midterm congressional elections, releasing strident statements or passing laws addressing the issues igniting the school protests.

Much of the anger focuses on critical race theory, a once-obscure academic school of thought frequently targeted by Trump. Rarely taught outside law schools, the theory holds that racial bias – intentional or not – is baked into many U.S. laws and institutions because of the nation's history of slavery and segregation. Many conservative parents and politicians now use the term as an epithet for a wide range of anti-racism efforts and teaching on race relations that they say attempts to indoctrinate students with an anti-white and anti-American worldview.

One group, Fight for Schools, is led by Ian Prior, a former deputy director of public affairs in Trump's Department of Justice. The group took in \$10,000 in donations in the past year from 1776 Action, a national group opposing critical race theory that is run by veteran Republican operatives. The organization also accepted \$5,000 from the Presidential Coalition, which is overseen by former Trump deputy campaign manager David Bossie.

Neither 1776 Action nor Bossie responded to requests for comment.

Fight for Schools has staged protests at board meetings since early 2021 over pandemic-related closures and teaching on race. The organization is also leading a recall campaign seeking to oust Sheridan from the Loudoun County board before the next school board elections.



Brenda Sheridan, former chair of the Loudoun County school board, stands outside the board's headquarters in Ashburn, Virginia. REUTERS/Evelyn Hocksteln

Reuters found no evidence that any of the new advocacy groups are involved in threatening board members with violence. Fight for Schools, in a statement, condemned threats of physical harm, personal attacks and harassment.

The board in Loudoun County, a Washington suburb, first came under fire in 2020 over pandemic school closures. Anger built as the district implemented anti-racism efforts in August of that year, including teacher training.

By June 2021, many parents were also incensed by a proposed policy to allow transgender students to use bathrooms matching their preferred gender identity. The anger grew after the parents of a female student who was sexually assaulted in a school

bathroom in May told reporters that her attacker was a "gender fluid" student. Authorities said the student was a male who wore a skirt the day of the attack. Loudoun County's juvenile court declined to comment or release records on the case, citing legal privacy protections for juvenile suspects.

Conservatives seized on the case as evidence of the danger of bathroom policies seeking to accommodate transgender students. But the district's policy did not take effect until August, well after the attack.

Sheridan, the board chair in 2021 and still a member, became a primary target for intimidation. She reported the June threat to "gut" her to authorities. But police investigators failed to identify a suspect, highlighting difficulties in investigating anonymous threats.

The Loudoun County Sheriff's Office submitted a search warrant to Google to collect information on the sender, who had used a Google email address, police reports show. But the warrant turned up multiple IP addresses, leaving investigators with "no viable investigative leads" to find the perpetrator, according to a police report.

"There's no way to know: Did that come from someone from another state, or is it my neighbor down the street who knows my routine?" Sheridan said.

Reports from the county sheriff's office, obtained through a public records request, show law enforcement was notified of more than 50 menacing messages directed toward the school board between April and November. Investigators did not pursue about half the cases after determining the messages did not constitute a criminal threat.

Police did make inquiries in at least 26 cases, including one email saying: "You people need to be arrested, tried and then hung by the neck until you're dead." But investigators either could not identify a suspect in those cases or determined they did not have enough evidence to seek prosecution, a police spokesperson said.

Reuters wrote to dozens of the email addresses used to send hostile or threatening messages to Sheridan and the Loudoun County school board. Six people responded. One self-described "patriot" spoke of rage over "leftist scum" and "Antifa." Another said "LGBTQ is an abomination." A third blasted the district's anti-racism program, saying that telling children "that race will determine their outcomes in life is truly sick."

One had written to Loudoun superintendent Scott Ziegler in June. "Your life is being laid bare on the open and dark web. I don't condone what's gonna be sent to those close to you or the danger they may be in," the email said, "but you personally do deserve it."

Contacted by Reuters, the person who sent the message, who did not give a name, said it was prompted by rage over the student sexual-assault incident. "I was warning him, not threatening him," the sender said in an email. "I'm not looking to be labeled as anti trans. I'm just anti rape in schools."

Ziegler declined to comment.

*"What a stupid,  
dumb, ignorant  
c--t you are..."*

*"You're going to  
create a civil war,  
and you're going to  
f--cking lose..."*

*"Hello Brenda, you  
stupid, fat, b--ch,  
n---er lover..."*

Click to hear hostile voicemails to Loudoun County, Virginia school board member Brenda Sheridan



Elicia Brand leads a crowd of angry parents and community members in the singing of the Star Spangled Banner after a Loudoun County school board meeting was halted by the school board because the crowd refused to quiet down, in Ashburn, Virginia. REUTERS/Evelyn Hockstein

### 'Treason' and 'tyranny'

The people who threaten school board members often cast coronavirus and race-education policies not merely as misguided or offensive, but as part of a larger conspiracy to commit "treason" or impose "tyranny."

The message threatening to remove Dublin, Ohio, board members "one way or the other" came from a man who identified himself as "James Baker" of "Citizens to Remove CRT from America," referring to critical race theory. Reuters was unable to confirm the identity of the sender.

"All Americans know the schools have become Indoctrination Centers for Marxism," read the message, which was also sent to other districts. "WE ARE COMING AFTER ALL OF YOU STINKING TRAITORS OF AMERICA!"

Chris Valentine, the board president at the time, said the threat was the worst example of the hostile messages district officials have endured since the start of the pandemic. Valentine said he started worrying whenever he noticed an unfamiliar car parked outside his home.

"It's easily been the most difficult year-and-a-half of my life," Valentine said.

Dublin police reviewed the letter and "found no safety concerns or credible threats," a police spokesperson said. Still, the department added officers to ensure security at the next school board meeting.

*"WE ARE COMING AFTER ALL OF YOU STINKING TRAITORS OF AMERICA!"*

THREAT SENT TO SCHOOL BOARD MEMBERS IN DUBLIN, OHIO

In Rochester, Minnesota, members faced months of threats and outbursts at meetings over mask mandates, critical race theory and other hot-button issues. Marvin, the board president, said her son grew so concerned that he insisted on driving her to board meetings and waiting in the parking lot to ensure her safety.

Northwest Allen County school board meetings in Indiana became so heated last fall that police officers assigned to the district refused to continue providing security unless the board took action to rein in its increasingly unruly meetings, according to an email sent by a school resource officer to the board president.

"I truly am concerned for the safety of everyone at those meetings as are the other officers who have worked them," Sergeant Kevin Neher wrote to the board president at the time, Kent Somers, on Sept. 17, in an email reviewed by Reuters.

In response, the board eliminated public comment for its next meeting. Several board members as well as the schools superintendent, Christopher Himself, had to be escorted by half a dozen police officers to their cars, Himself said in an interview.

Neither Neher nor Somers responded to requests for comment.

At least two parents from the district reported a local resident to the FBI, after the man posted menacing messages about school officials on Facebook, according to one of the parents. One threat to Somers warned that someone might "bag and tag your ass in a parking lot." The same man posted a message urging others to get "firearms, ammunition and extensive training" to fight the "tyranny before us," according to a police report documenting the messages. Another parent who helps oversee a Facebook group opposing the district's mask policies posted a video of himself firing a rifle to show he was not merely a "digital soldier," according to a screenshot of the message provided by a parent to Reuters.

A spokesperson for the Indianapolis FBI office declined to confirm or deny any investigations into these threats. Allen County police documented several of the messages but did not take any further action, according to a police report.



The Board of School Directors of the Pennsbury school district listen to members of the public at a meeting at Fallsington Elementary School in Falls Township, Pennsylvania. REUTERS/Hannah Beier

## Calls for enforcement

Christine Toy-Dragoni, the then-board president in Pennsylvania's Pennsbury school district, requested FBI involvement after her board received a slew of hateful messages.

As Pennsbury's conflicts gained national attention, board members were deluged with racist, anti-Semitic and threatening messages, nearly two dozen of which Reuters viewed.

"You better grow eyes in the back of your head motherf---er," said a message to board members in July.



Christine Toy-Dragoni, former president of the Board of School Directors of the Pennsbury school district, at Falsington Elementary School in Falls Township, Pennsylvania. REUTERS/Hannah Beier

The board's Toy-Dragoni responded in October with a public statement calling on the FBI to act. "These threats of violence and sexual assault and these expressions of transphobic, anti-immigrant and anti-Jewish hatred are certainly not protected by the Constitution, and must be investigated by the FBI," she said.

The school district reported the threats to local police and the FBI. Falls Township Police Chief Nelson Whitney said in an interview that his detectives spent several months working with the FBI to investigate threatening emails and other communications received by Pennsbury board members. He said state and federal prosecutors ultimately decided that the messages, "although offensive, did not rise to the level where a charge would be filed."

In the nearby North Penn district, a report that spread on conservative media about a classroom diversity exercise prompted one man to call an elementary school on Feb. 6 and leave a voicemail that threatened the teacher with sexual violence and death.

"Mass of people who know who you are," the man said. "They will fucking see your head swinging from a pole."

Jonathan Kassa, a North Penn board member, said the threat was reported to local police and the FBI. Kassa said the threat is one of many the district has received.

"This isn't some one-off, random event," Kassa said in an interview. "I certainly hope law enforcement and our legislators are paying much closer attention to what seems to be an increasingly serious threat."

Local police in Hatfield Township said they have opened an investigation. Spokespeople for the FBI declined to comment on whether the bureau was investigating the threats in the Pennsbury and North Penn districts.

In Brevard County, Florida, school board member Jennifer Jenkins faced threats and intimidation after supporting a district mask mandate. Then someone filed a false claim against her with the Florida Department of Children and Families, alleging she abused her daughter. Police in Satellite Beach, Florida, determined the claim to be unfounded and tried, unsuccessfully, to determine the identity of the person who made the false report.

*"They will  
f--king see your  
head swinging  
from a pole..."*

Click to hear a voicemail threat left at a school in Pennsylvania's North Penn school district on Feb. 6

Jenkins told Reuters she has installed security cameras at her home, where anti-mask demonstrators staged multiple protests. She still feels unsafe at times, worried that the threats will escalate to violence.

"All it takes," she said, "is one psychotic fringe loony toon."

**Schools Under Siege**  
By Gabriella Borter, Joseph Ax and Joseph Tanfani  
Photo editing: Corinne Perkins  
Art direction: John Emerson  
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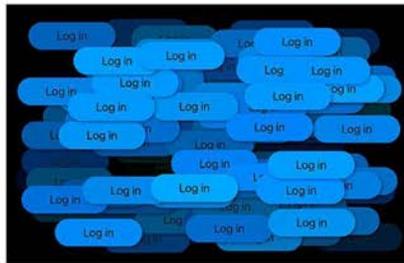
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**Cloak & Gavel**

A trove of thousands of email records uncovered by Reuters reveals Indian cyber mercenaries hacking parties involved in lawsuits around the world – showing how hired spies have become the secret weapon of litigants seeking an edge.

Mr. SWALWELL. Now, Mr. Olsen, what concerns me is that you are being questioned by a lot who has become more comfortable with violence than voting, that has associated itself more with chaos than community, but do you agree that what I just described to you is something that law enforcement should be concerned about, and that law enforcement should investigate?

Mr. OLSEN. Absolutely anyone who serves in a position such as a school board members should be free from the fear of threats of violence or acts of violence. Absolutely.

Mr. SWALWELL. Now, I am the son of a school board member myself. As someone who signed up to serve for the same reason, I think you have signed up to serve, do you also agree that if a parent goes and peacefully but very passionately describes their own beliefs about their child's curriculum, that that person should not be investigated?

Mr. OLSEN. Of course. That's protected by our First Amendment.

Mr. SWALWELL. I have to say I am not surprised that there are so many acts that are hardly fairly rare of violence because in this building America's leaders are stoking that violence. So, many of my colleagues now on their social media they love to hold their assault rifle and threaten the President to come and get it. They love to use their social media accounts to threaten to kill the Speaker of the House. That has happened. They have used their social media accounts to depict themselves in anime as killing the President of the United States. So, it would not surprise me that people in their community would go to a school board meeting and act the way that I just described. I am grateful that you are investigating people who would threaten violence and I am also grateful that you are not investigating people who have legitimate concerns about their children's curriculum.

Also, I just have to debunk the Soros nonsense. Thank you for clarifying that. That is a part of a long-standing anti-Semitic trope that we see from the other side that goes after George Soros, that goes after Michael Bloomberg, and any Jewish individual who contributes to campaigns to suggest that they support and fund violence.

It is incomparable to take the violence that occurred during protests of the Summer of 2020 and what happened in this Capitol, the largest crime ever investigated as far as number of individuals investigated, indicted, sentenced. So, thank you for that.

I want to ask you just briefly about the antitrust legislation that my colleague Mr. Cicilline referenced. My concern and the concern of others on this Committee is that if we were to have sideloading to take Apple's store, for example, and require them to take on apps from anywhere, essentially take a curated app store and allow it to be a flea market where anyone can come in and sell their apps on the platform.

There are concerns about security, whether the Chinese would flood the app store with their own apps that could vacuum up U.S. consumer data and send it back to Beijing, not only making our privacy affected, but also any people in the intelligence community, or Russia using the platform to flood it with apps that could sow disinformation, whether it is our own elections or its campaign in Ukraine.

Would you be willing, Mr. Olsen, to listen to evidence from other parts of the intelligence community if they have new concerns that came out after the letter that your agency sent as it relates to the antitrust legislation?

Mr. OLSEN. Yes. As we had the chance to talk about the—

Mr. SWALWELL. I am sorry. I meant the Department of Justice.

Mr. OLSEN. Yes. Yes. As this legislation moved through the process we did have the opportunity to comment on it. I do think some of the provisions that were incorporated addressed national security concerns, but of course if there are additional issues or concerns that are raised particularly by our intelligence community, it would be incumbent on us and the Justice Department and elsewhere to take those seriously.

Mr. SWALWELL. Great. Thank you.

I yield back.

Ms. SCANLON. Thank you.

The gentleman from Texas is recognized for five minutes.

Mr. GOHMERT. Thank you, Madam Chair.

Listen, have there been any FISA orders or warrants obtained to assist in the investigation of what happened January 6?

Mr. OLSEN. So, I think you can appreciate, Congressman, I am not in a position to talk about any matters that occur before the FISA Court involving the implementation of the—

Mr. GOHMERT. Well, the only way that we can—

Mr. OLSEN. —[inaudible] classified.

Mr. GOHMERT. —have oversight to discern whether or not that we should ever allow FISA to continue is if we find out what has been going on. I was here beginning January of 2005. We talked to lots of people from the Justice Department. We were assured nothing, but foreign matters were going before the FISA Court.

So, imagine the shock when we saw this order from the FISA Court which basically—well, not basically, it says that all call detail records created by Verizon for communication between the United States and abroad; there is the foreign, or wholly within the United States including local telephone calls all had to be turned over.

As I understand there are still orders similar to that that have a big net, and once that information goes into the database of your department, of the DOJ, of the NSA, then there are thousands of people that can access that and have accessed that and done searches.

So, the question, when you have something that we are told is wholly domestic, that it is the domestic threat that is so serious, it is an important question to know whether you are using something called FISA, where the F stands for foreign, to go after American citizens, because that—I can tell you when I was here back in 2006 and 2008 we were talking these matters up, if people had known how badly that was being abused, there were people back then on both sides of the aisle who would have said wait a minute, this is just being abused so much.

So, that is why it is a fair question to know, in general, not specific cases, is the FISA Court—has it been used to get orders to investigate January 6?

Mr. OLSEN. So again, I'm not familiar with the order that you referred to a moment ago.

Mr. GOHMERT. Well, it was leaked. I think it was Wikileaks. That is what was so shocking to so many of us. Look, the abuses occurred during the Bush Administration, the Obama Administration. There were some in the Trump Administration. I feel sure it is still going on. We need to know the extent of that.

Well let me ask you about a case. In Kilgore, Texas a lady there working for a private oil company got a text from her nephew. He had been looking through the FBI pictures and said you recognize anybody in this picture? It looked similar to her. Did a LOL. Gee, that looks like me; don't turn me in. Couple of days later two FBI agents show up at her place of business demanding to know where she was on January 6. She was in Kilgore, Texas. Then they threatened her boss that he could go to prison for covering for her.

Is there any order from any court that allows the DOJ or the NSA to monitor text messages of American citizens?

Mr. OLSEN. Yes. Obviously there are court orders, whether they come from Federal courts, not the FISA Court, or the Federal FISA Court, that authorized pursuant to law search warrants and surveillance—

Mr. GOHMERT. Yes, but search warrants under the Fourth Amendment have to describe with particularity the things to be searched or seized, and that is not happening. That has not been happening. So, when you have no probable cause to go after somebody in Kilgore, Texas, we had heard about, oh gee, there is software to look for specific words that allow you to go after anybody that hasn't committed crimes. We really need to know how widespread that is. Can you give us an answer? Is that being used?

Mr. OLSEN. It's just really important to point out, sir, that the way the law works is that the Federal judge, a Federal FISA Court judge will only approve an order based on probable cause that an individual is an agent of a foreign power.

Mr. GOHMERT. Mr. Olsen, we have proof that is a lie.

Ms. SCANLON. The gentleman's time is expired.

Mr. GOHMERT. It has not been followed and it needs to be.

Ms. SCANLON. Mr. Raskin is recognized for five minutes.

Mr. RASKIN. Thank you, Madam Chair.

Welcome, sir. Thank you for your testimony. Dangerous extremists jacked up on racist and anti-Semitic propaganda like the White Replacement Theory have committed massacres in Buffalo, in El Paso, at the Tree of Life Cinema—Synagogue rather, in the Mother Emanuel AME Church in Charleston, and South Carolina. The American people are obviously very upset about this explosion of gun violence by dangerous extremists. A number of the extremist groups also participated significantly in the violent insurrection against our government on January 6, 2021.

I am wondering about the internal structure of the Department of Justice and how it has worked to try to address this threat in the country. I know that after 9/11 the department redefined its mission and priorities to focus on counterterrorism and this included the formation of the Anti-terrorism Advisory Council and the National Joint Terrorism Task Force.

Have these existing structures created in the wake of 9/11 been adapted to address White supremacist violent radicalization and this new domestic terror threat or are there other structures that you have innovated to respond to it?

Mr. OLSEN. I think it is a really important question, Congressman. I do believe that we are adapting. The National Security Division, as others have pointed out and you note, it was formed in 2006 largely to consolidate the Department's National Security structures to focus on the international threat from Al Qaeda, in particular.

We have evolved over time. We have built the ability to go after cyber-attacks and cyber actors for example, and we've increased our ability there. We have a FARA Unit to go after transparency.

The question you raise about domestic terrorism—this year I established a Domestic Terrorism Unit within our Counterterrorism section to increase our focus on the types of threats we face from domestic violent extremists.

In addition, I have formed with the Assistant Attorney General for the Civil Right Division, Kristen Clarke, an ongoing partnership because so many of the attacks that you mentioned, whether it's Buffalo or Charleston or El Paso—these are not only domestic violent extremists' attacks, but they're also hate crimes. We had learned over the years that our hate crimes are our most effective Federal criminal tool to go after those.

In support of each other in partnership, a partnership that maybe wasn't an obvious one 15 years ago, between the National Security Division and the Civil Right Division, has proven to be very effective in making sure that prosecutors on both sides are bringing all our resources and expertise to bear on the growing problem that we face, as you note in our question.

So, I think we're evolving. We're working again with the FBI which has a Domestic Terrorism Operation section to focus on this threat. There's more we can do and we are going to continue to be driven by the nature of the threats we face.

Mr. RASKIN. Well, I appreciate that because violent far-right terrorism is striking all over the country in churches, mosques, synagogues, movie theaters, Walmarts, and grocery stores. Of the 30 domestic terror fatalities last year CSIS found that 28 of them resulted from far-right terrorist attacks. So, the vast majority, nearly all of them.

You previously testified that the number of FBI investigations of suspects accused of domestic extremism had more than doubled since the spring of 2020. Has this jump in the number of investigations led to an increase in actual indictments and prosecutions if you excluding for the moment the January 6 prosecution?

Mr. OLSEN. So, I don't have a specific number on that, Congressman, because that number jumped, that doubling does include the January 6th cases. Of course, there we have over 800 arrests of individuals. All of them are characterized as domestic violent extremists, to be clear, but many are. Those do account for at least a significant portion of that jump over the past two years in the number of investigations.

Mr. RASKIN. Okay. Are there any other proactive measures you are taking to try to address this threat?

Mr. OLSEN. I'm sorry, I'm sorry, say again, sir?

Mr. RASKIN. Are there proactive measures that DOJ is taking to address the threat of far-right terrorism?

Mr. OLSEN. Absolutely. In fact, part of the challenge is that we have not historically done a good job of categorizing and capturing the numbers. So, just the data collection—because many of these cases are actually prosecuted at the State and local level or by Federal U.S. Attorneys' Offices around the country. So, we're getting better at just capture that data. That's one proactive aspect of this threat, as well as training that we're doing around the country.

Ms. SCANLON. The gentleman's time—

Mr. RASKIN. Thank you. I yield back.

Ms. SCANLON. Thank you.

The gentleman from Ohio, Mr. Chabot, is recognized for five minutes.

Mr. CHABOT. Thank you, Madam Chair.

Mr. Attorney General, every riot or act of violence or threat thereof taking place anywhere in this nation, whoever is responsible for it, is unconscionable and we on this side, Republicans, we reject it; we condemn it.

As elected Members of Congress we must do our part and call out acts of violence, just not those that fit a particular partisan narrative. We need to reject them all.

Democrats unfortunately have been very focused on the rhetoric that led up to the riots on January 6th, and yet for the most part they have been silent when similar language and tactics are used by their supporters. Following the unprecedented leak of Supreme Court's draft decision in Dobbs Democrats ignored the threats of violence including an assassination attempt on a Supreme Court Justice.

In addition to proabortion activists, these abortion activists have targeted Supreme Court Justices. Fanatics professing proabortion views have targeted, destroyed, and vandalized dozens and dozens of pro-life facilities and churches to further a political cause.

Arguably the incendiary rhetoric used by some of the radical left has only encouraged that violence against those facilities and those justices and is putting lives at risk. Members of Congress must condemn, not condone violence in furtherance of a political agenda. Look no further than Senator Chuck Schumer who took to the steps of the Supreme Court in 2020 when the Court was considering a Louisiana pro-life law and said, quote,

I want to tell you, Gorsuch, I want to tell you, Kavanaugh, you have released the whirlwind and you will pay the price. You won't know what hit you if you go forward with these awful decisions.

That is what Chuck Schumer said, the Democratic head over in the Senate.

Assistant Attorney General Olsen, is that the kind of rhetoric that is helpful when trying to avert abortion-related violent extremism?

Mr. OLSEN. So, I completely agree with you, Congressman, that this is not a partisan issue. Everyone who serves in a position of public trust, certainly at the very top, the members of our Supreme Court, deserve to be safe. We have taken very seriously the threats of violence and violence. In fact, we are prosecuting an individual

with attempted assassination of Justice Kavanaugh. We have provided support and protection through the Marshall Service to the Supreme Court. We have supported legislation to increase that support. We take that extremely seriously.

Similarly, you mentioned the attacks on pregnancy resource centers and pro-life centers and groups. Also, not a partisan issue. Violence, threats of violence absolutely not acceptable. The FBI has opened a series of cases involving those attacks or threats against those resource centers, some of them opened as domestic violent extremist cases. So, this is not a partisan issue for the Justice Department.

Mr. CHABOT. It is critical that you do that. You absolutely need to do that because we have got facilities there where these organizations are trying to help women in need and they are being attacked, and it is outrageous.

As we saw in June the radical proabortion group Ruth Sent Us, the same organization that originally posted the addresses of the six conservative justices published the name of Justice Amy Coney Barrett's church and the school her children attend, the very school that her young children attend, encouraging protestors to, quote, "voice your anger."

Is that the kind of rhetoric that is helpful when trying to avert abortion-related violent extremism?

Mr. OLSEN. I think again we look at acts of violence and threats of violence that violate the criminal law. It is an unfortunate fact of our civic life that there is strong language, reprehensible language on both sides.

Mr. CHABOT. Well, I assume you would condemn putting up a Supreme Court Justice's children's—what school they go to and what church they attend. You don't condone doing that sort of thing, do you?

Mr. OLSEN. I may personally find certain comments or statements reprehensible and not acceptable, but in my role at the National Security Division, we look at threats of violence and we prosecute those at the same time that we protect American's right to enjoy their First Amendment rights.

Mr. CHABOT. Let me ask you this: Another leftist group ShutdownDC offered bounties, bounties to D.C. industry workers: Waiters, etc., for reporting confirming sightings of conservative justices and additional money of the justices were still at the establishment 30 minutes after the initial report. Is offering bounties for sighting justices helpful when we are trying to avert violent extremism?

Mr. OLSEN. Again, our goal is to investigate and prosecute crimes, threats of violence and violence. It is one of our cherished protections that people can speak out under the First Amendment and do so in ways that obviously many people, if not most, don't agree with. That's part of what it means to be an American.

Mr. CHABOT. Well, they are putting a lot of lives—

Ms. SCANLON. The gentleman's time is expired.

Mr. CHABOT. I know my time is expired, so I yield back.

Ms. SCANLON. Thank you.

The gentlewoman from Florida is recognized for five minutes.

Ms. DEMINGS. Thank you so much.

Thank you, Attorney General Olsen, for your service. We appreciate your testimony here today. Just please confirm that your job is to prevent, disrupt, investigate, and prosecute all forms of terrorism. Is that correct?

Mr. OLSEN. That is correct.

Ms. DEMINGS. Does that include both foreign and domestic?

Mr. OLSEN. It does.

Ms. DEMINGS. Are you committed to protecting in your work the constitutional rights and civil liberties of all Americans?

Mr. OLSEN. I am.

Ms. DEMINGS. Regardless of the color of their skin, their gender, sexual orientation, and religion?

Mr. OLSEN. Yes.

Ms. DEMINGS. As a former law enforcement officer, contrary to some of my colleagues who really like to pick and choose who they want to prosecute, based on political part or if it serves their political agenda by any means necessary, but, Mr. Olsen, I can assure that I am committed to holding all violators of the law accountable. I do believe that those who are most dangerous, those who are most engaged in the most heinous behaviors should be held accountable first.

We have heard a lot of talk about the school board. As a parent who has attended school board meetings, like you, parents are supposed to be involved in what is happening with their children in school.

I can tell you, I have never seen any parental behavior that even comes close—even as a law enforcement officer—to the violent, deadly behavior that we all were subjected to on January 6th. However, my colleagues seldom talk about that, unless it is in an effort to explain their inaction, or it is an effort to explain why they should ignore subpoenas. As a matter of fact, my colleagues on the other side said, if you did not know better, you would think it was a normal tourist visit. Well, it certainly was not that. Nor do they talk a whole lot about Uvalde or Buffalo or Pulse nightclub that is in my district; bomb threats against HBCUs, synagogues.

Mr. Olsen, you talked about the unit that had formed within your department that will investigate domestic terrorism. Could you just talk a little bit more about that—or staffing, resources. Where are we? Are you able to meet the goals of that unit? Or what do you still need from Congress to help you to be able to fulfill that mission?

Mr. OLSEN. I really appreciate this opportunity, but we formed that unit with the existing attorneys that we had within the Counterterrorism Section. So, it is starting small, but we are going to grow it to meet the threat.

What I can tell you is, as I said in my opening, when we look at the threat across the board, whether it comes from violence against public officials at the State and local level all the way to attacks like what we saw in Buffalo, in particular, the January 6th attack stands apart. It represents now the single largest domestic terrorism investigation in the nation's history—more than 800 arrests, hundreds of those for felonies.

I think it is important, as we talk about the range of threats, that we be clear-eyed and understand the threat that that attack

posed to American democracy, as individuals involved in that attack sought to prevent the peaceful transfer of power. That is why our unit, our organization in the National Security Division, is joined in partnership with the U.S. Attorney's Office here in Washington, DC, and the Criminal Division of the Justice Department, to make sure that we have all the resources to bring to bear on what amounts to one of the most wide-ranging investigations in history, which really reflects the significance and gravity of that day, and the days leading up to it, of January 6th.

Ms. DEMINGS. You would really think the Judiciary Committee of the United States House of Representatives would be really concerned about the most wide-ranging investigation that involved trying to not certify a free and fair election. That is not the case, as all America who has been watching knows today.

I want to very quickly ask, you made a statement to a question from Congresswoman Jackson Lee earlier about the millions of 702 queries that likely resulted in a search for victims of a cyber breach. Mr. Olsen, was that related to the courts' cyber breach?

Mr. OLSEN. I don't think I can talk about it in this setting. The reason for those searches, I can tell you that it was related to a cyber, investigation of a cyber-attack.

Ms. DEMINGS. Okay. All right. So, that is something that we can in another setting get more information—

Mr. OLSEN. Absolutely. Happy to talk about it just with you and others on the Committee in a classified setting.

Ms. DEMINGS. My time is up, but thank you again for doing God's work. We appreciate you.

Ms. SCANLON. We now have two votes on the House Floor. Therefore, the Committee will recess until immediately after the last vote.

The Committee stands in recess.

[Recess.]

Mr. CORREA. [Presiding.] The Committee will now come to order.

I will now recognize the gentleman from California, Mr. McClintock, for five minutes of questions.

Mr. McClintock?

Mr. MCCLINTOCK. Thank you, Mr. Chair.

Mr. Olsen, is it illegal under Federal law to picket or parade in front of a Justice's residence with the intent to influence or intimidate their decisions?

Mr. OLSEN. Hard for me to answer a question in the hypothetical, Congressman.

Mr. MCCLINTOCK. Well, let me read you the statute then.

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or . . . , shall be fined under this title or imprisoned not more than one year, or both.

Is that news to you? Is this the first time you have ever heard of that statute?

Mr. OLSEN. No, I'm aware of the statute.

Mr. MCCLINTOCK. Well, then, I would ask for a little more candor in your answers to my questions.

Why is that law not being enforced?

Mr. OLSEN. That law will be enforced, like all Federal laws, based on the evidence that we are able to obtain and the application of the law—

Mr. MCCLINTOCK. We are watching videos of this occurring quite regularly in front of Justices' residences. Why is it not being prosecuted?

Mr. OLSEN. We prosecute the laws based on the evidence and facts that we're able to obtain in every case.

Mr. MCCLINTOCK. Yes, you have said that multiple times. That's not an answer to the question.

Your department has put enormous resources into investigating and prosecuting the disruption of our January 6th Joint Session of Congress. How does this compare with the resources in investigating and prosecuting threats and intimidation of members of the Supreme Court?

Mr. OLSEN. I will tell you that, with respect just to the concerns that I think are serious that are involve threats of violence against members of the Supreme Court—

Mr. MCCLINTOCK. No, are you putting the same effort—

Mr. OLSEN. —that we're prosecuting in connection with Justice Kavanaugh's attempted assassination.

Mr. MCCLINTOCK. Are you putting the same effort and resources in prosecuting the intimidation—

Mr. OLSEN. We are adding security to the Marshals Service, to the members of the Supreme Court—

Mr. MCCLINTOCK. How do those resources compare with what you have put into the riots on January 6th?

Mr. OLSEN. I think that's apples and oranges. It's very hard to say. One event—

Mr. MCCLINTOCK. In a sense, I think you're right.

Mr. OLSEN. In one event, we are applying the resources necessary to address the threat in that case, and another case we're applying the resources commensurate with the threat in that case.

Mr. MCCLINTOCK. The electoral count resumed the moment the last of these yahoos was kicked out of this building. The would-be assassin of Justice Kavanaugh made it very clear that, by killing a conservative Supreme Court Justice or two, he could single-handedly change the majority of the Court. Unfortunately, I think that equation is correct.

Do you consider that as grave a threat to the constitutional order as a lunatic wearing buffalo horns entering this building?

Mr. OLSEN. With respect to Justice Kavanaugh, that was a very serious crime, and an individual has been charged with attempted assassination in connection with Justice Kavanaugh.

Mr. MCCLINTOCK. Well, you've refused to prosecute the multiple demonstrations that are in violation of Federal law that have been occurring in front of Supreme Court Justices' homes, and then, you're shocked—just shocked—that an assassin shows up at his doorstep. I find that astonishing for an officer given the trust that you have been given by the United States Government. By failing to enforce the laws that protect the safety of Supreme Court Jus-

tices, aren't you, in effect, sending an open season message to extremists across the country?

Mr. OLSEN. We're enforcing the laws based on the facts and the evidence in every case. In fact, as I've said, we have charged an individual with attempted assassination involving Justice Kavanaugh. We've added security for the Justices. We've supported legislation to add security to the Justices.

Mr. MCCLINTOCK. Turning a blind eye to laws—

Mr. OLSEN. We are taking that threat very seriously.

Mr. MCCLINTOCK. —and turned a blind eye to the laws that protect those Justices in their homes. I find that shocking.

Mr. OLSEN. I categorically reject the characterization of our actions as “turning a blind eye.”

Mr. MCCLINTOCK. There are no actions, Mr. Olsen.

Mr. OLSEN. I categorically reject that.

Mr. MCCLINTOCK. There is total inaction when it comes to enforcing that law that you originally pretended you hadn't even heard of.

How big a threat to the Mexican crime cartels and the affiliated gangs pose to the security and safety of the American people?

Mr. OLSEN. The threat from cartels—it's certainly a criminal threat. I would—

Mr. MCCLINTOCK. We've had 900,000 gotaways because the Border Patrol has been completely overwhelmed by this mass migration along our southern border. We know there were 5,000 or more terrorists released from Parwan Detention Facility when this administration unconditionally surrendered to the Taliban. How many of those terrorists do you imagine are among the 900,000 gotaways that we were unable to intercept? We know that we were able to intercept 60.

Mr. OLSEN. I would want to verify the veracity of your assertions before responding to that question.

Mr. MCCLINTOCK. Well, here's my fear: I think you're tracking down and prosecuting—I don't know—

Mr. CORREA. The time—but if the Witness wishes to answer the question—

Mr. OLSEN. No, I just have no basis to ascertain the truth of those assertions. So, I'd want to verify that before trying to answer that question.

Mr. MCCLINTOCK. I'm sorry, do you question the reports of 900,000 gotaways?

Mr. CORREA. Thank you. Thank you very much.

Mr. McClintock, thank you very much.

I will now recognize myself for five minutes of questions.

Mr. Olsen, sir, first, let me thank you for your service. You've got a tough job—defense of our country, our citizens. You have to play 100 percent defense. You can't let them score in any way, form, or manner.

If I can, let me turn to cyber a little bit, cybersecurity. *Question:* At what point does a cyber-attack on our nation constitute a declaration of war? We recently had an attack on our Federal court system—brazen, unbelievable. It's a rhetorical question.

Mr. OLSEN. Yeah.

Mr. CORREA. I don't think you can answer that. The point that's made, which is cyber is an attack on our nation and it's a deadly attack in many ways.

I presume you're concerned with the increasing cyber-attacks/threats from Russia and China and other actors.

Mr. OLSEN. Yes, absolutely.

Mr. CORREA. This Committee recently considered legislation that requires American companies to open their hardware and software to the third parties, which could allow of these actors—China, Russia, and others—to have additional access to U.S. consumer data. Doesn't this pose a cybersecurity risk?

Mr. OLSEN. So, the cyber threat is a vast and complicated one. Now, at the National Security Division, we're focused on nation-state-type attacks, particularly, as you mentioned, sir, China and Russia. China, actually probably, is the most significant actor when it comes to cyber-enabled espionage. It is a challenge for both the government, public sector, and the private sector. It's one that we are very focused on at the Justice Department in terms of investigating and prosecuting, but we're part of a broad, all-of-government approach. That includes Homeland Security and the intelligence community.

Mr. CORREA. You've, essentially, said that we're seeing nation-states and their proxies increase their cyber-enabled means in ways that threaten our democracy and our economic institutions. Wouldn't forcing these platforms open allow the bad actors to have increased access into our systems?

Mr. OLSEN. I think it's incumbent on the government—that includes the Justice Department and Homeland Security, as well as the intelligence community, to work with the private sector, in particular, the large technology companies, to make sure that we have a joint effort to address these types of—

Mr. CORREA. Do these large companies have a competitive edge, a magic potion here, to work with you hand-in-hand to defend our nation from cyber?

Mr. OLSEN. My experience has been that large companies, large technology companies, are very open to working with the government when it comes to improving the government, the nation's cybersecurity, as well as other—

Mr. CORREA. They're open to it, but they have a vested interest, a business interest, to make sure they also play 100 percent defense.

Mr. OLSEN. Our interests are aligned in many ways when it comes to cybersecurity. That is, our interest, the interests of the private sector and the government.

Mr. CORREA. Mr. Olsen, I understand that the Executive Branch has been reviewing the tech antitrust legislation that I was talking about, and you've been part of this review, it's my understanding?

Mr. OLSEN. I'm sorry, the review of the legislation?

Mr. CORREA. The antitrust legislation?

Mr. OLSEN. Yes, sir, absolutely. My division was part of the Department's review of that legislation.

Mr. CORREA. We've seen concerns raised by former national security experts on both sides concerning these antitrust bills. Is it fair

to say that, if you have concerns, you will provide this Committee with that information at the right time?

Mr. OLSEN. Yes. We have provided a letter from the Justice Department in support of the legislation. I'm prepared to continue to work on that with this Committee if there are additional concerns that need to be addressed.

Mr. CORREA. You will bring some of those concerns, if they are there, to this Committee?

Mr. OLSEN. Yes. I continue to work with this Committee and others in Congress on this issue.

Mr. CORREA. I would like to submit a letter, without objections, for the record titled, "Open Letter from Former Defense, Intelligence, Homeland Security, Cyber Officials, Calling for National Security Review of Congressional Tech Legislation." Without objection.

[The information follows:]



**MR. CORREA FOR THE RECORD**

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**Open Letter from Former Defense, Intelligence, Homeland Security, and Cyber Officials Calling for National Security Review of Congressional Tech Legislation**

April 18, 2022

This is a pivotal moment in modern history. There is a battle brewing between authoritarianism and democracy, and the former is using all the tools at its disposal, including a broad disinformation campaign and the threat of cyber-attacks, to bring about a change in the global order. We must confront these global challenges.

U.S. technology platforms have given the world the chance to see the real story of the Russian military's horrific human rights abuses in Ukraine, including the atrocities committed in Bucha, and the incredible bravery of the Ukrainian people who continue to stand their ground. Social media platforms are filled with messages of support for Ukraine and fundraising campaigns to help Ukrainian refugees.

At the same time, President Putin and his regime have sought to twist facts in order to show Russia as a liberator instead of an aggressor. When reporting and images of the atrocities in Bucha began to circulate, along with evidence and testimony pointing to Russian forces as the perpetrators, the Kremlin was quick to label the claims as "fake news."<sup>1</sup> The Russian government is seeking to alter the information landscape by blocking Russian citizens from receiving content that would show the true facts on the ground – and it has already received buy-in from other like-minded states, such as China, whose social media platform TikTok continues to abide by Moscow's rules of "digital authoritarianism." Indeed, it is telling that among the Kremlin's first actions of the war was blocking U.S. platforms in Russia. Putin knows that U.S. digital platforms can provide Russian citizens valuable views and facts about the war that he tries to distort through lies and disinformation.

U.S. technology platforms have already taken concrete steps to shine a light on Russia's actions to brutalize Ukraine. Through their efforts, the world knows what is truly happening in cities from Mariupol to Kiev, undistorted by manipulation from Moscow. Providing timely and accurate on-the-ground information – and disrupting the scourge of disinformation from Russian state media – is essential for allowing the world (including the Russian people) to see the human toll of Russia's aggression and is increasingly integral to U.S. diplomatic and national security efforts. It is our belief that these efforts will play a part in helping to end this war.

Meanwhile, cybersecurity threats from authoritarian regimes are also on the rise. As President Biden recently announced, the United States is facing an extraordinary threat from Russian cyber-attacks, and the private sector "must accelerate efforts to lock their digital doors."<sup>2</sup> In response to this heightened threat environment, U.S. technology companies have accelerated their partnership with the U.S. government and its allies to improve our collective defense. Both in public and behind the scenes, these companies have rolled out integrated cyber defenses, rapidly fused threat intelligence across products and services, and moved quickly to block malicious actors on their platforms. This partnership has resulted in the detection and disruption of a series of significant security threats from Russia and Belarus.

In the face of these growing threats, U.S. policymakers must not inadvertently hamper the ability of U.S. technology platforms to counter increasing disinformation and cybersecurity risks, particularly as the West continues to rely on the scale and reach of these firms to push back on the Kremlin. But recently proposed congressional legislation would unintentionally curtail the ability of these platforms to target disinformation efforts and safeguard the security of their users in the U.S. and globally. Legislation from

<sup>1</sup> [https://twitter.com/RT\\_com/status/1510639733159956483](https://twitter.com/RT_com/status/1510639733159956483)

<sup>2</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/21/statement-by-president-biden-on-our-nations-cybersecurity/>

both the House and Senate requiring non-discriminatory access for all “business users” (broadly defined to include foreign rivals) on U.S. digital platforms would provide an open door for foreign adversaries to gain access to the software and hardware of American technology companies. Unfettered access to software and hardware could result in major cyber threats, misinformation, access to data of U.S. persons, and intellectual property theft. Other provisions in this legislation would damage the capability of U.S. technology companies to roll out integrated security tools to adequately screen for nefarious apps and malicious actors, weakening security measures currently embedded in device and platform operating systems. Our national security greatly benefits from the capacity of these platforms to detect and act against these types of risks and, therefore, must not be unintentionally impeded.

We call on the congressional committees with national security jurisdiction – including the Armed Services Committees, Intelligence Committees, and Homeland Security Committees in both the House and Senate – to conduct a review of any legislation that could hinder America’s key technology companies in the fight against cyber and national security risks emanating from Russia’s and China’s growing digital authoritarianism. Such a review would ensure that legislative proposals do not enhance our adversaries’ capabilities. It is imperative that the United States avoid the pitfalls of its key allies and partners, such as the European Union (EU), whose Digital Markets Act (DMA) passed without any consideration of national security repercussions – despite repeated concerns from the Biden administration, including over potential cybersecurity risks.<sup>3</sup> There were also bipartisan congressional fears that the DMA would benefit “powerful state-owned and subsidized Chinese and Russian companies,” which could have “negative impacts on internet users’ privacy, security, and free speech.”<sup>4</sup> Even in light of these security concerns, the EU’s refusal to undertake a national security assessment led to none of them being addressed. The U.S. government must not make this same mistake.

Russia’s invasion of Ukraine marks the start of a new chapter in global history, one in which the ideals of democracy will be put to the test. The United States will need to rely on the power of its technology sector to ensure that the safety of its citizens and the narrative of events continues to be shaped by facts, not by foreign adversaries.

Sincerely,

James R. Clapper  
*Former Director of National Intelligence*

Jane Harman  
*Former U.S. Representative from California  
Former Ranking Member, House Intelligence  
Committee*

Jeh C. Johnson  
*Former Secretary of Homeland Security<sup>†</sup>*

Michael J. Morell  
*Former Acting Director and Deputy Director,  
Central Intelligence Agency*

Leon E. Panetta  
*Former Secretary of Defense  
Former Director, Central Intelligence Agency*

Admiral Michael S. Rogers  
*Former Commander, U.S. Cyber Command  
Former Director, National Security Agency*

Frances F. Townsend  
*Former Assistant to the President for  
Counterterrorism and Homeland Security*

<sup>3</sup> <https://www.politico.eu/article/us-government-in-bid-to-change-eu-digital-markets-act/>

<sup>4</sup> <https://www.finance.senate.gov/chairmans-news/finance-committee-leaders-wyden-and-crapo-biden-administration-must-fight-back-against-discriminatory-digital-trade-policies>

<sup>†</sup> Secretary Johnson is a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, LLP which has as clients several U.S. technology firms with an interest in the pending legislation. The views expressed in this letter are Secretary Johnson’s personal views.

Mr. CORREA. Let me just say that, again, cyber is a new warfare. We are in a State of war in cyber. I think it's important that your voice be a clear one when it comes to some of this legislation.

This legislation primarily applies to American companies. Yet, a lot of the foreign firms—Huawei, TikTok, many, many others—do not seem to fall under the purview of this legislation. I believe it is important that, before we go off and go after our own firms, that we make sure that we're not doing unintentional harms to our national defense, when it comes to cyber.

Mr. OLSEN. I understand.

Mr. CORREA. I'm out of time.

With that being said, the Committee needs to take a moment to address technical issues.

The Committee will suspend.

[Recess.]

Mr. CORREA. The Committee now resumes.

Mr. Bishop, you are called for five minutes of questions.

Mr. BISHOP. Thank you, Mr. Chair.

Assistant Attorney General Olsen, in April, in one of the DOJ's highest-profile domestic terrorism cases, a Federal jury appears to have found that the FBI entrapped people in a matter involved in an alleged plot to kidnap the governor of Michigan. The jury acquitted two defendants and hung on two others.

You're familiar with that case, sir?

Mr. OLSEN. Yes, sir, I am familiar with that particular prosecution.

Mr. BISHOP. All right. You've emphasized the importance of DOJ's domestic terrorism mission, or of that risk central to the national security mission.

Mr. OLSEN. Yes.

Mr. BISHOP. Is that case a fair representation of how DOJ is handling domestic terrorism matters?

Mr. OLSEN. I would include that case among many others that are part of our efforts to ensure that people who serve in public office are safe.

Mr. BISHOP. I think the importance is undeniable. The question is whether that's what FBI is doing.

Let me just go on a little further. The evidence that the jury heard, mostly in text messages and testimony of agents and informants of the FBI, was that the FBI did not discover an existing scheme and take the plot—collect evidence and take down plotters. Instead, the FBI appears to have contrived the plot, used its informants to draw people into the plot, and provided logistical and financial support to what was, in effect, an FBI operation.

The board behind me details just some of the resources that were devoted to the op. You had a late informant, a guy named Big Dan who was paid \$54,000 over six months to pretend to lead a fake militia to recruit really disadvantaged and unstable men from a Facebook discussion group. This is sort of—well, one of them was living in the cellar of a vacuum repair shop.

FBI paid travel expenses for people involved, food, even alcoholic beverages to take the targeted folks to a militia conference out of State. There were more than a dozen FBI informants involved in the process, undercover FBI agents, several of them, one of whom

taught, purported to teach how to make a bomb and used a bomb video produced by the FBI.

At one point, according to *The New York Times*, there was a nighttime surveillance at Governor Whitmer's vacation cabin, and four of the participants were informants, including Big Dan, or undercover agents.

At one point, when the group was sort of falling apart, in August 2020, the FBI handler congratulated Big Dan, said, quote, "Look at you, bringing people together." Now, he congratulated him for breathing new life into the plot.

Not as well-known, the same FBI agent, Jason Chambers, coached Big Dan in a parallel scheme to recruit folks into a contrived plot against former Virginia Governor Northam. At one point, he was asked by Big Dan how to couch the plan to one of the recruits, and Chambers wrote, quote, "The mission is to kill the governor specifically."

Again, now that's the evidence I understand from the trial. Don't know that it's a complete sampling of it, Mr. Attorney General. Is that the kind of conduct that DOJ and the FBI are engaged in pursuing domestic terrorism matters?

Mr. OLSEN. So, I'm sure you can appreciate that case, as you know, involves defendants charged with kidnapping the governor of Michigan. It's an ongoing case. The judge has ordered a retrial, and that retrial is set.

Given that it's an ongoing case, I simply can't comment on any of the questions you've asked.

Mr. BISHOP. Well, it's not ongoing as to two defendants. They've been acquitted by a jury.

I understand that DOJ has decided to retry two other defendants, but the evidence is what the evidence has been. That's been public. There's been media stories written about it across the ideological spectrum. It's not like this is some kind of right-wing notion.

Don't those revelations impair the credibility of the FBI, which you said earlier was, is very important?

Mr. OLSEN. Yeah, and that case is the judge has ordered that case be retried. It's an ongoing matter, and I can't comment further.

Mr. BISHOP. How many FBI informants/agents, respectively, were involved in that operation?

Mr. OLSEN. I'm not going to comment about that particular case.

Mr. BISHOP. How much did the FBI spend on it?

Mr. OLSEN. It's an ongoing case. It's set for retrial. So, I'm not going to comment on it.

Mr. BISHOP. The alleged Whitmer plot was announced October 7, 2020, within a month before the U.S. presidential election. How come that timing for the FBI's announcement of this, of this plot?

Mr. OLSEN. That's an ongoing case. I'm not going to comment on it.

I can tell you that in every case we follow the facts and the evidence and the law, and we do so without regard to politics or ideology.

Mr. BISHOP. The FBI has got a notorious history on exactly that kind of thing. You have no comment about that, the exposure of

that during the month before the Presidential election, of the propriety of doing so?

Ms. DEAN. The gentleman's time has expired.

The gentlewoman from Pennsylvania is recognized.

Mr. BISHOP. Are you going to let him answer the question? Usually, that's the practice, is he gets to answer the question that I posed.

Ms. DEAN. Did you have a question?

Mr. BISHOP. Yes, I did ask a question.

Ms. DEAN. Okay. Yes, you may answer the question.

Mr. OLSEN. That's an ongoing case. It's set for retrial. The judge has set it for retrial, so I'm not going to comment further.

Ms. DEAN. Thank you. Now, the gentleman's time has expired.

The gentlewoman from Pennsylvania is recognized.

Ms. SCANLON. Thank you, Mr. Olsen, for appearing today to speak to the Department of Justice's work on a number of matters involving our national security.

As you indicated in your testimony, domestic violent extremists are one of the most significant and a growing threat that America and the Department of Justice must grapple with as these individuals often radicalize online and are motivated by a mix of ideologies and grievances.

In recent years, domestic terrorists have directed hate-fueled threats and deadly attacks at institutions, including predominantly Black churches, Sikh temples, and synagogues.

Racially motivated extremists have gunned down shoppers at stores in El Paso and Buffalo and we have seen a rise in political violence directed against elected officials and other public servants, including election workers and school officials.

Domestic disinformation and domestic extremism often go hand in hand and we have seen the perverse conspiracy theories and disinformation that motivate far-right extremists being spread precisely to sow hate within our communities and that they can spiral into acts of violence.

They also work to undermine our foundational institutions, including our elections. Conspiracy theories and hate-filled ideologies have migrated from the fringes of American society into public discourse and political propaganda through the efforts of both foreign adversaries and domestic political opportunists.

The Plain truth is that words matter, and while the First Amendment gives broad protection to free speech, elected officials and other leaders abuse the public trust and their responsibility to their constituents when they embrace and amplify disinformation, whether that disinformation concerns lies about election results, antigovernment conspiracy theories, or thinly veiled attacks on religious minorities or other marginalized groups.

So, can you discuss a little bit how disinformation on social media is used in extremist recruitment?

Mr. OLSEN. Yes. The challenge that we face with individuals who consume rhetoric or hateful content online is that this information is so easily available to individuals who may be alone or who act in very small groups, and compared to decades ago or even several years ago, there's more of that content online and it tends to accel-

erate someone who may be inclined to believe in this information, accelerate them on the path toward becoming radicalized.

Again, ultimately, the concern we have is that this individual or group may become mobilized to carry out acts of violence that violate Federal law and much of that conduct is protected under the First Amendment—the speech itself—but, identifying that line, especially when it happens in private—online—identifying when someone’s crossed that line from free speech to planning a violent attack, for example, which is not protected, can be very difficult for the FBI and other investigative agencies, and I think that’s one of the challenges we face.

Ms. SCANLON. So, I guess that is my question, what can Congress do other than individual Members taking care not to repeat or amplify disinformation to support the Department of Justice’s efforts to disrupt radicalization?

Mr. OLSEN. Well, I think hearings like today that focus on this issue are helpful. We have asked for and obtained resources from Congress, particularly around the January 6th attack.

The U.S. Attorney’s office in Washington, DC, which has done an admirable job in leading that effort, has been able to increase its ranks to go after based on funding from Congress, and I think as well the work of the Select Committee has done an exceptional job shining a light on the events of January 6th, and the days leading up to that day so that the American people have a better understanding of what was at stake in an effort to prevent the peaceful transfer of power, which is a pillar of our democracy.

Ms. SCANLON. Thank you.

You’ve been quite clear that politics doesn’t play a role in the Department of Justice’s decisions to investigate or charge criminal conduct.

Is it fair to say that a person’s parental status also doesn’t play a role in DOJ’s decisions to investigate or charge potential criminal conduct such as threats of violence directed against school officials or their families?

Mr. OLSEN. Of course.

Ms. SCANLON. I have no further questions. I yield back.

Ms. DEAN. The gentlewoman yields back.

The gentleman from Texas, Mr. Roy, is now recognized.

Mr. ROY. I thank the Chair.

Has the Department of Justice prosecuted a single case against individuals demonstrating at the residence of Supreme Court justices in violation of U.S.C. 1507?

Mr. OLSEN. I’m not aware that there’s been a case brought under that particular statute.

Mr. ROY. So, the answer is no.

Does the purposeful movement of human beings and dangerous narcotics to the tune of 107,000 dead Americans across our border by armed and organized cartels pose a danger to the national security of the United States?

Mr. OLSEN. I’m not familiar with the facts that you’re referring to.

Mr. ROY. You’re not familiar with cartels and their involvement with 107,000 dead Americans related to fentanyl? You don’t believe

that—you can't comment on whether that poses a danger to the national security of the United States?

Mr. OLSEN. I'm not familiar with the facts that you're referring to. I will say that there's no doubt that the movement of illegal drugs across our borders poses a threat to the safety and wellbeing of Americans.

Mr. ROY. What about threats to Border Patrol agents such as signs displayed on the Rio Grande threatening to kill Border Patrol or gunfire on the streets of Texas? Would that pose a national security threat to the United States?

Mr. OLSEN. I don't know specifically what you're referring to but, obviously, acts of violence directed at our law enforcement—Federal or State—is a significant concern and one that we take very seriously.

Mr. ROY. A question before of one of my colleagues about known gotaways he said 500,000. How about simply the 389,000 known gotaways that the Attorney General actually testified under oath here in the House of Representatives accepting that fact, the Attorney General testified—sorry, that might have been the Secretary of Homeland Security testified under oath, knowing that gotaways would that pose a danger to the national security of the United States?

Mr. OLSEN. I'm just not familiar with the facts that you're referring to—I can talk to generally.

Mr. ROY. The Secretary of Homeland Security testified at this body. Assuming that fact, would you accept that as posing a danger to the national security of the United States?

Mr. OLSEN. I'm comfortable talking about cases that we are bringing or that we have brought that are a matter of public record where we have proven cases in court. I would prefer not to comment on hypotheticals.

Mr. ROY. Okay. Which poses a greater danger to the American national security, cartels or parents at school board meetings?

Mr. OLSEN. Look, groups, violent gangs that move drugs or are involved in acts of violence are a significant threat.

Mr. ROY. Do they pose a greater danger to the United States than do parents at school board meetings?

Mr. OLSEN. I would, certainly, have to agree with that. I would agree that, as a general proposition, being a parent myself—

Mr. ROY. I thank you for that.

Mr. OLSEN. —that gangs and violent groups pose a greater threat to the American people.

Mr. ROY. I thank you for that answer.

Mr. OLSEN. That's a serious question.

Mr. ROY. Is the Department of Justice still operating under the memorandum issued by the Attorney General Merrick Garland on October 4, 2021, in which he said disturbing—quote, “disturbing spike in harassment, intimidation, and threats of violence to school boards?” Are they still operating under that memorandum?

Mr. OLSEN. The Attorney General's guidance from last fall is still in effect.

Mr. ROY. Continues in effect?

Mr. OLSEN. Yes, sir.

Mr. ROY. In the press release that was issued the Justice Department addresses violent threats against school officials and teachers. Your division is mentioned. Why?

Mr. OLSEN. The National Security Division is part of a broader array of components of the Justice Department as part of that effort to ensure that people who serve on local school boards or other bodies are safe.

Mr. ROY. Do you think parents at school boards rise to the level of the National Security Division at the Department of Justice?

Mr. OLSEN. I, certainly, think it's possible that there could be a threat or an act of violence against somebody in the local office, whether it's city council or school board, that might reflect a domestic violent extremist attack. Yes.

Mr. ROY. So, you are saying yes. Is it appropriate to use the Patriot Act against parents?

Mr. OLSEN. The Patriot Act is a variety of tools. I can't talk about it in the abstract. Certainly, we—

Mr. ROY. Did the National School Boards Association recommend the use of the Patriot Act and describe that the actions of parents at school boards is the equivalent to domestic terrorism preceding the memo issued by the Department of Justice?

Mr. OLSEN. I don't know.

Mr. ROY. You don't know?

Mr. OLSEN. I don't know.

Mr. ROY. You don't know that there was a memorandum put out by the National School Board Association referring to domestic terrorism and the use of the Patriot Act prior to the Attorney General of the United States issuing a memorandum directly targeting and focusing on school boards? You don't know?

Mr. OLSEN. I've heard you and other Members of this Committee make reference to that today.

Mr. ROY. You're the head of the National Security Division, in which it's mentioned in the press release. That goes out and you don't know? You don't know? You're testifying under oath here before us that you don't know anything about that?

Mr. OLSEN. I've heard of that letter. I don't know exactly what it says.

Mr. ROY. Do you support the tagging of alleged threats involving schools or school boards as EDUOFFICIALS as was made public via a whistleblower?

Mr. OLSEN. I think how the FBI characterizes its cases is a question that's better posed to the FBI.

Mr. ROY. One last question on a different topic.

I sent a letter on July 11th requesting the Department of Justice to conduct a thorough review of the LIV Golf Limited and its potential violation of FARA with respect to the billion dollars that the Saudi Arabians have pumped into targeting the PGA Tour, believing that it is a, quote, "great thing for the image of Saudi Arabia" or, quote, "an incredible investment for Saudi Arabia."

That would seem to require some FARA registrations. I'm unaware of those registrations occurring, and asking my question, would you respond to that letter that we sent the Department of Justice and brief Members on that issue?

Mr. OLSEN. I'll take that question back to our legislator's office. Yes.

Mr. ROY. Thank you.

Ms. DEAN. The gentleman's time has expired.

The gentlewoman from Texas, Ms. Garcia, is recognized for five minutes.

Ms. GARCIA. Thank you, Madam Chair, and I want to thank Chair Nadler for convening this very critical hearing.

Attacks on minority communities and individuals are becoming an existential threat to our democracy and our nation. White supremacists have worked their way into our government institutions.

Some would say they have the Republican Party in a choke hold. Some would also suggest that congressional enablers welcome their violence with encouragement and enthusiasm.

They call insurrectionists patriots and defenders of freedom. They criticize their jail conditions when they've had a blind eye to the massive incarceration of Black and Brown people in our country disproportionately.

My Republican colleagues' refusal to combat instances of domestic terrorism motivated by racism violates my constituents' civil rights and liberties to live without free—fear of retaliation against their identities.

Texas is not immune to the increasing rate of hate crime since 2016. The shooting in El Paso, Texas, in August of 2019, was motivated by anti-Latino and anti-immigrant sentiments harbored by the perpetrator of the shooting.

Anti-Hispanic hatred is an inherent part of White supremacy ideology. The shooter claimed the attack was a justified response to the Hispanic invasion of Texas. He alluded to the Great Replacement, a conspiracy theory central to White nationalist ideology.

These racist ideas are not a political anomaly but, rather, the most extreme outgrowth of a White supremacist political culture. That racism, anti-Hispanic sentiment, anti-Semitism, and homophobia remain pressing problems of the United States and are reflective in 2019 hate crime increases.

Congress must find ways to address the relationship between anti-immigrant rhetoric and domestic terrorism to prevent future acts of domestic terrorism.

It is also critical for our friends across the aisle to collaborate with Democrats and put people over politics and put all this terrorism behind us and be about protecting our democracy.

Sir, I wanted to ask you a question about the interrelationship and the connectedness of all this, and I know that much has been said about some of the pro-abortion extremists.

I want to just say that according to the latest reports I've seen anti-abortion extremists have been responsible for at least 11 murders, 26 attempted murders, 42 bombings, 194 arsons, and thousands of incidents of criminal activity directed at abortion providers since 1977, including thousands and thousands of trespassing charges, criminal mischief, vandalism.

I mean, the list goes on. It's pages and pages of all of this, and I think it said 2,024 trespassing charges, and it also talks about the connection between the anti-abortion extremists and the Janu-

ary 6th insurrectionists, that they overlap and that one of the convicted arsonists, an anti-abortion extremist, live streamed from outside the Capitol on January 6th.

Another one was a frequent protester at abortion clinics, entered the Capitol, and was later charged and the list goes on.

So, what is the interconnectedness between the extremists? I mean, do they do all acts of terror domestically or is there some that lean more toward hate crimes against Hispanics and Blacks and some towards the abortion clinics?

Mr. OLSEN. So, it's an interesting question because what we have seen, and the intelligence community has made this assessment, that violent extremists are often motivated by a mix of ideologies and don't necessarily fit neatly into one category or another.

They may consume a variety of content, for example, online that feeds into a world view that causes them to become radicalized and, ultimately, move to violence. It's sometimes difficult to pinpoint a particular ideology or a particular viewpoint.

What I do know from the data is that individuals who are motivated by racial animus and individuals motivated by antigovernment views account for the greatest number of lethal attacks in the U.S. in recent years.

The FBI seeks, when it identifies a case as a domestic violence extremist case, to categorize it as one category or another. As my conversations with the experts has suggested to me, it's very difficult, in some cases, to pinpoint a particular ideology.

The fundamental point for us at the Justice Department is that we prosecute acts of violence and threats of violence without regard to ideology or politics.

Ms. DEAN. The gentlewoman's time has—the gentlewoman's time has expired.

Ms. GARCIA. Madam Chair, I also ask unanimous consent to enter into the record the 2021 violence and disruption statistics prepared by the National Abortion Federation. Also, three articles that I won't read all the titles, but they're all related to hate crimes, and President Biden's funding of the police and other issues related to this hearing today.

Ms. DEAN. Without objection.

[The information follows:]



**MS. GARCIA FOR THE RECORD**

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# 2021 VIOLENCE & DISRUPTION STATISTICS

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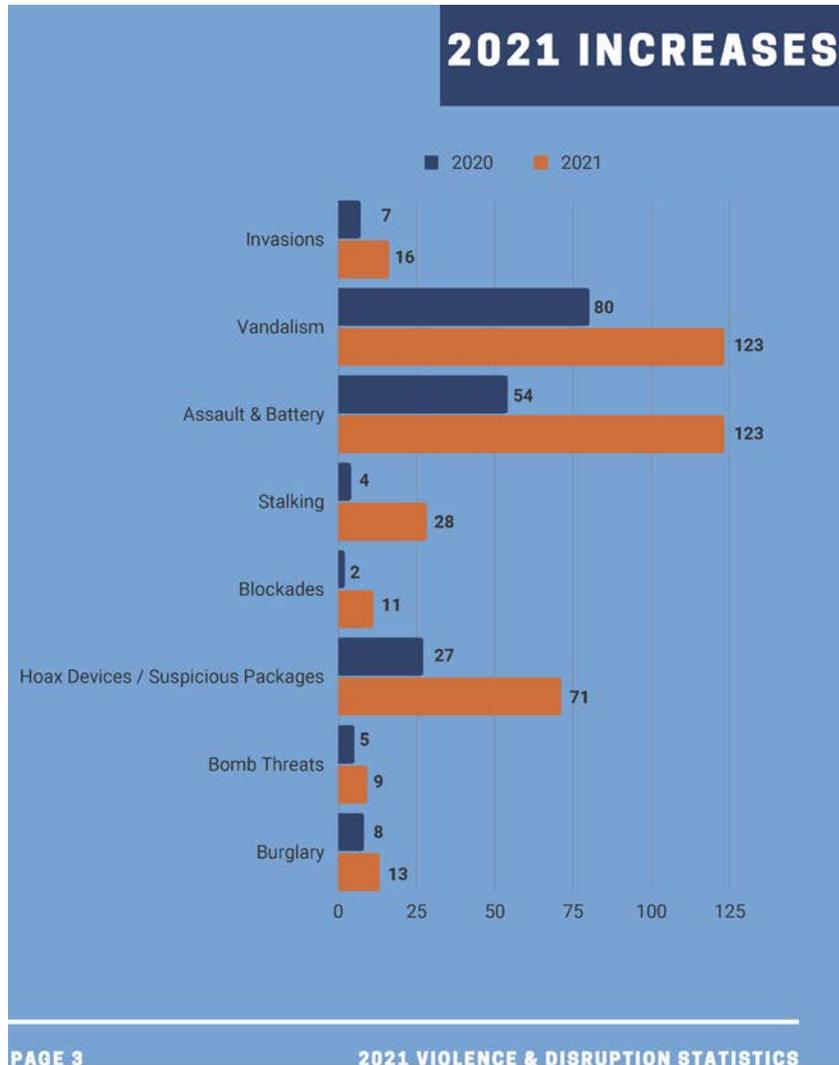
## OVERVIEW

The 2021 Violence & Disruption Statistics show a concerning, but sadly unsurprising, increase in intimidation tactics, vandalism, and other activities aimed at disrupting services, harassing providers, and blocking patients' access to abortion care. We saw the most significant increases in stalking (600%), blockades (450%), hoax devices/suspicious packages (163%), invasions (129%), and assault and battery (128%) compared to 2020.

As the COVID-19 pandemic stretched into a second year, abortion providers grappled with the ongoing challenges of providing health care during a public health crisis, including staff shortages due to illness, stress, or burnout. In some cases, these shortages caused clinics to close temporarily. Others remained open, but did not have staff available to monitor protesters or track anti-abortion incidents and activity. Additionally, COVID restrictions limited the presence of volunteer escorts who often witness and report trespassing and other incidents outside of some clinics. Several members moved locations in 2021, which required them to be closed for some period of time and led to a reduction in anti-abortion activity. In one case, the clinic's new location does not allow any protesters on the property so they experienced and ultimately reported less picketing and obstruction than they had in previous years. One of the clinics that previously reported hundred of incidents of obstruction in both 2019 and 2020 closed this year and thus did not report any incidents of obstruction. Had this clinic reported at the same rate as the previous two years, obstruction numbers would have increased this year. As a result of these challenges, we suspect underreporting in several categories, including picketing, hate mail/calls, hate email/internet harassment, obstruction, and trespassing.

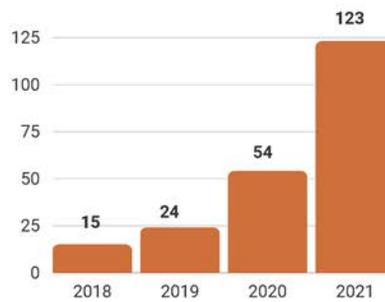
On January 6, 2021, the world watched as violent insurrectionists stormed the U.S. Capitol and tried to overthrow the government. Abortion providers recognized a number of the people at the Capitol as they are the same individuals who target abortion clinics and harass and terrorize clinic staff. This report includes additional information about the role of the anti-abortion movement in the insurrection and the relationship between white supremacy and anti-abortion ideology.

Although we saw a decrease in some activities, including clinic arsons—with two facilities targeted in 2021, compared to five in 2020—overall, harassment and violence have steadily increased in the last 45 years and remain a part of daily life for many abortion providers.



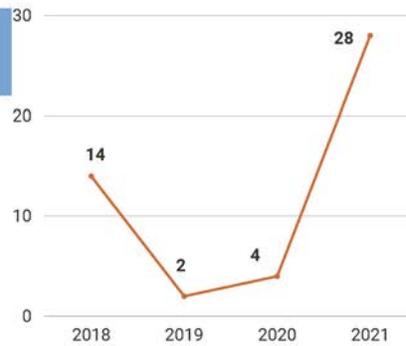
## ASSAULT & BATTERY

As in previous years, NAF members reported an increase in assault and battery outside of clinics, with the majority of incidents involving anti-abortion protesters having altercations with clinic escorts, clinic staff, patient companions, and patients. We received reports of anti-abortion individuals pushing, shoving, using pepper spray against, slapping, kicking, and physically fighting clinic escorts, staff, and others outside of clinics.

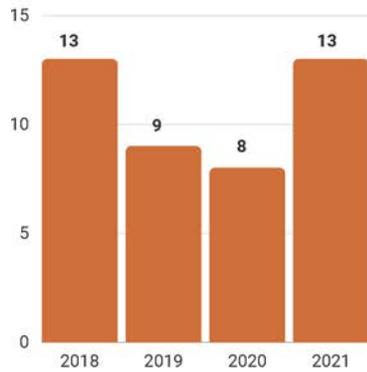


## STALKING

Our abortion-providing members in Colombia reported more than half (16 of 28 or 57%) of the 2021 reports of stalking. Clinic staff reported being followed en route to and from clinics. By comparison, 12 incidents of stalking were reported in the U.S., which alone represents a 200% increase over 2020 reports.



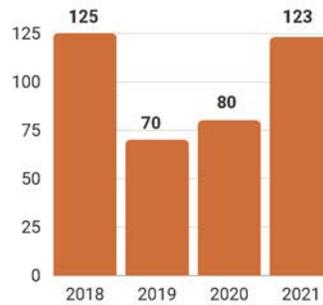
## BURGLARY



After a slight decline in 2020, burglaries increased by 63% in 2021. Burglary typically results in damage to property and carries a definite boldness to commit. One specific report from a member in Texas mentioned that file cabinet drawers were gone through as if the perpetrator was looking for patient charts but was unsuccessful, and ultimately very little of value was taken. This incident occurred shortly after an abortion ban (Senate Bill 8) went into effect in the state on September 1, 2021.

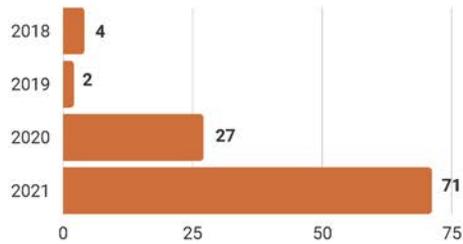
## VANDALISM

We saw a 54% increase in acts of vandalism targeting abortion providers in 2021. These acts included multiple incidents of bullets being fired through clinic windows, damage to HVAC equipment, cutting of power sources, bricks and rocks thrown through or at windows, and signs damaged.



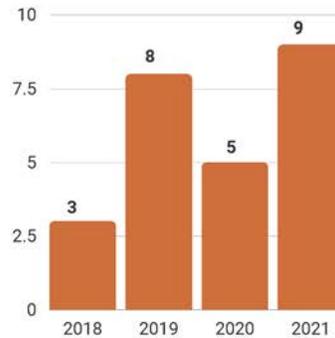
## HOAX DEVICES / SUSPICIOUS PACKAGES

We documented a 163% increase in hoax devices or suspicious packages at clinics. These include strange or unusual items that cause concern and usually result in law enforcement being called to investigate. Because of the history of attacks involving packages that contained dangerous materials, clinics have to treat these situations with maximum precaution and they can be very time-consuming to manage and disruptive to services.



## BOMB THREATS

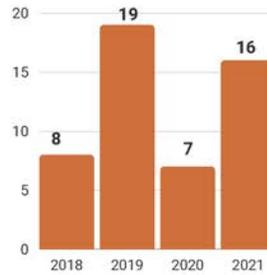
Bomb threats can be communicated to clinics in a variety of ways and we saw an 80% increase in bomb threats this year. These incidents may require the clinic to evacuate or call law enforcement and can be very disruptive to patient care.



*In April, four anti-choice extremists entered a clinic in Long Island, NY, and remained inside for 1.5 hours before they were arrested. After they were removed, police conducted an hour-long room-by-room search of the rest of the building, including several other businesses, during which time clinic staff left the building. The invaders were arrested and charged with "Obstructing Government Administration".*

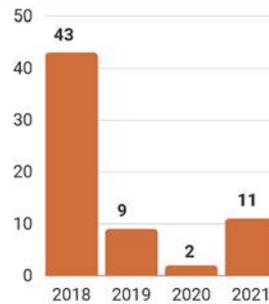
## INVASIONS

In recent years, we have documented a disturbing trend of clinic invasions. These invasions vary in length and can delay patient care. In some cases, the perpetrators make fake appointments to gain access to the clinic while posing as patients and they cause disruptions and refuse to leave until law enforcement is called. In others, they force their way into the clinic unannounced and refuse to leave.



## BLOCKADES

The Freedom of Access to Clinic Entrances (FACE) Act has been particularly effective in reducing the incidence of clinic blockades since its enactment in 1994. Still, we see some blockade activity and in 2021, saw a 450% increase in blockades from 2020. In January 2021, seven extremists blocked the doors to an Arkansas clinic. In April, anti-abortion individuals blocked the entrances to a clinic in Michigan. One of the extremists chained herself to the door with a bike lock that had to be cut off by the police.



## THE JANUARY 6TH INSURRECTION

The people who threaten clinic workers and harass individuals seeking abortion care are often the same people who participate in other violent and extremist activities that are deeply harmful. The overlap between white nationalists and the anti-abortion movement has existed for many years. In 1985, the Ku Klux Klan (KKK) began creating wanted posters listing the personal information of abortion providers. The first murder of an abortion provider, Dr. David Gunn, was perpetrated by a white supremacist who was mentored by former Klansman John Burt. Burt once told *The New York Times*: "Fundamentalist Christians and those people [the Ku Klux Klan] are pretty close, scary close, fighting for God and country. Some day we may all be in the trenches together in the fight against the slaughter of unborn children."

This pattern of overlapping hate and violence has continued to this day. Some of the same anti-abortion extremists who target clinics also participated in the January 6th insurrection at the U.S. Capitol. A few examples include:

- Convicted arsonist and anti-abortion extremist John Brockhoeft live-streamed from outside the Capitol.
- Derrick Evans, a member of the West Virginia House of Delegates and frequent protester at the state's sole abortion clinic entered the Capitol and was later charged with two federal misdemeanors and resigned his seat.
- Jason Storms, National Director of Operation Save America, Associate Pastor at Mercy Seat Christian Church, and Founder of Faithful Soldier Training Camp shared a video of himself on the scaffolding at the Capitol calling for revolution.
- There's video of Tayler Hansen, Founder of Baby Lives Matters, inside the Capitol next to the woman who was shot.
- Jeff Durbin, Founder of Apologia Studios and an associate of Operation Save America shared multiple videos of himself at the Capitol on January 6th.
- Oklahoma State Senator Warren Hamilton, an associate of Operation Save America, appeared outside the Capitol with other Senators.

## METHODOLOGY

NAF has been tracking incidents of violence and disruption against reproductive health care providers since 1977. NAF asks our member facilities and allied organizations to submit monthly reports on the anti-abortion incidents that they experience. We conduct telephone and email follow up to our member clinics to acquire completed reports and to gather additional information about reported incidents as needed. If we are not able to validate an incident, it is not included in our statistics, which suggests that actual incidents are higher than reported. This year, 80% of our facility members reported data to us. In the 2021 statistics, we suspect underreporting in a number of categories, including picketing, hate mail/calls, hate email/internet harassment, obstruction, and trespassing.

NAF continues to work with an outside security firm to monitor threats and track scheduled anti-abortion events. NAF collects and compiles this data to detect patterns in anti-abortion criminal activities and appropriately report these trends to law enforcement.

Numbers prior to 2013 represent the United States and Canada only. Numbers from 2013-2021 represent the United States, Canada, Mexico City, and Colombia.

**The National Abortion Federation (NAF) is the professional association of abortion providers. We represent all types of abortion providers. Our members include private and non-profit clinics, Planned Parenthood affiliates, women's health centers, physicians' offices, hospitals, and virtual providers in the U.S. and Canada. Our members also include public hospitals and both public and private clinics in Mexico City and private clinics in Colombia.**

naf NATIONAL ABORTION FEDERATION	NAF VIOLENCE AND DISRUPTION STATISTICS (2020 - 2021)		
	INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS		
	2020	2021	Totals 2020 - 2021
<b>Violence</b>			
Murder	0	0	0
Attempted Murder	0	0	0
Bombing	0	0	0
Arson	5	2	7
Attempted Bombing / Arson	4	1	5
Invasion	7	16	23
Vandalism	80	123	203
Trespassing <sup>1</sup>	1,265	977	2,242
Butyric Acid Attacks	0	0	0
Anthrax / Bioterrorism Threats	0	0	0
Assault & Battery	54	123	177
Death Threats / Threats of Harm <sup>2</sup>	200	182	382
Kidnapping	0	0	0
Burglary <sup>3</sup>	8	13	21
Stalking <sup>4</sup>	4	28	32
<b>Totals</b>	<b>1,627</b>	<b>1,465</b>	<b>3,092</b>
<b>Disruption</b>			
Hate Mail / Harassing Calls	3,413	2,999	6,412
Hate Email / Internet Harassment <sup>5</sup>	24,646	25,026	49,672
Hoax Devices / Suspicious Packages <sup>6</sup>	27	71	98
Bomb Threats	5	9	14
Picketing <sup>7</sup>	115,517	114,093	229,610
Obstruction <sup>8</sup>	2,712	2,439	5,151
<b>Totals</b>	<b>146,320</b>	<b>144,637</b>	<b>290,957</b>
<b>Clinic Blockades</b>			
Number of Incidents	2	11	13
Number of Arrests <sup>9</sup>	18	27	45

<sup>1</sup> Tabulation of trespassing began in 1999.

<sup>2</sup> Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

<sup>3</sup> This category includes incidents of Burglary, Robbery, and Theft that occurred at a reproductive health facility.

<sup>4</sup> Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.

<sup>5</sup> Tabulation of email harassment began in 2002. As of mid-November 2015, enhanced technology allowed for an increased ability to document internet harassment.

<sup>6</sup> Tabulation of hoax devices began in 2002.

<sup>7</sup> NAF changed its method of collecting picketing data in 2012. Obstruction was separated into its own category.

<sup>8</sup> Tabulation of obstructions began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

<sup>9</sup> The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many individuals were arrested multiple times.

naf NATIONAL ABORTION FEDERATION	NAF VIOLENCE AND DISRUPTION STATISTICS (2010 - 2019)										
	INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Totals 2010-2019
<b>Violence</b>											
Murder	0	0	0	0	0	3	0	0	0	0	3
Attempted Murder	0	0	0	0	0	9	0	0	0	0	9
Bombing	0	1	0	0	0	0	0	0	0	0	1
Arson	0	1	5	0	1	4	1	1	1	1	15
Attempted Bombing / Arson	1	1	0	0	0	0	0	1	1	0	4
Invasion	0	0	0	8	1	6	7	11	8	19	60
Vandalism	22	27	12	5	12	67	109	92	125	70	541
Trespassing <sup>1</sup>	45	69	47	264	78	118	247	823	1,135	1,507	4,333
Butyric Acid Attacks	0	0	0	0	0	0	0	0	0	0	0
Anthrax / Bioterrorism Threats	1	1	0	0	0	0	0	0	0	0	2
Assault & Battery	4	3	7	0	1	6	36	36	15	24	132
Death Threats / Threats of Harm <sup>2</sup>	2	2	6	2	1	94	33	62	57	92	351
Kidnapping	0	0	0	0	0	0	0	0	0	0	0
Burglary <sup>3</sup>	13	8	5	0	1	9	66	34	13	9	158
Stalking <sup>4</sup>	7	1	6	20	4	9	22	21	14	2	106
<b>Totals</b>	<b>95</b>	<b>114</b>	<b>88</b>	<b>299</b>	<b>99</b>	<b>325</b>	<b>521</b>	<b>1,081</b>	<b>1,369</b>	<b>1,724</b>	<b>5,715</b>
<b>Disruption</b>											
Hate Mail / Harassing Calls	404	365	452	420	367	373	869	1,156	1,388	3,123	8,917
Hate Email / Internet Harassment <sup>5</sup>	44	17	41	88	91	25,839	42,726	15,773	21,252	22,366	128,237
Hoax Devices / Suspicious Packages <sup>6</sup>	8	2	7	2	9	35	29	30	4	2	128
Bomb Threats	12	1	1	4	1	4	9	8	3	8	51
Picketing <sup>7</sup>	6,347	4,780	5,706	5,574	5,402	21,715	61,562	78,114	99,409	123,228	411,837
Obstruction <sup>8</sup>			79	396	251	242	580	1,704	3,038	3,387	9,677
<b>Totals</b>	<b>6,815</b>	<b>5,165</b>	<b>6,286</b>	<b>6,484</b>	<b>6,121</b>	<b>48,208</b>	<b>105,775</b>	<b>96,785</b>	<b>125,094</b>	<b>152,114</b>	<b>558,847</b>
<b>Clinic Blockades</b>											
Number of Incidents	1	5	6	3	23	45	51	104	43	9	290
Number of Arrests <sup>9</sup>	0	0	4	1	0	0	1	10	2	0	18

<sup>1</sup> Tabulation of trespassing began in 1999.

<sup>2</sup> Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

<sup>3</sup> This category includes incidents of Burglary, Robbery, and Theft that occurred at a reproductive health facility.

<sup>4</sup> Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.

<sup>5</sup> Tabulation of email harassment began in 2002. As of mid-November 2015, enhanced technology allowed for an increased ability to document internet harassment.

<sup>6</sup> Tabulation of hoax devices began in 2002.

<sup>7</sup> NAF changed its method of collecting picketing data in 2012. Obstruction was separated into its own category.

<sup>8</sup> Tabulation of obstructions began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

<sup>9</sup> The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many individuals were arrested multiple times.

naf NATIONAL ABORTION FEDERATION	NAF VIOLENCE AND DISRUPTION STATISTICS (2000 - 2009)										
	INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS										
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Totals 2000-09
<b>Violence</b>											
Murder	0	0	0	0	0	0	0	0	0	1	1
Attempted Murder	1	0	0	0	0	0	0	0	0	0	1
Bombing	0	1	0	0	0	0	0	0	0	0	1
Arson	2	2	1	3	2	2	0	2	0	0	14
Attempted Bombing / Arson	3	2	0	0	1	6	4	2	1	1	20
Invasion	4	2	1	0	0	0	4	7	6	1	25
Vandalism	56	58	60	48	49	83	72	59	45	40	570
Trespassing <sup>1</sup>	81	144	163	66	67	633	336	122	148	104	1,864
Butyric Acid Attacks	0	0	0	0	0	0	0	0	0	0	0
Anthrax / Bioterrorism Threats	30	554	23	0	1	0	0	1	3	2	614
Assault & Battery	7	2	1	7	8	8	11	12	6	9	71
Death Threats / Threats of Harm <sup>2</sup>	9	14	3	7	4	10	10	13	2	16	88
Kidnapping	0	0	0	0	0	0	1	0	0	0	1
Burglary <sup>3</sup>	5	6	1	9	5	11	30	12	7	12	98
Stalking <sup>4</sup>	17	10	12	3	15	8	6	19	19	1	110
<b>Totals</b>	<b>215</b>	<b>795</b>	<b>265</b>	<b>143</b>	<b>152</b>	<b>761</b>	<b>474</b>	<b>249</b>	<b>237</b>	<b>187</b>	<b>3,478</b>
<b>Disruption</b>											
Hate Mail / Harassing Calls	1,011	404	230	432	453	515	548	522	396	1,699	6,210
Hate Email / Internet Harassment <sup>5</sup>			24	70	51	77	25	38	44	16	345
Hoax Devices / Suspicious Packages <sup>6</sup>			41	13	9	16	17	23	24	17	160
Bomb Threats	20	31	7	17	13	11	7	6	13	4	129
Picketing <sup>7</sup>	8,478	9,969	10,241	11,348	11,640	13,415	13,505	11,113	12,503	8,388	110,600
Obstruction <sup>8</sup>											
<b>Totals</b>	<b>9,509</b>	<b>10,404</b>	<b>10,543</b>	<b>11,880</b>	<b>12,166</b>	<b>14,034</b>	<b>14,102</b>	<b>11,702</b>	<b>12,980</b>	<b>10,124</b>	<b>117,444</b>
<b>Clinic Blockades</b>											
Number of Incidents	4	2	4	10	34	4	13	7	8	1	87
Number of Arrests <sup>9</sup>	0	0	0	0	0	0	0	3	1	0	4

<sup>1</sup> Tabulation of trespassing began in 1999.

<sup>2</sup> Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

<sup>3</sup> This category includes incidents of Burglary, Robbery, and Theft that occurred at a reproductive health facility.

<sup>4</sup> Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.

<sup>5</sup> Tabulation of email harassment began in 2002. As of mid-November 2015, enhanced technology allowed for an increased ability to document internet harassment.

<sup>6</sup> Tabulation of hoax devices began in 2002.

<sup>7</sup> NAF changed its method of collecting picketing data in 2012. Obstruction was separated into its own category.

<sup>8</sup> Tabulation of obstructions began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

<sup>9</sup> The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many individuals were arrested multiple times.

 <b>NAF VIOLENCE AND DISRUPTION STATISTICS (1990 - 1999)</b> <b>INCIDENTS OF VIOLENCE &amp; DISRUPTION AGAINST ABORTION PROVIDERS</b>											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Totals 1990-99
<b>Violence</b>											
Murder	0	0	0	1	4	0	0	0	2	0	7
Attempted Murder	0	2	0	1	8	1	1	2	1	0	16
Bombing	1	1	0	1	1	1	2	6	1	1	15
Arson	10	8	19	12	11	14	3	8	4	7	96
Attempted Bombing / Arson	3	1	13	7	3	1	4	2	5	0	39
Invasion	19	29	26	24	2	4	0	7	5	1	117
Vandalism	26	44	116	113	42	31	29	105	46	23	575
Trespassing <sup>1</sup>											193
Butyric Acid Attacks	0	0	57	15	8	0	1	0	19	0	100
Anthrax / Bioterrorism Threats	0	0	0	0	0	0	0	0	12	35	47
Assault & Battery	6	6	9	9	7	2	1	9	4	0	53
Death Threats / Threats of Harm <sup>2</sup>	7	3	8	78	59	41	13	11	25	2	247
Kidnapping	0	0	0	0	0	0	0	0	1	0	1
Burglary <sup>3</sup>	2	1	5	3	3	3	6	6	6	0	35
Stalking <sup>4</sup>				188	22	61	52	67	13	1	404
<b>Totals</b>	<b>15</b>	<b>10</b>	<b>22</b>	<b>278</b>	<b>91</b>	<b>107</b>	<b>72</b>	<b>93</b>	<b>49</b>	<b>3</b>	<b>1,945</b>
<b>Disruption</b>											
Hate Mail / Harassing Calls	21	142	469	628	381	255	605	2,829	915	82	6,327
Hate Email / Internet Harassment <sup>5</sup>											
Hoax Devices / Suspicious Packages <sup>6</sup>											
Bomb Threats	11	15	12	22	14	41	13	79	31	7	245
Picketing <sup>7</sup>	45	292	2,898	2,279	1,407	1,356	3,932	7,518	8,402	1,808	29,937
Obstruction <sup>8</sup>											
<b>Totals</b>	<b>77</b>	<b>449</b>	<b>3,379</b>	<b>2,929</b>	<b>1,802</b>	<b>1,652</b>	<b>4,550</b>	<b>10,426</b>	<b>9,348</b>	<b>1,897</b>	<b>36,509</b>
<b>Clinic Blockades</b>											
Number of Incidents	34	41	83	66	25	5	7	25	2	1	289
Number of Arrests <sup>9</sup>	1,363	3,885	2,580	1,236	217	54	65	29	16	2	9,447

<sup>1</sup> Tabulation of trespassing began in 1999.

<sup>2</sup> Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

<sup>3</sup> This category includes incidents of Burglary, Robbery, and Theft that occurred at a reproductive health facility.

<sup>4</sup> Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.

<sup>5</sup> Tabulation of email harassment began in 2002. As of mid-November 2015, enhanced technology allowed for an increased ability to document internet harassment.

<sup>6</sup> Tabulation of hoax devices began in 2002.

<sup>7</sup> NAF changed its method of collecting picketing data in 2012. Obstruction was separated into its own category.

<sup>8</sup> Tabulation of obstructions began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

<sup>9</sup> The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many individuals were arrested multiple times.

naf NATIONAL ABORTION FEDERATION	NAF VIOLENCE AND DISRUPTION STATISTICS (Summary by Decade)					
	INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS					
	1977 to 89	1990 to 99	2000 to 09	2010 to 19	2020 to 21	Totals
<b>Violence</b>						
Murder	0	7	1	3	0	11
Attempted Murder	0	16	1	9	0	26
Bombing	25	15	1	1	0	42
Arson	64	96	14	15	7	196
Attempted Bombing / Arson	37	39	20	4	5	105
Invasion	247	117	25	60	23	472
Vandalism	244	575	570	541	203	2,133
Trespassing <sup>1</sup>		193	1,864	4,333	2,242	8,632
Butyric Acid Attacks	0	100	0	0	0	100
Anthrax / Bioterrorism Threats	0	47	614	2	0	663
Assault & Battery	58	53	71	132	177	491
Death Threats / Threats of Harm <sup>2</sup>	70	247	88	351	382	1,138
Kidnapping <sup>3</sup>	2	1	1	0	0	4
Burglary <sup>3</sup>	20	35	98	158	21	332
Stalking <sup>4</sup>		404	130	106	32	652
<b>Totals</b>	<b>767</b>	<b>1,945</b>	<b>3,478</b>	<b>5,715</b>	<b>3,092</b>	<b>14,997</b>
<b>Disruption</b>						
Hate Mail / Harassing Calls	192	6,327	6,210	8,917	6,412	28,058
Hate Email / Internet Harassment <sup>5</sup>			345	128,237	49,672	178,254
Hoax Devices / Suspicious Packages <sup>6</sup>			160	128	98	386
Bomb Threats	237	245	129	51	14	676
Picketing <sup>7</sup>	847	29,937	110,600	411,837	229,610	782,831
Obstruction <sup>8</sup>				9,677	5,151	14,828
<b>Totals</b>	<b>1,276</b>	<b>36,509</b>	<b>117,444</b>	<b>558,847</b>	<b>290,957</b>	<b>1,005,033</b>
<b>Clinic Blockades</b>						
Number of Incidents	385	289	87	290	13	1,064
Number of Arrests <sup>9</sup>	24,380	9,447	4	18	45	33,894

<sup>1</sup> Tabulation of trespassing began in 1999.

<sup>2</sup> Death Threats, as of 2015, include any reported or discovered "Threats of Harm."

<sup>3</sup> This category includes incidents of Burglary, Robbery, and Theft that occurred at a reproductive health facility.

<sup>4</sup> Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.

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<sup>7</sup> NAF changed its method of collecting picketing data in 2012. Obstruction was separated into its own category.

<sup>8</sup> Tabulation of obstructions began in 2012. Obstruction is defined as the act of causing a delay or an attempt to cause a delay in the conduct of business or prevent persons from entering or exiting an area. This would apply to violations of the FACE Act.

<sup>9</sup> The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many individuals were arrested multiple times.

www.reuters.com /world/us/biden-balances-anti-crime-reform-agendas-message-police-2022-05-15/

## Biden balances anti-crime and reform agendas in message to police

May 15, 2022 4:31 PM EDT Last Updated 2 months ago : 4-5 minutes : 5/15/2022

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'Must all work together' to address hate -Biden on Buffalo

WASHINGTON, May 15 (Reuters) - U.S. President Joe Biden said on Sunday that police officers must deliver both effective crime deterrence and equal justice in a message that balanced two fraught political priorities as his law-enforcement reforms have stalled.

Speaking at a memorial service at the U.S. Capitol for 563 officers who died in the line of duty over the prior year, Biden offered no new indications over how he would resolve a delay in police reform aimed at holding officers to a higher standard after high-profile killings of unarmed Black people.

Instead, he answered swirling concerns about rising street violence in an election year by saying there was no tension between reforming law enforcement and deterring crime.

"Folks, the answer is not to abandon the streets; it's not to choose between safety and equal justice," Biden said.

"And we should agree it's not to defund the police - it's to fund the police. Fund them with the resources, the training they need to protect our communities and themselves and restore trust."

The remarks came as authorities investigated the shooting of 10 people in a Black neighborhood grocery store in Buffalo, New York, as a hate crime. read more "We must all work together to address the hate that remains a stain on the soul of America," Biden said.

It is also just two years shy of the anniversary of George Floyd's killing in Minneapolis police custody on May 25, 2020, which inspired mass protests around the country.

Biden promised Floyd's family - and voters - that he would take action but bipartisan congressional talks on a bill stalled last year. A Democrat-backed bill named for Floyd that passed the House of Representatives in 2020 would have limited officers' use of chokeholds and held them to higher legal standards for rights violations.

U.S. President Joe Biden delivers remarks at the annual National Peace Officers' Memorial Service at the U.S. Capitol in Washington, U.S. May 15, 2022.

7/27/22, 3:15 PM

Biden balances anti-crime and reform agendas in message to police :: Reader View

REUTERS/Elizabeth Frantz

"We haven't gotten there yet," Biden said. "We must get there to strengthen public trust and public safety.

He said police groups have played a "constructive" role in reform discussions and said he is "committed to being your partner, as I always have."

The remarks showed the balancing act faced by Biden as the country heads in to November's election for control of Congress. His party needs strong support from communities outraged by police violence and those frightened by crime.

Biden aides are drafting a narrower executive order on policing that the president hopes to sign soon, officials have said, after months of internal negotiations.

Biden has been a loyal ally to law enforcement, dating back to his days in the Senate when he crafted a 1994 crime bill with their help.

But his support for broad reforms following the 2020 murder of Floyd by an officer created some tension with police unions opposed to some of the reforms promoted by Democrats. Those groups include the National Fraternal Order of Police (FOP), which sponsored Sunday's event.

The National Peace Officers' Memorial Service began in 1982 as a small gathering of approximately 120 survivors and supporters of law enforcement. It has since turned into a series of events, attracting thousands of officers and the families of victims to the nation's capital each year.

The number of officers dying at work has increased sharply during the COVID-19 pandemic, data from police groups shows.

Reporting by Daphne Psaledakis and Trevor Hunnicutt in Washington Editing by Mary Milliken and Matthew Lewis

Our Standards: The Thomson Reuters Trust Principles.

www.reuters.com/world/us/biden-push-gun-safety-new-york-city-with-police-chief-2022-02-03/

## Biden pushes for police funding, more social workers with New York City mayor Adams

February 3, 2022 8:52 PM EST Last Updated 6 months ago : 4-5 minutes : 2/3/2022

NEW YORK, Feb 3 (Reuters) - U.S. President Joe Biden on Thursday called for greater investments in local police departments alongside social services in a visit to New York City aimed at projecting a united front against gun violence with Mayor Eric Adams after a series of violent crimes that have rattled the city.

Biden and U.S. Attorney General Merrick Garland made the trip in the wake of the funerals of two city police officers who were fatally shot last month while responding to a 911 call.

The police killings are part of an overall surge in gun violence in U.S. cities, including Philadelphia and Chicago, since the beginning of the coronavirus pandemic in 2020.

With more guns than people, the United States is by far the [most heavily armed](#) society in the world and sales to first-time buyers [skyrocketed](#) in 2020.

"We can't expect you to do every single solitary thing that needs to be done to keep a community safe. It's time to fund community policing to protect and serve the community," Biden said.

The White House and Democrats are pushing back on Republican accusations that the party is weak on crime before critical midterm elections in November. [read more](#)

"We're not about defunding we're about funding," Biden said, explicitly rejecting the "defund the police" idea pushed by some Democrats after the 2020 killing of George Floyd, and adding he was asking for more funding for communities and community police.

U.S. President Joe Biden speaks at an event to reignite the 'Cancer Moonshot' initiative with a goal to reduce cancer death by 50 percent over the next 25 years, in the East Room at the White House in Washington, D.C., U.S., February 2, 2022. REUTERS/Cheriss May

Biden touted the administration's five-part plan unveiled in June that sought to stem the flow of firearms and invest in police resources. He also announced new efforts, such as targeting gun trafficking from southern states to the U.S. Northeast and getting repeat gun offenders off the streets.

7/27/22, 3:14 PM

Biden pushes for police funding, more social workers with New York City mayor Adams :: Reader View

"This doesn't violate anybody's Second Amendment right," Biden. "There's no amendment that's absolute. You couldn't buy a cannon when this amendment was passed. There's no reason why you should be able to buy certain assault weapons."

The Justice Department also announced new efforts to crack down on so-called ghost guns, unregistered and untraceable homemade weapons that can be made with a 3D printer.

From January of 2016 to the end of 2020, there were 23,906 suspected ghost guns reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives, including 325 used in homicides, or attempted homicides, a senior administration official said.

Biden first traveled to New York police headquarters to join a meeting of the gun violence strategic partnership, which meets five days a week to share intelligence and develop plans. He will then go to a school to meet community leaders to talk prevention.

Biden's visit to the country's biggest city will be his first since Adams was sworn in as mayor at the beginning of the year. A former police officer, Adams centered his campaign on improving public safety, and spoke enthusiastically about working with Biden.

"The president is here because he knows what the American people want: Justice, safety and prosperity," Adams said, adding he shared the sentiment.

There is a reason "they call me the Biden of Brooklyn" Adams said, pledging to stand "shoulder to shoulder" with the president.

Reporting By Jarrett Renshaw; Editing by Heather Timmons and Alistair Bell

Our Standards: The Thomson Reuters Trust Principles.



## FEATURES AND STORIES

## FBI Reports an Increase in Hate Crimes in 2019: Hate-Based Murders More than Doubled

November 16, 2020

Continuing a trend in the Trump era, reported hate crimes across America rose by 3% in 2019 – to 7,314, the highest number recorded since 2008, according to the FBI's annual [Hate Crime Statistics report](#), released today.

The report, which includes both violent attacks and nonviolent hate crimes such as vandalism, documented 51 hate crime murders. That was the most recorded since the FBI began collecting this data in 1991 and more than double the 24 recorded last year – previously the highest documented figure.

Like every year, **race-based hate crimes were the most numerous**, the vast majority directed at Black people. **Anti-Hispanic hate crimes increased for the fourth straight year – to 527**, a 9 percent increase and the highest since 2010. Reported crimes directed against Jews and Jewish institutions increased 14%, to the highest figure since 2008. Hate crimes against LGBTQ people also went up, including an 18% increase in crimes against the transgender community, the highest since the FBI began collecting this specific data in 2013.

It's important to note that, because of the nature of hate crime reporting, the FBI's annual report vastly understates the real level of hate crimes in the country.

Local and state law enforcement agencies are not required by law to report hate crime data to the FBI. In addition, many hate crimes go unreported because of inadequate training and a lack of trust between law enforcement and the communities they police. Previous Department of

Justice studies estimate that an average of 250,000 people are victimized by hate crimes each year.

Enacted in 1990, the [Hate Crime Statistics Act \(HCSA\)](#) requires the Department of Justice to publish an annual report on the number of hate crimes collected by the nation's more than 18,000 federal, state, city, university and tribal law enforcement agencies.

For the 2019 report, 15,588 law enforcement agencies participated in the collection effort. However, only 2,172 of these agencies – less than 14% percent – reported one or more hate crimes. Every other agency, including more than 80 cities with populations over 100,000, affirmatively reported zero (0) hate crimes or did not report any data to the FBI at all.

Though the report undercounts the nation's hate crimes, it does document large trends, including how and against whom hate crimes are perpetrated.

Recent increases in hate crime reflect a growing threat of violence from the extreme right, one that the Department of Homeland Security acknowledged in its [Homeland Threat Assessment](#) released in October. **White supremacist terrorists, the report noted, pose the largest domestic terror threat in the United States. Because of their attacks, 2019 was the "most lethal year for domestic violent extremism in the United States since the Oklahoma City bombing in 1995."**

Many of today's white power activists venerate Timothy McVeigh, who committed the 1995 bombing and encourage others to carry out similar attacks. This is the strategy of "[accelerationists](#)," who believe that violence is the only political tool at their disposal. For a growing segment of the white power movement, violence isn't only a way to inflict harm on groups they deem inferior but a strategy to alert other white people to the perceived dangers of immigration, racial integration and the decline of white people as a percentage of the American population. Attacks like the one at an El Paso Walmart – which accounted for 22 of the 51 hate crime murders in 2019 – are meant to spur further violent action.

Anti-Hispanic hatred is an inherent part of white power ideology, which was captured in the manifesto of the accused El Paso shooter. He claimed the attack was a response to the "Hispanic invasion of Texas" and alluded to the "Great Replacement" – one of the conspiracy theories central to white nationalist ideology. White people, white supremacists claim, are

being systematically replaced across the Western world through immigration and intermarriage. Proponents of the racist theory often insist that this “replacement” is being orchestrated by Jews, an idea expressed in the manifesto linked to the man accused in the [attack](#) on a synagogue in Poway, California, that left one person dead and three injured on April 27, 2019. The alleged attacker has been charged with 54 violations of the [Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act](#).

These racist ideas are not a political anomaly but rather the most extreme outgrowth of a white supremacist political culture. That racism, anti-Hispanic sentiment, antisemitism, and homophobia remain pressing problems in the U.S. is reflected in the 2019 hate crime increases.

Hate-based attacks have coincided with growth in the [white nationalist movement](#). According to the SPLC’s research, the number of white nationalist hate groups grew by 55% between 2017 and 2019.

At the same time, the nature of hate crimes has shifted toward violence. In 2018, personal attacks motivated by hate [hit a 16-year high](#). While there was a very slight decrease in the number of crimes against people in 2019 – less than 1% – the drop is attributable to the decline in crimes of intimidation. Every other category increased. Aggravated assault, for instance, rose nearly 13% over 2018, while simple assaults increased by almost 7%.

Hate crimes have a special impact on both the victim and the victim’s community. Recognizing that these crimes can inflame community tensions, civic leaders and law enforcement authorities have given them priority attention. The federal government and 46 states and the District of Columbia have enacted [hate crime training and prevention laws](#), and many police departments have adopted [special policies to address these crimes](#).

The SPLC is now working with a broad coalition of civil rights, religious, education and civic organizations to urge Congress to pass the [Khalid Jabara and Heather Heyer National Opposition to Hate, Assault, and Threats to Equality \(NO HATE\) Act](#), which would promote hate crime training and prevention and provide funds to develop state hate crime reporting and victim services hotlines.

In addition, the SPLC’s [Vision for a Just America](#) presidential transition document calls for the Biden administration to:

- Mandate federal collection of hate crime data;

7/27/22, 4:48 PM

FBI Reports an Increase in Hate Crimes in 2019: Hate-Based Murders More than Doubled | Southern Poverty Law Center

- Move funding for Department of Education programs aimed at preventing extremism and promoting deradicalization from punishment models to initiatives that build community resilience; and
- Provide funding for the Department of Education to develop a curriculum on structural racism and funding for states to implement their own related initiatives.

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**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, February 6, 2020

### **Texas Man Charged with Federal Hate Crimes and Firearm Offenses Related to August 3, 2019, Mass-Shooting in El Paso**

Today, a federal grand jury in El Paso, Texas, indicted Patrick Wood Crusius, 21, of Allen, Texas, on hate crimes and firearm charges in connection with the murder of 22 people and attempted murder of 23 others at a Walmart in El Paso, Texas, on Aug. 3, 2019. The announcement was made by Assistant Attorney General Eric Dreiband of the Department of Justice's Civil Rights Division, U.S. Attorney for the Western District of Texas John F. Bash, and Special Agent in Charge of the FBI's El Paso Field Office Luis M. Quesada.

The indictment alleges that on Aug. 3, 2019, Crusius opened fire with an assault rifle and shot multiple individuals in and around the Walmart Supercenter in El Paso, leading to the death of 22 individuals and injuring many more. The indictment further alleges that, on the same date as the shooting, Crusius uploaded to the internet a document he had drafted entitled "The Inconvenient Truth." The document opened by stating, "This attack is a response to the Hispanic invasion of Texas. They are the instigators, not me. I am simply defending my country from cultural and ethnic replacement brought on by the invasion." The indictment charges that Crusius willfully caused bodily injury to the victims because of the actual and perceived national origin of any person.

In total, the 90-count indictment charges Crusius with 22 counts of hate crimes resulting in death, 23 hate crimes involving an attempt to kill, and 45 counts of discharging a firearm in relation to the hate crimes.

Upon conviction, the charges in the indictment carry a maximum penalty of life imprisonment or the death penalty. The Attorney General will decide whether to seek the death penalty at a later time. Should the Attorney General determine that the circumstances of the offense are such that a sentence of death is justified, the law requires that notice be filed with the court at a reasonable time before trial. Crusius is currently in state custody pending state criminal charges.

The FBI with the support of the El Paso Police Department, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Texas Department of Public Safety, El Paso County Sheriff's Office, El Paso County Office of the Medical Examiner, Allen Police Department and Dallas Police Department, conducted this investigation. The case is being prosecuted by Assistant U.S. Attorneys Ian Hanna and Greg McDonald of the Western District of Texas, and U.S. Department of Justice Trial Attorneys Tim Visser and Michael Warbel.

It is important to note that an indictment is merely a charge and should not be considered as evidence of guilt. The defendant is considered innocent until proven guilty in a court of law.

More information about the Department's hate crimes efforts, including facts and statistics, case examples, and a searchable collection of the Department's resources for law enforcement, community groups, researchers and others, are available at [www.justice.gov/hatecrimes](http://www.justice.gov/hatecrimes).

**Attachment(s):**

[Download crusius\\_patrick\\_wood\\_-\\_indictment.pdf](#)

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**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, October 17, 2018

### **Texas Man Sentenced to Almost 25 Years for Hate Crime in Burning Down Mosque in Victoria, Texas**

The Justice Department today announced that Marq Perez, 26, was sentenced to more than 24 years in prison for burning down the Victoria Islamic Center on Jan. 28, 2017. Acting Assistant Attorney General John Gore of the Justice Department's Civil Rights Division, U.S. Attorney Ryan Patrick for the Southern District of Texas, Special Agent in Charge Fred Milanowski of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and Special Agent in Charge Perrye K. Turner of the FBI made the announcement.

A jury found Perez guilty on July 16, for a hate crime in the burning of the Victoria Islamic Center (the mosque) on Jan. 28, 2017, and for the use of fire to commit a federal felony. In addition, the jury found that Perez possessed an unregistered destructive device for a separate but related incident that occurred on Jan. 15, 2017.

"Everyone in this country has the right to worship freely without fear of violence," said Acting Assistant Attorney General John Gore. "This defendant terrorized the Muslim community in Victoria, and the Department partnered with federal, state, and local agencies to ensure that the person responsible for this heinous hate crime would be found and prosecuted."

"The Attorney General has said that the Freedom of religion is indeed our 'first freedom'—being the first listed right of our First Amendment," said Patrick. "The Department of Justice prosecutes violent and dangerous crime, but also, and particularly when that crime interferes with someone's ability to practice their religious faith. Not only was this a dangerous and potentially deadly act, but also one spurred from hate. I am glad justice was served in this case."

"ATF is the primary federal law enforcement agency tasked with investigating House of Worship Fires and views an arson against a house of worship as not just an attack on a building, but as an attack against an entire community," said Milanowski. "ATF is pleased the defendant has been held accountable for this crime and will continue to respond to these violent crimes using all available resources."

"Mr. Perez sought to provoke terror within the tranquil space of the Victoria Islamic Center," said FBI Assistant Special Agent-in-Charge Edward Michel. "By deliberately burning down this mosque, Mr. Perez attacked a specific religious congregation in the hope of spreading fear, conflict and depriving Victoria's Islamic community of their peaceful and safe place to worship. Today's sentencing illustrates that hate crimes will not be tolerated. No one in this country should feel afraid to openly practice their religion or express their beliefs. The FBI will continue to aggressively investigate civil rights violations wherever and whenever they occur."

Testimony at trial detailed how Perez conducted what he described as "recon" by breaking into the mosque a week before he set it on fire. Evidence presented at trial showed that Perez communicated with someone through Facebook about breaking into the mosque a second time, the same night of the fire. A witness who was with Perez on the night of the fire described how Perez used a lighter to set papers on fire inside the mosque and how excited Perez was upon seeing the mosque in flames just minutes later. The witness testified that Perez said that he burned down the mosque, because he wanted to "send a message." During the execution of a search warrant, federal agents recovered stolen

7/27/22, 3:17 PM Texas Man Sentenced to Almost 25 Years for Hate Crime in Burning Down Mosque in Victoria, Texas | OPA | Department of Justice

property taken from the mosque the night of the fire in Perez's home. Several witnesses at trial also testified about Perez's animus towards Muslims and that he often used anti-Muslim slurs.

When Perez learned that the Victoria Muslim community had raised money to rebuild the mosque, he told a witness that he would burn the mosque down again if it was rebuilt.

Members of the mosque testified at the trial that they watched from afar as federal, state, and local law enforcement officers tried to extinguish the fire, but observed that the fire could not be put out until it had engulfed the entire mosque. Those witnesses also testified that, after the destruction of the mosque, the Victoria Islamic Center raised money online from over 20,000 individuals from all over the United States and over 90 countries to rebuild the mosque.

ATF and FBI conducted the investigation along with the City of Victoria Fire Marshal's Office, Victoria Fire Department, Victoria Police Department, Texas Department of Public Safety - Criminal Investigations Division and Texas Rangers with assistance of Texas State Fire Marshal's Office and Sheriff's Offices in Victoria and Nueces Counties and the Victoria County District Attorney's Office.

Assistant U.S. Attorneys Sharad S. Khandelwal and Kate Suh prosecuted the case along with Trial Attorney Saeed Mody of the Department of Justice's Civil Rights Division.

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**Topic(s):**

Hate Crimes

**Component(s):**

[Civil Rights Division](#)

[Civil Rights - Criminal Section](#)

**Press Release Number:**

18-1349

*Updated October 17, 2018*

Ms. DEAN. The gentleman from Oregon, Mr. Bentz, is recognized.

Mr. BENTZ. Thank you, Madam Chair.

Thank you, Mr. Olsen, for being here today.

Is your department purchasing data from third parties and then using that data for investigatory purposes?

Mr. OLSEN. So, the National Security Division, what I lead, does not engage in purchasing data. So, the answer to your question in terms of the work that I do is no, we're not involved in purchasing—

Mr. BENTZ. What about other aspects—other agencies, parts of the department?

Mr. OLSEN. I can't speak across the board in answer to that question, Congressman.

I can say, in general, that in terms of carrying out the National Security Division, the investigative agencies within the Justice Department, the FBI, and others operate under a series of rules and laws that protect American citizens' privacy and civil liberties.

Mr. BENTZ. Wait. Wait. Stop.

They're purchasing data and they're trying to follow the law while they do it. I've heard and to quote Secretary Mayorkas speaking to the Aspen Security Forum just last week, he said, "Look, the border is secure."

Do you agree with our border is secure?

Mr. OLSEN. I'm not familiar with his remarks at that conference. So, I would have to—

Mr. BENTZ. Well, just take it from me. I'm quoting—this is his remark. I simply want to know if you agree is our southern border secure.

Mr. OLSEN. I would defer to the Secretary of Homeland Security and his judgment on that question.

Mr. BENTZ. So, that means your department has nothing to do with the border. Is that what you're saying?

Mr. OLSEN. We, certainly, are involved in the investigation and prosecution of crimes around the borders of the country. In terms of the overall border security, I defer to Secretary Mayorkas.

Mr. BENTZ. Given the incredible number of folks coming across and the number of prosecutions, perhaps, you would surmise or maybe guess or hint at the fact that the southern border is not secure. You wouldn't be down there if it was. Is that correct?

Mr. OLSEN. We, certainly, are involved in making sure that individuals who violate Federal law are investigated and prosecuted.

Mr. BENTZ. There's a bunch of them.

Let's go—there's a great deal of hyperbole about what's our greatest threat. We hear a lot about domestic violence. I've read that the FBI thinks that China is the greatest threat.

Who is the greatest threat, in your opinion? Or is that just the wrong way to approach this?

Mr. OLSEN. Honestly, sir, I think that's probably the wrong question to ask. I think we have a number of significant threats, and we need to make sure that our efforts and authorities and resources are aligned commensurate with the threats we face.

Mr. BENTZ. On October 21st, the Attorney General appeared before this Committee and I asked him if he would please focus on a situation occurring down in my State, Oregon—southern Or-

egon—where we have had a very significant number of very, very large—excuse me—and extremely wealthy cartels from all around the world move in to start raising incredible amounts of marijuana. The numbers are in the billions of dollars retail value that which is being raised in southern Oregon.

I asked the Attorney General if he would please help, if he would please send additional folks to Oregon to try to stop what's going on. Part of it involves the theft of immense amounts of water.

We're in an incredible drought and we have these cartels, and people might laugh at that out here where there's nothing but water, but not back where I'm from. Then the fact that people are carrying AK-47s into grocery stores, the fact that there are people being locked into their homes as cartels move huge amounts of marijuana out of the State.

What's your department doing to try to head off this threat?

Mr. OLSEN. Sir, what you describe sounds extremely concerning. I don't have, obviously, firsthand knowledge and, in fact, the National Security Division typically wouldn't be involved in what you're describing, which sounds like what would be handled by our Criminal Division in terms of drug or weapons violations.

So, I would probably have to ask the Criminal Division and our Legislative Affairs Office to respond to that question.

Mr. BENTZ. I think it is safe to say that the cartels are making billions of dollars and using that, in turn, to bring in all kinds of drugs that are killing up to—upwards of 100,000 people a year, and you would think that this would fit within your mission statement, which I have right here in front of me, which is to protect the United States, carry out the department's highest priority, protect and defend the United States against the full range of national security threats.

This would appear to me to be one. Would you disagree?

Mr. OLSEN. I think the way we have divided up responsibility within the Justice Department is that our Federal narcotics laws and weapons laws are, by and large, enforced by other parts of the Justice Department.

Mr. BENTZ. Well, would you be so kind as to reach out to those other parts and tell them that we, in Oregon, need help and the situation, in my opinion, is one that rises to a national level, given the fact that that marijuana is being sold right on the streets here in Washington, DC.

Thank you again for being here and look forward to your helping us out here in Oregon.

Mr. OLSEN. Understood.

Mr. BENTZ. Yield. I yield back.

Ms. DEAN. The gentleman yields back.

The gentleman from Arizona, Mr. Stanton, is recognized for five minutes.

Mr. STANTON. Thank you very much, Madam Chair, and thank you, Mr. Olsen, for your service at the Department of Justice and for answering the Committee's questions today.

Throughout this Congress, this Committee has made it a priority to examine the Federal government's surveillance and data collection practices, and protecting the due process rights of all Americans has been paramount in our work.

One particular area of concern has been the DOJ's use of non-disclosure orders, or NDOs. These court-ordered NDOs prevent technology service providers like Google, Apple, or Verizon from notifying their customers that the government has seized their personal records or emails from the provider, and during a hearing before this Committee in June of last year executives from some of our nation's largest tech companies testified that they received thousands of these NDOs from the DOJ every year.

In fact, leaders for Microsoft indicated that they receive 7–10 of these gag orders every single day. While the use of these secrecy orders may be justifiable on national security merits, the volume and frequency with which the NDOs are utilized raises concerns about their misuse or their overuse, and the fact that journalists and Members of Congress were swept up in investigations involving NDOs, potentially implicating First Amendment liberties and separation of powers, calls for additional scrutiny into these processes.

In response, I joined a bipartisan group of my colleagues from this Committee in introducing the NDO Fairness Act to provide more guardrails around the use of NDOs, including by raising the legal standard to a strict scrutiny analysis, establishing a 30-day limit on NDOs' effectiveness, requiring notice to be given to customers 72 hours after the expiration of the NDO, and allowing providers to contest the gag orders in court.

I was pleased that this much needed oversight bill passed through the House of Representatives in June. I hope the Senate will take it up very soon.

So, Mr. Olsen, I'd like to ask you some questions about 18 U.S.C. 2705(b) and the DOJ's use of the NDOs. Prior to this Committee's examination of the issue and subsequent passage of the NDO Fairness Act, had the department considered changing 2705(b) policies to prevent the overuse of gag orders by DOJ prosecutors?

Mr. OLSEN. Mr. Congressman, I'm not aware of prior policy or consideration around the use of nondisclosure orders.

If I may, I can tell you that as a former Federal prosecutor they can be—nondisclosure orders can be an appropriate and important part of a criminal investigation to preserve the integrity of the investigation.

They are subject to constraints, time limits. They must be issued by a judge. They typically would only be appropriate in cases where we are seeking to protect someone's life or to protect against the destruction of evidence.

I am aware that there are concerns about their overuse. I'm aware of those concerns because they do impose restrictions on third parties. I do think there are constraints that apply to their use.

Mr. STANTON. On May 27, 2022, Deputy Attorney General Lisa Monaco released a memo providing a prosecutorial clarity on 2705(b) procedures. The memo includes reminders that, quote, "a protective order should be sought only after prosecutor engages in a case and fact specific analysis," unquote, and, quote, "a prosecutor must provide a court with sufficient facts to permit the court to conduct the same case and fact specific analysis," unquote.

Why do you believe DOJ prosecutors were required to have this reminder?

Mr. OLSEN. I'm not exactly sure what was the reason for the Deputy Attorney General's memo. I do find the language you read to be appropriate and consistent with my experience that non-disclosure orders should be issued only based on the particular facts in a case where such an order would be justified, again, to protect against danger to a witness, for example, or against the destruction of evidence.

Mr. STANTON. In June 2021, executives from tech companies and communication providers testified to this Committee that there was merely a, quote, "rubber stamp process," unquote, for obtaining these gag orders in court.

Have DOJ prosecutors been treating 2705(b) requests as a rubber stamp process as the providers allege?

Mr. OLSEN. Again, I can't speak generally to how prosecutors around the country are using those orders. I do agree very much with the policy from the Deputy Attorney General that they should be viewed and used only on a case by case basis where the circumstances warrant.

Mr. STANTON. Okay.

Lastly, Mr. Olsen, will you commit to conducting a review of the National Security Division's usage of 2705(b) orders?

Mr. OLSEN. If I may, I would like to consider how we would respond to that question and get back to you.

Mr. STANTON. Okay. I look forward to hearing your response soon.

Thank you. I yield back.

Ms. DEAN. The gentleman yields back.

The gentleman from Wisconsin, Mr. Fitzgerald, is recognized for five minutes.

Mr. FITZGERALD. Thank you, Madam Chair.

Mr. Olsen, in your opening statement it kind of surprised me that you called the January 6th investigation the largest in the history of the National Security Division.

I'm just surprised that you kind of led with that in your opening statement. Would you, again, state for the record what you're investigating as a division and the scope of the investigation?

Mr. OLSEN. Sir, with respect to January 6th in particular?

Mr. FITZGERALD. Right.

Mr. OLSEN. Yes. I mean, the reason I said that this investigation stands apart as the largest domestic terrorism investigation in U.S. history, the FBI has characterized that investigation and opened it as a domestic terrorism investigation.

It is, as the Attorney General has said, the most wide-ranging investigation in U.S. history. The numbers speak for themselves. Over 850 people have been arrested, many, if not most, of those for felonies.

It includes serious charges—very serious charges involving assaults on police officers, obstruction of Congress, seditious conspiracy.

So, it has touched on every State in terms of the FBI field offices and every State in terms of the U.S. Attorney's offices around the country that are involved.

So, by several measures in scale and significance, the significance being that it involved an effort to prevent the peaceful transfer of power, which is one of the pillars of our democracy, by all those measures I feel justified in describing it as an investigation that stands apart in our history.

Mr. FITZGERALD. So, you yourself said the division investigates, quote, “threats of violence.” What threats was the division aware of on the days that led up to January 6th?

Mr. OLSEN. So, I think there’s—I don’t know exactly how to respond to the question of what threats the National Security Division was aware of because I wasn’t at the National Security Division at the time. I came into the office later.

I do think that there was information—

Mr. FITZGERALD. You’re aware of what the investigation includes at this point, I’m sure, right?

Mr. OLSEN. Absolutely. Again, we’re working on that case in partnership with the D.C. Legislative Office.

Mr. FITZGERALD. Would you say that DOJ and the FBI failed to anticipate the threat of January 6th or failed to prepare for the threat?

Mr. OLSEN. I think that the level of violence speaks for itself. I think we always want to learn to do better when it comes to anticipating something that we didn’t necessarily anticipate in terms of the level of violence that occurred and in the run up to January 6th.

Mr. FITZGERALD. Do better might be—

Mr. OLSEN. So, we always need to continue to learn from that.

Mr. FITZGERALD. Yeah. Do better might be soft selling it here.

Has there been any coordination between the DOJ and the House of Representatives January 6th Committee?

Mr. OLSEN. I’m aware of our requests from the Department of Justice for access to transcripts from the Select Committee.

Other than that, the answer is not there. These are two separate investigations, one by Congress and another by a coequal branch of government. That’s the Executive Branch. Both of us have a job to do, they’re different, and we’re continuing to do that.

Mr. FITZGERALD. There are news reports stating that DOJ is considering more charges related to January 6th, but rather than violent acts these charges are based on speech or verbal communications rather than any of the violence or the threats that were experienced on that day.

Is this accurate? Is this actually happening as we sit here today?

Mr. OLSEN. So, the Department of Justice does not conduct its investigations in public and that’s for a couple reasons. One is to protect those who may be within the scope of the investigation—in other words, those who may, ultimately, be accused as well as to protect the integrity of the investigation.

So, I’m not going to talk about the trajectory or the direction of the ongoing investigation into the events of January 6th and the days leading up to it.

Mr. FITZGERALD. Well, you made some comments earlier, based on questions asked by Mr. Jeffries and Mr. Raskin, that were inside what you’re actually investigating. That’s why I just asked it.

Let me just move on. Is what Speaker Pelosi knowing regarding potential threats and her preparations, or lack thereof, something that is off the table or is that something that could be investigated as well by DOJ?

Mr. OLSEN. Again, I'm not going to discuss anything about that ongoing investigation. What I can tell you is it's our obligation at the Justice Department to uphold the rule of law.

The rule of law is what distinguishes us from dictatorships and autocracies, and a central tenet of the rule of law is that no one, no matter their status, is above the law and we will continue to pursue the facts and the evidence and apply the law in the course of our investigation of the January 6th attack.

Mr. FITZGERALD. In my final 30 seconds I'd just like to go back to my colleague from Rhode Island pointing out that President Biden's DOJ has endorsed the American Online Innovation and Choice Act even after the revisions.

Several national security officials have raised concerns that the bill could limit U.S. tech company's ability to fight cyber threats and other national security risks.

Are you aware if the Department of Defense or any intelligence agencies outside of DOJ were consulted prior to Acting Assistant Attorney General Hyun sending letters of support on the American Online Innovation and Choice Act?

Mr. OLSEN. It would be normal order for legislation to go through a process that involved a number of different departments and agencies.

I know that we were consulted, and I know that, ultimately, the Department of Justice came out in favor of that legislation and that national security risks we felt in the National Security Division were addressed by the legislation and the particular changes that were adopted.

Ms. DEAN. The gentleman's time has expired. I now recognize myself for five minutes. Assistant Attorney General Olsen, thank you very much for your service to our country and, of course, for your testimony here today.

As you shared in your testimony, you, in part, are tasked with addressing the most pressing national security issues of the day. I believe the online and on microphone vitriol that so commonly targets women and girls is a most troubling issue. For example, in Uvalde, there were so many signs.

The Uvalde shooting, the deadliest school shooting in a decade, came as a shock to the nation. Girls and women who talked with the murderer, whose name I will not keep saying, online they saw the signs. The women described him as cryptic, demeaning, scary after he sent angry messages and photos of guns.

When the women didn't respond how he wanted, he sometimes threatened to rape or kidnap them, then laughed it off as a joke. I don't think rape is funny. I don't think threats of kidnapping are funny.

This man had a public digital footprint available months before he killed, slaughtered, massacred 19 children and two of their teachers. He had a history, an online profile of harassment and violent threats. Some Members of this very Committee choose to stand

in public and use the microphone with misogynistic statements as recently as this weekend.

So, how can an 18-year-old who shared so much hate online, going back to the shooter now, to these girls do so without punishment or raising an alarm? What can your division tell us?

Mr. OLSEN. Well, let me say first, that I share your outrage at the unspeakable tragedy that occurred in Uvalde and unfortunately has occurred too often in other parts of our country. The challenge that I think we face as a country, in particular, law enforcement faces, is that individuals who may have mental illnesses or may otherwise be easily persuaded by the availability of online content are able to radicalize often by themselves or in small groups. It's very hard for law enforcement to see that before it happens.

In fact, we rely very much on families, educators, communities to be able to report that information to law enforcement so that there is an opportunity to intervene. Again, we've seen too often that has not happened. You combine that fact with the fact that individuals in this country have access to military grade weapons and that they are typically choosing to attack vulnerable locations like schools and shopping malls. You have a series of factors that contribute to a very dangerous situation that unfortunately we've seen play out over and over again has resulted in mass shootings and tragedies like we saw in Uvalde.

Ms. DEAN. Can I ask you has your department seen, noticed, elected data to show an increase in the rise of terrorism and violence inspired by misogyny?

Mr. OLSEN. I can't say that I can point to misogyny as a particular viewpoint that is a theme or a thread that I can see throughout the data. Certainly, what we do know I think supports your perspective that it can be a range of viewpoints, some of it informed by hatred of people from certain countries or certain races mixed with viewpoints that are hard to understand. It's a mix of ideologies that often contributes to an individual's radicalization, ultimately taking steps to carry out acts of violence.

Ms. DEAN. I appreciate that. I would say that the shooter, of course, was not in a position of power. Those in a position of power have an obligation to use their words very carefully so as not to inspire others to attack women or to mock women.

I want to go really quickly if I may to Philadelphia, my home city. I'm from suburban Philadelphia. The most recent data from 2020 details 63 people were reported as victims of hate crimes, a 320 percent increase from 2019.

Lest we forget we are still trying to find all the extremists who stormed the Capitol. I thank you for your efforts in that. I thank any Member of Congress and anyone who has any evidence who's coming forward with that detail. Can you talk about the increase—maybe even specific to my city, maybe not—but the increase in hate crimes across the country?

Mr. OLSEN. Yes, and what we have seen is many of the acts that we characterize as domestic terrorism are also hate crimes, Buffalo being the most significant and recent example. That case is being prosecuted as a hate crime. That individual was motivated by racism.

There are other matters. There are hate crimes that aren't necessarily acts of domestic terrorism. Those hate crimes are prosecuted by our civil rights division which has a whole section of criminal prosecutors devoted to prosecuting violations of civil rights, in particular hate crimes. So, I guess I would refer your question to us to take back and we can bring back more information about hate crimes, in particular.

Ms. DEAN. I appreciate that, and I apologize. I went over. Mr. Tiffany, you are recognized for five minutes.

Mr. TIFFANY. Thank you. I'll be interested if your son wants to get a job in the National Security Division when he reaches adulthood. You commented about the rule of law sets us apart. It's a great concern that my constituents have.

Many of them come up to me now, average people, good citizens of America. They say, why do we have a two tiered justice system in America? One of those—part of the reason they say that is Russia collusion proved to be the biggest hoax perhaps in the history of the United States.

Do you think it's acceptable to have an executive law enforcement agency actively engage in sabotaging a political candidate? Think Comey, Strok, Page, and McCabe.

Mr. OLSEN. The Justice Department, it's been my experience having been there for 18 years, almost 20 years, but 18 years of time as a career prosecutor and attorney that in every case we prosecute cases based on the facts and the law. There's not—

Mr. TIFFANY. Are you embarrassed by—

Mr. OLSEN. —a motivation involving politics or ideology.

Mr. TIFFANY. We know what the truth is now, that it was a hoax. Does that embarrass you as someone who has served in this position of great trust of the American people? Does that embarrass you that you had four people in upper leadership and ultimate leadership—does that embarrass you that we had those people in that position?

Mr. OLSEN. As a career prosecutor, my experience consistently has been that we take action based on facts, evidence, and the law. We do not act in the Justice Department based on ideology or politics.

Mr. TIFFANY. The Department, clearly, they did. The Department appointed Susan Hennessey to a senior position with a National Security Division. She's been an outspoken and partisan critic.

For example, she extensively commented on the FBI investigation into the allegations that the Trump campaign colluded with Russia during which he quoted relentlessly in hyped Russia collusion allegations. Ms. Hennessey vouched that Christopher Steele—author of the dossier filled with political opposition research and Russian disinformation—was a person whose work intelligence professionals take seriously. Are you aware of that statement by Ms. Hennessey?

Mr. OLSEN. So, I'm not going to comment on any members of the workforce—

[Simultaneous speaking.]

Mr. TIFFANY. Ms. Hennessey was also a vocal critic of the U.S. Attorney John Durham's investigation into the targeting of the

Trump campaign and transition team, even calling the investigation partisan silliness. Are you aware of that statement?

Mr. OLSEN. So, I'm not going to comment about any of the particular members of my division.

Mr. TIFFANY. She works for you.

Are you aware of that statement?

Mr. OLSEN. I'm not going to comment on the work of anyone in my division, in particular. What I can tell you is that I hold everyone to the highest standards of legal capability and ethics. I include Ms. Hennessey in that regard.

Mr. TIFFANY. Okay. You bring up the issue of ethics. Do you agree that because this investigation is ongoing and in her new role, Ms. Hennessey may exert supervisory functions over this investigation, her previous statements seriously undercut any perception of her impartiality?

Mr. OLSEN. It's my responsibility as the head of the National Security Division to ensure that everyone in the division follows the rules and those include the rules of ethics. I'm confident that I am able to do that. I'm also confident—

[Simultaneous speaking.]

Mr. TIFFANY. Ms. Hennessey deleted tens of thousands of statements on her Twitter account prior to announcing her new position working for your division. Are you aware of that?

Mr. OLSEN. I'm absolutely confident in the capabilities and the integrity of Ms. Hennessey.

Mr. TIFFANY. So, you agree that erasing her past controversial statements about national security matters and hide her political bias raises concerns about a department employee? I mean, would you be concerned? Take Ms. Hennessey's name off from the conversation here and it is a generic person. Would that concern you as someone hiring these people?

Mr. OLSEN. So, I'm confident—

Mr. TIFFANY. Tens of thousands of Twitter posts that are anti-President?

Mr. OLSEN. I'm confident in the integrity of the workforce of the National Security Division. I was there when we started the National Security Division in 2006. I spent three years as a senior career official there. I returned there in 2021. I have the upmost confidence in the excellence and the integrity of that workforce.

Mr. TIFFANY. So, you're not going to remove her? Has Ms. Hennessey recused herself from the Durham investigation?

Mr. OLSEN. I'm not going to comment on any particular member of my workforce.

Mr. TIFFANY. Has Ms. Hennessey received authorization to access any aspect of the Durham investigation?

Mr. OLSEN. I'm not going to comment on any particular members of my workforce. As I will repeat, I have upmost confidence in the overall integrity workforce.

[Simultaneous speaking.]

Mr. TIFFANY. So can we find out as an oversight authority, and the Congress of the United States, can we find out if she is exercising that authority? You're not going to tell me here today. Do I have a way to be able to find out if she's going to squelch the Durham investigation?

Mr. OLSEN. I'm not going to comment on specific members of the workforce. I can tell you that I have the upmost confidence in every single person who works within the National Security Division.

Ms. DEAN. The gentleman's time has expired. The Chair now recognizes the gentlewoman from North Carolina, Ms. Ross. You've got five minutes.

Ms. ROSS. Thank you, Madam Chair. Thank you, Attorney General Olsen, for joining us today. I'm going to shift focus and ask you to answer some questions about cybersecurity that you haven't been asked yet.

In North Carolina, our Attorney General recently announced that 2021 saw a record number of reported data breaches which have affected more than 2.14 million North Carolinians. My district has felt the impact ransomware attacks on a multi-state infrastructure operation cause such as the 2021 attack on the Colonial Pipeline. Following this attack, more than 70 percent of Raleigh gas stations ran out of fuel, leaving my constituents with limited transit options. As you know, Colonial Pipeline paid a ransom to get its systems back online.

In June 2021, DOJ directed Federal prosecutors to coordinate ransomware investigations with the new ransomware and digital extortion task force. Soon after, DOJ was able to work with the IRS and reports to claw back 2.3 million dollars of a 4.4-million-dollar payment paid by Colonial Pipeline to a group using DarkSide ransomware. While this attack was heralded as a great success, no similar actions that we know of have been taken in the intervening years since that success.

Is the Colonial Pipeline operation indicative of a new strategy of interagency assistance on behalf of the U.S. government? Or was it just a one-off situation because of how great the impact was?

Mr. OLSEN. So, I do think the Colonial Pipeline ransomware attack constituted a bit of a wakeup call because of the nature of the attack on a portion of our critical infrastructure, Congresswoman. We are engaged now in the Justice Department in a concerted effort to address the challenge of ransomware which has increased significantly in the past several years. What we see is cyber-attacks as I think you appreciate that span the range of threats to our national security, from ransomware to efforts to steal our secret information to efforts to steal our trade secrets, efforts to interfere with our political process through misinformation, and even efforts to debilitate our critical infrastructure.

So, cyber enabled attacks across the board are a significant concern. In the National Security Division, we particularly focus on those attacks that emanate from nation-states. For that, we are most concerned about China, Russia, and also Iran and North Korea.

Ms. ROSS. Well, in addition to the nation-states, we do have these rogue actors sometimes encouraged or enabled by nation-states. Because of the nature of blockchain payments, when the recipient of the payment is anonymous, the trail of payments could be easier to follow. Why is it difficult to simply intercept all cryptocurrency payments made to ransomware gangs?

Mr. OLSEN. So, I appreciate very much that you seem to have a deep understanding of this challenge. For one, I totally agree that

in some cases it's hard to discern or distinguish between criminal groups and nation-states because of the ways in which certain nations might enable or support the work of criminal hacking groups. When it comes to the recovery of crypto payments for ransomware, the challenge there is that these groups by nature seek to hide their steps, and it can make it difficult to identify the movement of money that's paid in ransom.

I would note that the department announced last year, about a year ago, that we had seized 85 percent of the Bitcoins that Colonial Pipeline had paid as a ransom to the hacking group, DarkSide. We were able to track it and recover that significant portion of that in that case. That's not always going to be true again because these groups, again, by their nature seek to hide their tracks.

Ms. ROSS. Okay. Thank you, Madam Chair, and I yield back.

Ms. DEAN. The gentlelady yields back. The gentleman from Utah, Mr. Owens, is recognized for five minutes.

Mr. OWENS. Thank you, Madam Chair. I yield my time to the gentleman from Ohio, Mr. Jordan.

Mr. JORDAN. I thank the gentleman for yielding. Mr. Olsen, what's the number of DOJ employees who have access to 702 FISA acquired data?

Mr. OLSEN. I don't know the exact number. It's important to note, I assume your question includes the FBI as DOJ employers because primarily—

Mr. JORDAN. It does. It does.

Mr. OLSEN. —that's FBI agents and analysts who have access to that data. I don't have the exact number for you, sir.

Mr. JORDAN. Give me an estimate of who can query that database.

Mr. OLSEN. Again, I don't have a number, even an estimate on the number. What I can tell you is that every single person who can query the 702 database has to be trained and certified to have access to that data.

Mr. JORDAN. When we got a briefing on December 2nd of last year, Melissa MacTough I think works in your division told us that it could be as high as 10,000 people. We were, like, shocked. I mean, we didn't expect it to be one. We certainly didn't expect it to be thousands.

So, as the head of the National Security Division, she works for you. She's a lawyer in the National Security Division. She told us it could be—she was one of the attorneys there. I don't know if she's the one who said it, but she was in the briefing.

We'd kind of like to know what that number really is because we've got a FISA reauthorization coming up soon. I think this thing has got all kinds of problems. So, are you sure you don't have an estimate?

Mr. OLSEN. I don't know if that was the number that was given to you during that briefing, I'm aware of that briefing that you received, and I did get a readout from that briefing. I'm assuming that was accurate.

[Simultaneous speaking.]

Mr. JORDAN. It's frightening if it's that high. It truly is. Okay. One of the questions we got today was from the gentleman from Arizona, Mr. Biggs. He asked you the 42 individuals that the

Homeland Security has identified illegal migrants coming across the border who are on the terrorist watch list.

He asked you a question, does ICE inform you as the head of the National Security Division about that information when they get it? You indicated you didn't know. Is that right?

Mr. OLSEN. Well, I think his question was about CBP, not ICE. It was about whether that information flowed to the National Security Division. My response is that information—I would assume if it's threat information, it would go to the FBI which is the investigative arm that would have—potentially have authority to investigate—

[Simultaneous speaking.]

Mr. JORDAN. Well, by definition it would be threat. I mean, they're on the terrorism watch list. So, I think it would have gone straight to you from ICE or Customs and Border. I think it would go straight to you.

[Simultaneous speaking.]

Mr. OLSEN. We're the lawyers that prosecute these cases. We certainly do work hand in hand with the FBI. If that information came to the FBI and there was a basis to open an investigation, we would be the lawyers that would be involved in working with the FBI and investigating—

[Simultaneous speaking.]

Mr. JORDAN. I understand what's supposed to happen. I'm asking is it happening. Frankly, when you couple that with the response we got from Secretary Mayorkas that day when I asked him what's the status of these folks, he sat right where you sat and testified and his answer was I don't know.

So, he didn't know the status of those when he came in front of the Judiciary Committee even though it'd been widely reported in the press. What you're saying is you don't know if the information gets to the National Security Division. I find that troubling. I would yield the remaining two minutes to my friend from Florida.

Mr. GAETZ. Did anyone at the National Security Division encourage L3 to purchase PEGASUS?

Mr. OLSEN. So, I'm not aware of anything about that matter. So, I—

[Simultaneous speaking.]

Mr. GAETZ. You are because people who work with you have come and briefed us on it. I'm citing, of course, *The New York Times* article, defense firm said U.S. spies backed its bid for PEGASUS spyware. So, PEGASUS is the most exquisite spying software in the world. It's zero click.

It can get in people's phones. It's been used to target politicians, journalists, dissidents in some places. Here you have L3 saying that they were encouraged to go buy it from the national security apparatus. It's very important under oath for you to tell me whether any of those people were the National Security Division.

Mr. OLSEN. So, I'm sure you can appreciate I don't have any information about the public reporting. I'm aware of public reporting relating to that. I don't have any other information.

Mr. GAETZ. Is that a yes or is that a no? Because we're going to find out eventually.

Mr. OLSEN. I'm not going to comment any further.

Mr. GAETZ. Wait a second. Whether or not our own government used a private company as a cutout to go buy spying software that deprives people's rights. What you're saying is I'm not going to get a yes out of you and I'm not going to get a no out of you, because you're just not going to tell. You don't think the American people deserve to know that?

Mr. OLSEN. I'm not aware of the facts that you're asserting.

Mr. GAETZ. You know what PEGASUS is.

Mr. OLSEN. I'm not aware of the facts that you're asserting.

Mr. GAETZ. You know what PEGASUS is.

Mr. OLSEN. Yes, I definitely have heard of PEGASUS.

Mr. GAETZ. Okay. So, you should be able to tell me whether or not anyone who works at the National Security Division was out there trying to goose some private company to go buy it for you guys to use. Did you or did you not?

Mr. OLSEN. So, I'm not aware of any facts that relate to your question.

Mr. GAETZ. I think you are.

Ms. DEAN. Mr. Owen's time has expired. Do you want to be recognized? Okay. Nobody here.

Mr. GAETZ. I seek recognition.

Ms. DEAN. The gentleman from Florida, Mr. Gaetz, is now recognized for five minutes.

Mr. GAETZ. There is a secret workspace at the Perkins law firm that is maintained by the Department of Justice. Has any information flowed through that secret workspace to the National Security Division?

Mr. OLSEN. I'm not familiar with the premise of your question. In other words, I'm not familiar with the facts that you've asserted in your question.

Mr. GAETZ. So, you're not aware of the workspace that the Department of Justice maintains at the Perkins law firm?

Mr. OLSEN. Correct.

Mr. GAETZ. You can't tell me whether or not the National Security Division has every received information that is flown through the law firm that is functionally the legal wing of the Democratic party?

Mr. OLSEN. Correct.

Mr. GAETZ. I just keep going back to the plausible deniability from the Biden family. Speaking of the Biden family, since our last conversation, Mr. Olsen, a remarkable piece came out in Fox News entitled "Joe Biden met with at least 14 of Hunter's business associates while Vice President." Now, I know that you're not going to answer any questions about Hunter Biden with the ongoing investigation answer that given me previously. Is Joe Biden compromised?

Mr. OLSEN. I should be clear I'm not going to comment on that question because I do not comment on any matter that may or may not be a matter of investigation. To the extent my comments previously were construed as confirming an investigation, that would be a mistake.

Mr. GAETZ. Well—

Mr. OLSEN. I'm neither confirming an investigation nor am I denying an investigation. I'm simply saying I am not commenting on any potential investigation.

[Simultaneous speaking.]

Mr. GAETZ. Do you think the American people deserve to know whether or not the First Family is compromised?

Mr. OLSEN. We speak through our filings in court at the Justice Department. We do not make allegations—

Mr. GAETZ. You said that because yesterday—

Mr. OLSEN. —without going to court—

[Simultaneous speaking.]

Mr. GAETZ. —you all spoke through some leaks, right? Recently, you had Lester Holt interviewing Attorney General Garland. Lester Holt asked him a lot of questions about whether or not President Trump was being investigated for January 6.

Just like you, AG Garland was repeating the premises of prosecutorial pathways. Then low and behold the same day, the Department of Justice didn't speak through any filings. They went and leaked to the *Washington Post* they're investigating President Trump.

So, it seems like when it's the Biden family, you are all buttoned up with all your propriety about not talking about these things. When it's a Republican, when it's President Trump, you love to go have your authorized leaks. Here's my question to you. Are you aware of an authorized leak to the *Washington Post* the same day as AG Garland sat down with Lester Holt?

Mr. OLSEN. No.

Mr. GAETZ. You think as you sit here as the representative of the National Security Division for the House Judiciary Committee that we aren't owed an answer as to whether or not the Biden family is compromised? We deserve that?

Mr. OLSEN. We speak through our filings in court. That's part of the rule of law. It's designed to protect the rights of anyone who may be accused, and it's designed to protect the integrity of the investigation. It's a central pillar of the Justice Department, and it's—

Mr. GAETZ. It's one you violate all the time. Even Mr. Horowitz, the Obama appointed Inspector General, has given us report after report where Department of Justice employees are off getting tickets to baseball games and fancy dinners with reporters in exchange for giving them information. So, can you at least acknowledge that you don't live up to that pillar with great precision?

Mr. OLSEN. We speak through what we say in court. We protect the integrity of our investigation and we protect the rights of the accused.

Mr. GAETZ. Especially what you say in court, what you said in the *Washington Post* what Jim Comey leaks to his professor buddy, what's kind of said between people at a baseball game where you guys are getting special treats and special treatment from the media. You see the political bias. We're living in a time where the American people have the lowest perception and belief in the integrity of the Justice Department since your inception.

It's not because we're asking tough questions. It's because you sit here and stonewall us and don't give us answers. Just in this series

of questions, you won't tell me whether or not our own government was out there trying to operate through cutout to buy software that spies on Americans illegally and improperly.

You won't tell me whether or not the legal wing of the Democratic party was passing you information that was actually opposition research then to be recategorized and repackaged as national security information. You won't tell me whether the President of the United States is compromised when we know he's lying. Joe Biden came out and said repeatedly that he never talked to Hunter Biden about business, and here you have 14 documented meetings.

It's, like, are you guys ever going to investigate this? Or is it just going to be what Mr. Thibault said, what Mr. Grassley said? That is that you guys are basically political shells.

This is what Mr. Grassley said. If these allegations are true and accurate, the Justice Department and FBI are and have been institutionally corrupted to their very core to the point at which the United States Congress and the American people will have no confidence in the equal application of the law. Can't you see that's what your behavior is continuing to just metastasize?

Mr. OLSEN. So, we don't conduct our investigations in public.

[Simultaneous speaking.]

Mr. GAETZ. Yeah, you leak them. That's what you do.

Ms. DEAN. The gentleman's time has—

Mr. OLSEN. We take—

Mr. GAETZ. You leak them to try to smear people.

Ms. DEAN. The gentleman's time has expired. You may answer the question.

Mr. OLSEN. We take care that the assertions we made about facts are based on facts in evidence and are not reckless and false.

Mr. GAETZ. Well, this isn't false.

Mr. OLSEN. That is the way—

Ms. DEAN. The gentleman's time has expired.

Mr. GAETZ. This isn't reckless. You're just choosing not to investigate because it's the Bidens.

Ms. DEAN. The gentleman's time has expired.

Mr. OLSEN. We take care to make sure that our assertions and we make in court are based on the facts and the truth and in the pursuit of justice. That's our solemn obligation, and that's one that I—

[Simultaneous speaking.]

Mr. GAETZ. Plausible deniability.

Ms. DEAN. Mr. Olsen, please—

Mr. GAETZ. Plausible deniability.

[Simultaneous speaking.]

Mr. OLSEN. Basing our investigations on the facts and the law and the pursuit of justice is our solemn obligation. It's one I take seriously, and it's one I have taken seriously for over 20 years.

[Simultaneous speaking.]

Mr. OLSEN. I continue to oversee the National Security Division that we will continue to do that.

Ms. DEAN. This concludes today's hearing. Mr. Olsen, I thank you and your entire team of public servants for your faithful service to our country in the pursuit of the rule of law and pursuit of justice.

Without objection, all Members will have five legislative days to submit additional written questions for the Witness or additional materials for the record. Without objection, the hearing is adjourned.

[Whereupon, at 2:37 p.m., the Committee was adjourned.]

## **APPENDIX**

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## **GOP Sen. Chuck Grassley alleges widespread effort in FBI, Justice Dept to downplay negative information about Hunter Biden**

 [cbsnews.com/news/chuck-grassley-fbi-justice-department-downplay-hunter-biden-information](https://www.cbsnews.com/news/chuck-grassley-fbi-justice-department-downplay-hunter-biden-information)

"Highly credible" whistleblowers have come forward to a senior Senate Republican alleging a widespread effort within the FBI to downplay or discredit negative information about President Biden's son, Hunter Biden, according to letters reviewed by CBS News.

"The information provided to my office involves concerns about the FBI's receipt and use of derogatory information relating to Hunter Biden, and the FBI's false portrayal of acquired evidence as disinformation," GOP Sen. Chuck Grassley wrote FBI Director Christopher Wray and Attorney General Merrick Garland on July 25. "The volume and consistency of these allegations substantiate their credibility and necessitate this letter."

Grassley, the ranking member on the Senate Judiciary Committee, said the whistleblowers alleged that legitimate streams of information and intelligence about the president's son were characterized as likely disinformation or prematurely shut down leading up to the 2020 presidential election.

CBS News first reported in April that more than 150 financial transactions involving either Hunter or James Biden's global business affairs were flagged as concerning by U.S. banks for further review. CBS News previously reported the U.S. attorney in Delaware has been investigating potential tax fraud, money laundering and foreign influence peddling.

The president has said he has confidence his family did the right thing, and he was not involved in the business dealings of his son and brother.

A spokesperson for Delaware U.S. attorney David Weiss declined to comment on whether he was aware of whistleblower allegations that credible reporting about Hunter Biden was allegedly labeled misinformation by the FBI and whether these allegations had been factored into his probe.

In the correspondence, Grassley cited a 2020 FBI intelligence assessment that was "used by an FBI headquarters team to improperly discredit negative Hunter Biden information as disinformation." He continued, "Based on allegations, verified and verifiable derogatory information on Hunter Biden was falsely labeled as disinformation."

In October 2020, one month before the election, "an avenue of derogatory Hunter Biden reporting was ordered closed" by a senior FBI agent at the bureau's Washington Field office. An earlier letter from Grassley identified the agent as Timothy Thibault.

"[T]he allegations provided to my office appear to indicate that there was a scheme in place among certain FBI officials to undermine derogatory information connected to Hunter Biden by falsely suggesting it was disinformation," Grassley claimed.

He said whistleblowers from federal law enforcement came forward to his office after a May 31 letter he had written noted a "pattern of active public partisanship in his then public social media content," in reference to Thibault.

In that May 31 letter, Grassley also accused Thibault of likely violations of "[f]ederal laws, regulations and Federal Bureau of Investigation (FBI) guidelines."

"Whistleblowers have reported to me, that although the FBI and Justice Department maintain policies dictating specific standards requiring substantial factual predication to initiate an investigation, Thibault and other Justice Department and FBI employees failed to comply with these requirements."

The letter also singled out Justice Department official Richard Pilger, identified as the director of the Election Crimes Branch within the Justice Department's Public Integrity Section, who, along with Thibault, were alleged to be "deeply involved in the decisions to open and pursue this investigation," an apparent reference to a probe recently opened into the Trump campaign.

Grassley told Wray and Garland "the opening memo you approved," included media reporting citing research from a "liberal non-profit" when a full investigation of a political nature requires "a heightened factual basis."

Grassley continued, "In light of these allegations, I remain very concerned that political bias by a select group of Justice Department and FBI officials has infected the Justice Department's and FBI's usual process and procedure to open and pursue high-profile and politically charged investigations."

In addition to requesting records from the FBI and the Justice Department by Aug. 8, Grassley complained about the way the bureau and department are being run.

"Attorney General Garland and Director Wray, simply put, based on the allegations that I've received from numerous whistleblowers, you have systemic and existential problems within your agencies," Grassley wrote. "You have an obligation to the country to take these allegations seriously, immediately investigate."

The FBI said it had received the letters but declined any further comment.

Asked for comment on the letter, Justice Department said it had received the letter, declined to comment further, and did not refer CBS News to any counsel for Pilger.

*Andres Triay and Robert Legare contributed to this report.*

In:

- Hunter Biden

Catherine Herridge

Catherine Herridge is a senior investigative correspondent for CBS News covering national security and intelligence based in Washington, D.C.

 Twitter



**United States Senate**  
WASHINGTON, DC 20510

July 25, 2022

**VIA ELECTRONIC TRANSMISSION**

The Honorable Merrick Garland  
Attorney General  
Department of Justice

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

On May 31, 2022, I wrote to you regarding likely violations of Federal laws, regulations and Federal Bureau of Investigation (“FBI”) guidelines by Assistant Special Agent in Charge (“ASAC”) Timothy Thibault of the Washington Field Office (“WFO”) based on a pattern of active public partisanship in his then public social media content. In that letter, I noted that Congress has a constitutional responsibility to ensure that the Executive Branch executes the law and uses taxpayer money appropriated to it in accordance with congressional intent. In furtherance of that constitutional responsibility, Congress has an obligation to investigate the Executive Branch for fraud, waste, abuse and gross mismanagement – acts which undermine faith in the American people’s governmental institutions. Those constitutional and legislative responsibilities apply to this letter to you. My letter also invited individuals, including current and former government employees, to contact me and my office to confidentially report allegations of fraud, waste, abuse and gross mismanagement by FBI and Justice Department (“Department”) officials including, but not limited to, ASAC Thibault. In response, my office has received a significant number of protected communications from highly credible whistleblowers.

The information provided to my office involves concerns about the FBI’s receipt and use of derogatory information relating to Hunter Biden, and the FBI’s false portrayal of acquired evidence as disinformation. The volume and consistency of these allegations substantiate their credibility and necessitate this letter.

First, it’s been alleged that the FBI developed information in 2020 about Hunter Biden’s criminal financial and related activity. It is further alleged that in August 2020, FBI Supervisory Intelligence Analyst Brian Auten opened an assessment which was used by a FBI Headquarters (“FBI HQ”) team to improperly discredit negative Hunter Biden information as disinformation and caused investigative activity to cease. Based on allegations, verified and verifiable derogatory information on Hunter Biden was falsely labeled as disinformation.

The basis for how the FBI HQ team selected the specific information for inclusion in Auten's assessment is unknown, but in more than one instance the focus of the FBI HQ team's attention involved derogatory information about Hunter Biden. Accordingly, the allegations provided to my office appear to indicate that there was a scheme in place among certain FBI officials to undermine derogatory information connected to Hunter Biden by falsely suggesting it was disinformation.

Importantly, it's been alleged to my office that Auten's assessment was opened in August 2020, which is the same month that Senator Johnson and I received an unsolicited and unnecessary briefing from the FBI that purportedly related to our Biden investigation and a briefing for which the contents were later leaked in order paint the investigation in a false light.

As Senator Johnson and I have publicly noted, on July 13, 2020, then-Minority Leader Chuck Schumer, Senator Mark Warner, Speaker Nancy Pelosi and Representative Adam Schiff sent a letter, with a classified attachment, to the FBI to express a purported belief that Congress was the subject of a foreign disinformation campaign.<sup>1</sup> The July 13, 2020, letter included unclassified elements that, among other things, unsuccessfully attempted to tie our investigative work to foreign disinformation. Those unclassified elements were later leaked to the press to try and smear our Biden investigation as unrelated foreign disinformation. Then, on July 16, 2020, then-Ranking Member Peters and then-Ranking Member Wyden requested a briefing on matters related to my and Senator Johnson's Biden investigation from the very same FBI HQ team that discredited the derogatory Hunter Biden information.<sup>2</sup> The concurrent opening of Auten's assessment, the efforts by the FBI HQ team and the efforts by the FBI to provide an unnecessary briefing to me and Senator Johnson that provided our Democratic colleagues fodder to falsely accuse us of advancing foreign disinformation draws serious concern.

Second, it has been alleged that in September 2020, investigators from the same FBI HQ team were in communication with FBI agents responsible for the Hunter Biden information targeted by Auten's assessment. The FBI HQ team's investigators placed their findings with respect to whether reporting was disinformation in a restricted access sub-file reviewable only by the particular agents responsible for uncovering the specific information. This is problematic because it does not allow for proper oversight and opens the door to improper influence.

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<sup>1</sup> Letter from Minority Leader Charles Schumer, Vice Chairman Mark Warner, S. Select Comm. on Intelligence, Speaker Nancy Pelosi, and Chairman Adam Schiff, H. Select Comm. on Intelligence, to Fed. Bureau of Investigation (July 13, 2020), [https://intelligence.house.gov/uploadedfiles/20200713\\_big\\_4\\_letter\\_to\\_fbi\\_director\\_wray\\_-\\_defensive\\_briefing\\_signed.pdf](https://intelligence.house.gov/uploadedfiles/20200713_big_4_letter_to_fbi_director_wray_-_defensive_briefing_signed.pdf), see also Press Release, Nancy Pelosi Speaker of the House, Pelosi, Schumer, Schiff, Warner Send Letter to FBI Director Requesting Defensive Counterintelligence Briefing for All Members (July 20, 2020), <https://www.speaker.gov/newsroom/72020-2>.

<sup>2</sup> Letter from Ranking Member Ron Wyden, S. Comm. on Fin., and Ranking Member Gary Peters, S. Comm. on HSGAC., to Chairman Chuck Grassley, S. Comm. on Fin., and Chairman Ron Johnson, S. Comm. on HSGAC. (July 16, 2020), [https://www.hsgac.senate.gov/imo/media/doc/200716\\_Letter\\_PetersWyden\\_IntelligenceBriefingRequest.pdf](https://www.hsgac.senate.gov/imo/media/doc/200716_Letter_PetersWyden_IntelligenceBriefingRequest.pdf).

Third, in October 2020, an avenue of additional derogatory Hunter Biden reporting was ordered closed at the direction of ASAC Thibault. My office has been made aware that FBI agents responsible for this information were interviewed by the FBI HQ team in furtherance of Auten's assessment. It's been alleged that the FBI HQ team suggested to the FBI agents that the information was at risk of disinformation; however, according to allegations, all of the reporting was either verified or verifiable via criminal search warrants. In addition, ASAC Thibault allegedly ordered the matter closed without providing a valid reason as required by FBI guidelines. Despite the matter being closed in such a way that the investigative avenue might be opened later, it's alleged that FBI officials, including ASAC Thibault, subsequently attempted to improperly mark the matter in FBI systems so that it could not be opened in the future.

The aforementioned allegations put a finer point on concerns that I have raised for many years about political considerations infecting the decision-making process at the Justice Department and FBI. If these allegations are true and accurate, the Justice Department and FBI are – and have been – institutionally corrupted to their very core to the point in which the United States Congress and the American people will have no confidence in the equal application of the law. Attorney General Garland and Director Wray, simply put, based on the allegations that I've received from numerous whistleblowers, you have systemic and existential problems within your agencies. You have an obligation to the country to take these allegations seriously, immediately investigate and take steps to institute fixes to these and other matters before you.

In light of the serious allegations and my ongoing investigation into Justice Department and FBI misconduct, I expect you to provide the following no later than August 8, 2022, as a preliminary matter so that Congress can perform an objective and independent review of the alleged misconduct:

1. The case file for the Auten assessment.
2. All records<sup>3</sup> derived from reporting on derogatory information linked to Hunter Biden, James Biden, and their foreign business relationships that was overseen under the approval, guidance and purview of ASAC Thibault from January 1, 2020, to the present.
3. All records related to derogatory information on Hunter Biden, James Biden, and their foreign business relationships.
4. All leads sent to the WFO that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.

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<sup>3</sup> "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

5. All opened and closed cases initiated by the WFO that were under the purview of ASAC Thibault that were ordered closed by ASAC Thibault and/or denied for opening by the Justice Department's Public Integrity Section.
6. With respect to the August 2020 FBI briefing given to Senator Johnson and me:
  - a. A copy of the FBI 302 for the briefing;
  - b. All intelligence reporting, products, and analysis that formed the basis of the briefing;
  - c. The name(s) of the person(s) who recommended that Senator Johnson and I be briefed;
  - d. A description of the process for deciding to brief us; and
  - e. All records, including emails, relating to the briefing.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary

JOE BIDEN · Published July 28, 2022 2:03am EDT

# Joe Biden met with at least 14 of Hunter's business associates while vice president

President Biden has repeatedly denied discussing business with his son

By Jessica Chasmar | Fox News



## FBI and Justice Department allegedly buried information on Hunter Biden: Reports

White House correspondent Jacqui Heinrich has the latest on FBI whistleblower accusations and political investigations on 'Special Report.'

President Biden met with at least 14 of [Hunter Biden's](#) business associates while he was vice president in the Obama White House, casting further doubt on the president's repeated claims that he had no knowledge of his son's foreign business dealings.

"I have never spoken to my son about his overseas business dealings," Biden said in 2019.

But the president met with at least 14 of Hunter's business associates from the U.S., Mexico, Ukraine, China and Kazakhstan over the course of his vice presidency, a Fox News Digital review found.

Two of Hunter's Mexican business associates, Miguel Aleman Velasco and Miguel Aleman Magnani visited the West Wing on Feb. 26, 2014, according to the [Obama White House visitor logs](#), and Joe was later photographed with Hunter giving Velasco and Magnani a tour of the White House Brady Press Briefing room.

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News



President Biden has repeatedly said that he has never spoken to his son, Hunter, about his overseas business dealings, despite attending several meetings with Hunter's business associates abroad and in the United States. (Fox News)

"Do you have pictures from the lunch I had in dad's office (I think on 2/26) with Miguel Alleman [sic] Sr. And Jr. And Jeff Cooper? If so let me know and I can send someone to pick them up. Thanks. How was Kiev?" Hunter wrote in an April 2014 email to David Lienemann, Biden's official photographer during his 8 years as vice president.

DL **Lienemann, David C.** April 24, 2014 at 10:26 AM  
Re: Hey buddy  
To: Hunter Biden

Hey Hunter, looks like I sent them to you on March 7th, will resend in a second.  
DL

On 4/24/14 7:43 AM, "Hunter Biden" <[redacted]> wrote:

Do you have pictures from the lunch I had in dad's office (I think on 2/26) with Miguel Alleman Sr. And Jr. And Jeff Cooper? If so let me know and I can send someone to pick them up. Thanks. How was Kiev?

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

Emails, which were reviewed by Fox News Digital, from more than a year later showed that Hunter arranged a video conference with his father and Carlos Slim, a Mexican billionaire with whom Hunter was seeking to do business with at the time, on Oct. 30, 2015.

Less than a month after the video conference, Slim, Velasco and Magnani attended a meeting with Joe, Hunter, and Hunter's business partner and family friend Jeff Cooper at the vice presidential residence at Number One Observatory Circle, Washington D.C., according to photos dated Nov. 19, 2015 and [published by The Daily Mail](#).

#### **HUNTER BIDEN MAKES RARE PUBLIC OUTING AMID INVESTIGATION**

At the time of that meeting, Hunter and Cooper were in talks with Slim, Velasco and Magnani about investing in a Mexican energy company, The Daily Mail reported, citing documents from Hunter's infamous abandoned laptop. Emails showed the men also met Joe at the White House, the report said.

In February 2016, just months after the meeting at Joe's private residence, the vice president reportedly flew Hunter and Cooper on Air Force 2 to Mexico City. Hunter wrote an email to Magnani informing him as much, saying he would be attending a meeting between Joe and then-Mexican president Enrique Pena Nieto.

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

"We are arriving late tonight on Air Force 2 to MX City. We will be there for Thursday - I'm attending meeting w/ President N w/ Dad. Jeff [Cooper] is with me on lane [sic] and we will be with us all day," Hunter wrote to Magnani on February 24, 2016.



Hunter Biden's ex-wife revealed in her new memoir that Hunter's former business partner, Eric Schwerin, "managed almost every aspect of our financial life." (Reuters/Joshua Roberts)

Hunter invited Magnani to greet the vice president upon landing, but in the same email, Hunter expressed indignation with Magnani, accusing him of going silent on their business partnership despite Hunter giving him access to his father.

"I have brought every single person you have ever asked me to bring to the F'ing White House and the Vice President's house and the inauguration and then you go completely silent," Hunter wrote in the email.

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

"I don't know what it is that I did but I'd like to know why I've delivered on every single thing you've ever asked - and you make me feel like I've done something to offend you." he continued.

★  **hbiden@ [redacted]** February 24, 2016 at 6:00 PM  
 Me and Jeff  
 To: MALEMANN, Bcc: jcooper@ [redacted] [Details](#)

We are arriving late tonight on Air Force 2 to MX City. We will be there for Thursday - I'm attending meeting w/ President N w/ Dad. Jeff is with me on lane and we will be with us all day. Would love to see but you never respond . I am really upset by it. You respond when it's something you need. You are the most generous person I know but WTF. We have so many great things to do together and I want you at the plane when the the VP lands with your Mom and Dad and you completely ignore me. I've looked at what your family has done and want to follow in that tradition and you always say you will help but I haven't heard from you since I got you a mtg for Carlos and your Dad. We have been talking about business deals and partnerships for 7 years. And I really appreciate you letting me stay at your resort villa...but I have brought every single person you have ever asked me to bring to the Fing WHite House and the Vice President's house and the inauguration and then you go completely silent - I don't hear from you for months. I don't know what it is that I did but I'd like to know why I've delivered on every single thing you've ever asked - and you make me feel like I've done something to offend you.

RHB  


More than two years later, Hunter confirmed in a text message to Cooper that he had spoken with his father about Slim, the [New York Post reported](#).

"Spoke to my dad about 'Slim ask,'" Hunter wrote on July 24, 2018, to which Cooper responded, "Oh that sounds SO F'ING GOOD."

Joe also met with former Colombia President Andrés Pastrana Arango and Eric Schwerin, the former president of Hunter's since-dissolved investment fund Rosemont Seneca Partners, at Joe's Naval Observatory residence on March 2, 2012, according to an entry in Hunter's personal calendar obtained by the Post.

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

Later the same day, Hunter, whose Rosemont Seneca had entered a contract months earlier with OAS, a Brazilian construction company with Colombian interests, scheduled a lunch at Café Milano in Washington, D.C., with Arango and Juan Esteban Orduz, the president of Colombian Coffee Federation, the Post reported.

**HUNTER BIDEN INVESTIGATION DEVELOPMENTS 'DON'T ADD UP,' FORMER FEDERAL PROSECUTOR SAYS**

Joe [also attended a dinner](#) with Hunter's business associates from Ukraine, Kazakhstan and Russia at the same Café Milano in Washington, D.C., on April 16, 2015, records on Hunter Biden's abandoned laptop show.

The dinner's guest list, according to an email from Hunter to his business partner Devon Archer, included Vadym Pozharskyi, an executive at Ukrainian oil and gas company Burisma Holdings, where Hunter served as a board member. The guest list also included the late Moscow Mayor Yury Luzhkov and his wife, Russian billionaire Yelena Baturina, who was in business with Hunter's Rosemont firm, though it is not clear whether they actually attended the dinner.

Rick Leach, who at the time was the president and chief executive of WFP USA, told The Washington Post in 2021 that Joe did show up at the dinner, but that he didn't stay long and no politics or business were discussed.



Hunter Biden is seen during the annual White House Easter Egg Roll on April 18, 2022. (Mandel Ngan/AFP via Getty Images)

The day after the dinner, Hunter received an email from Burisma's Pozharskyi that read, "Dear Hunter, thank you for inviting me to DC and giving an opportunity to meet your father and spent [sic] some time together."

Former Kazakhstan Prime Minister Karim Massimov and Kazakh oligarch Kenes Rakishev also [appeared posing alongside Joe and Hunter](#) in an unverified photograph posted online. The Post said it appeared to be taken the same night as the dinner, though the date of the photo could not be determined.

Hunter's guest list for the dinner included "our KZ friends," which could presumably be Massimov and Rakishev. At the same time, Hunter was trying to broker an oil deal between Burisma and a Chinese energy company located in Kazakhstan, The Daily Mail reported, citing Hunter's emails.

In December 2013, then-Vice President Biden traveled to Beijing due to a scheduled meeting with Chinese President Xi Jinping. Hunter expressed interest in joining his father on the trip and ended up going, where he [admitted to the New Yorker](#) that he introduced his father to his Chinese business partner, Jonathan Li, who ran the Chinese private-equity fund, Bohai Capital. According to the report, Hunter arranged for a brief handshake in the lobby of the hotel where the U.S. delegation was staying and then Hunter met up with Li privately.

In June 2014, Hunter reportedly arranged for another business associate of his to meet with his father. The New York Post reported that two years earlier Hunter introduced Manuel Estrella, a Latin American business partner, to Cooper as a "a good friend of mine" and "the perfect partner as you explore bringing online gaming to the Dominican Republic." The report then mentioned that Hunter received an email in June 2014 from Estrella saying, "Hunter, I just met your father! So exiting! Francis Person helped me! Thanks! Hope to see you soon!"

In addition to Hunter's foreign business associates, Joe met with several of his son's U.S.-based partners as well, including Schwerin, who made at least 27 visits to the White House during Joe's vice presidency, [Fox News Digital reported](#).

#### **HUNTER BIDEN'S FOREIGN BUSINESS DEALINGS: 4 COUNTRIES WITH FINANCIAL LINKS TO PRESIDENT'S SON**

One of Schwerin's visits – on Nov. 17, 2010 – was a sit-down with Joe in the West Wing and multiple other meetings included those with Joe and Jill Biden aides. On May 14, 2016, Joe attended a dinner party hosted by Schwerin at an Italian restaurant in the Chinatown neighborhood of Washington, D.C.

Hunter's ex-wife, Kathleen Buhle, [recently released her memoir](#) and noted that Schwerin "managed almost every aspect of our financial life," including Joe Biden.

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

The vice president also met with Cooper at least once more after their meeting with Hunter, Slim, Velasco and Magnani in November 2015. According to a text message from Joe to his son on June 15, 2018, the vice president said he was currently "with" Cooper and that he "wants to do some work with you," according to Miranda Devine's book "Laptop From Hell."

Another business associate of Hunter that Biden met with was Francis Person, a top former adviser to Biden when he was a senator and the vice president. After leaving the White House in 2014, he became the president of the Harves Group. According to Person's LinkedIn, which was recently deleted within the last couple weeks, he "[h]elped guide the formation of the Harves Group headquartered in Washington DC, serving as the U.S. affiliate of Harves [Century Group]," a "top tier private chinese real estate development firm," according to an email Person sent to Hunter in July 2015.

On Jul 28, 2015, at 11:27 AM, Francis Person <[redacted]> wrote:

Hunt -

Long shot, but would you be interested in coming to China for a week in mid august (the week of August 16 or after). You could bring the family, I would bring my girls. It would be a great distraction.

Bo thang and his family would host us. They are a great family with great respect and relationships in China. Bo graduated from American Univ and is in his late 20's, and his parents own Harves Century Group of Shenyang - which is a top tier private chinese real estate development firm. His mom is actually the Chairman of the company, which is unique in China. They are very private, and wouldn't tell anyone about you coming. Bo's father-in-law is actually the Governor of Hainan (Chinese Hawaii), which he doesn't advertise at all.

It would be an opportunity for you to see the scope of what Harves does - its amazing. And I again I think it'd be great for you to get to meet

We would fly into Beijing, and maybe stop into Shenyang where you can see one of the projects Harves is building there - they are building the entire financial district of Shenyang. But then we'd head down to Hainan to relax and hang out. The Island of Hainan is the Hawaii of China. There is two different incredible resorts we would spend time at. One is by the ocean with a great golf course. And the other is up in the mountains, overlooking the ocean. That one has 100 natural hot springs, and you can hike up a mountain with a yogi and do yoga in a spot overlooking the ocean. Bo was mentioning that we could always go to Xian and spend a couple days diving into the history of the great dynasties of China (that's also where President Xi is from), but while cool, it would maybe take too much time.

Again - I know its short notice and its a long way to travel- Bo and I will be in China at the time. We are partnering with Magic Johnson and Lebron James to host an NBA Global Game in China in Laoning Province in 2016, and Lebron will be in China around that time.

I'd like for you to get to know Bo. He's a brilliant guy - he's been groomed to take over his family's dynasty, but he's very humble. He will do great things one day, but he needs good people around him. He and his wife live in DC, and are expecting a child. He is building a huge house in McLean, and plans on working and living in the US.

This isn't about a partnership, or selling you on anything. We just want to grow that relationship, and there will be plenty of big things that come down the road that we can work on.

Also - its an extended invitation. We can do this anytime. Timing might not be right now. But it might be perfect too.

Love you man.

Fran

In 2016, when Person was running Harves and [emailing with Hunter and Schwerin](#) regarding business deals, he was also running for Congress in South Carolina's 5th Congressional District. In September of that year, then-Vice President Biden traveled down to South Carolina for a fundraiser for Person. In addition to the visit, Hunter and Schwerin were recruiting their business associates behind the scenes

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

to donate thousands of dollars to the campaign, according to emails reviewed by Fox News Digital. A 2014 Politico profile piece on Person quotes then-Second Lady Jill Biden saying, "Fran has been like a son to Joe and me. For eight years, we traveled the country, shared holidays together ... Fran may be leaving the office, but he will always be a part of our family."

[Fox News Digital reported in April](#) that Person visited the Obama-Biden White House at least seven times between 2015 and 2016 after he left the White House to work for Harves, which does a lot of business in China. One of the visits was with Steve Ricchetti, who was Biden's chief of staff from 2013 until 2017 and is currently Biden's White House counselor.

FOX Business previously reported that Hunter's private equity firm, Rosemont Seneca Advisors, held financial interests in multiple Harves affiliates, including a 5 percent stake with Harves Amusement Parks and ownership in Harves Sports and Entertainment, both of which fall under the Washington, D.C.-based Harves Group.

**[HUNTER BIDEN BUSINESS PARTNER MADE 8 ADDITIONAL WHITE HOUSE VISITS IN 2016, VISITOR LOGS SHOW](#)**

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

**Eric Schwerin**

Owasco, LLC ownership interests/project descriptions

To: Hunter Biden

March 15, 2017 at 5:41 PM

**Rosemont Seneca Advisors** (Owasco, LLC owns 75%) holds equity in:

- Harves Group: 5% in Harves Amusement Parks, initially 6 Parks to be opened in China in a JV with China Development Bank and Parques Reunidos, one of the largest amusement park companies in the world. Also includes Ownership in Harves Sports and Entertainment which has signed an LOI to partner with Kobe Bryant on a series of academies in China.
- Africa Business Development (ABD) Projects: 30% of ABD's interest in six Energy, Infrastructure and Healthcare projects in Western Africa.

**RSP Investments** (Owasco, LLC owns 75%):

- RSP is the Broker-Dealer. It owns no equity but obviously has potential for success fees from underlying projects. Currently, success fees are funding expenses.

**BHR** (once share transfer is complete Owasco, LLC will own 7.5%)

- BHR owns interests in companies such as Didi, Henniges and other Chinese and Overseas (U.S., Australia, Europe) investments.

Devon Archer, Hunter's former Burisma business partner [who was sentenced](#) to federal prison in February for his role in a scheme to defraud a Native American tribe, also visited with Joe in the West Wing of the White House on April 16, 2014, according to the visitor logs. Archer and Hunter joined Burisma's board that same month.

Four months after the meeting with Archer, [Archer was photographed](#) golfing with Joe and Hunter in the Hamptons.

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Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News



President Biden speaks during a news conference on the final day of the NATO summit in Madrid, June 30, 2022. (AP Photo/Susan Walsh)

Another former business partner of Hunter's, former Rosemont Seneca partner Chris Heinz, the stepson of then-Sen. John Kerry, met with Joe in the West Wing on April 11, 2011, according to the visitor logs.

Tony Bobulinski, the former CEO of SinoHawk Holdings, a Jim and Hunter Biden joint venture with a Chinese energy firm, also apparently met with Joe in May 2017. Text messages obtained by Fox News Digital indicated that a meeting took place, though it's unclear what the substance of the meeting may have been.

"Great to meet u and spend some time together, please thank Joe for his time, was great to talk thx Tony b," Bobulinski wrote in a text to Jim Biden, Joe brother, on May 2, 2017.

11/23/22, 1:13 AM

Joe Biden met with at least 14 of Hunter's business associates while vice president | Fox News

"I've seen Vice President Biden saying he never talked to Hunter about his business," [Bobulinski told Fox News Digital](#) in October 2020. "I've seen firsthand that that's not true, because it wasn't just Hunter's business, they said they were putting the Biden family name and its legacy on the line."

**HUNTER BIDEN, FORMER BIDEN AIDE INVESTED IN CHINESE COMPANY TIED TO COMMUNIST PARTY, NBA CHINA**



Tony Bobulinski, a former associate of Hunter Biden, talks with reporters before the presidential debate, Oct. 22, 2020, in Nashville. (AP Photo/Evan Vucci)

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Despite meeting with at least fourteen of Hunter's business partners, Joe has repeatedly denied discussing any business ventures with his son, who is under federal investigation.

<https://www.foxnews.com/politics/joe-biden-met-14-hunters-business-associates-vice-president>

14/24

The investigation into Hunter's tax affairs, which began in 2018, has [reached a "critical stage,"](#) a source previously told Fox News Digital. Officials are looking into whether to charge the first son with various tax violations and possible foreign lobbying violations.

A separate source told Fox News Digital that the federal grand jury looking into Hunter's business dealings wrapped up its latest term late last month but said no charges have been filed. Hunter has repeatedly denied any wrongdoing.

The White House and Hunter Biden's attorney did not respond to Fox News Digital requests for comment.

*Fox News' Cameron Cawthorne contributed to this report.*

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Jessica Chasmar is a digital writer on the politics team for Fox News and Fox Business. Story tips can be sent to [Jessica.Chasmar@fox.com](mailto:Jessica.Chasmar@fox.com).

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**NATIONAL SECURITY**

**Hunter Biden story is Russian disinfo, dozens of former intel officials say**

More than 50 former intelligence officials signed a letter casting doubt on the provenance of a New York Post story on the former vice president's son.

11/23/22, 1:16 AM

Hunter Biden story is Russian disinfo, dozens of former intel officials say - POLITICO



More than 50 former senior intelligence officials have signed on to a letter outlining their belief that the recent disclosure of emails allegedly belonging to Hunter Biden, pictured here, "has all the classic earmarks of a Russian information operation." | Handout/DNCC via Getty Images

By NATASHA BERTRAND  
10/19/2020 10:30 PM EDT



More than 50 former senior intelligence officials have [signed on to a letter](#) outlining their belief that the recent disclosure of emails allegedly belonging to Joe Biden's son "has all the classic earmarks of a Russian information operation."

The letter, signed on Monday, centers around a batch of documents released by the New York Post last week that purport to tie the Democratic nominee to his son Hunter's business dealings. Under the banner headline "Biden Secret E-mails," the Post reported it was given a copy of Hunter Biden's laptop hard

11/23/22, 1:16 AM

Hunter Biden story is Russian disinfo, dozens of former intel officials say - POLITICO

drive by President Donald Trump's personal lawyer Rudy Giuliani, who said he got it from a Mac shop owner in Delaware who also alerted the FBI.

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While the letter's signatories presented no new evidence, they said their national security experience had made them "deeply suspicious that the Russian government played a significant role in this case" and cited several elements of the story that suggested the Kremlin's hand at work.

"If we are right," they added, "this is Russia trying to influence how Americans vote in this election, and we believe strongly that Americans need to be aware of this."

Nick Shapiro, a former top aide under CIA director John Brennan, provided POLITICO with the letter on Monday. He noted that "the IC leaders who have signed this letter worked for the past four presidents, including Trump. The real power here however is the number of former, working-level IC officers who want the American people to know that once again the Russians are interfering."



NATIONAL SECURITY

**Intel chief releases Russian disinfo on Hillary Clinton that was rejected by bipartisan Senate panel**

BY ANDREW DESIDERIO AND DANIEL LIPPMAN

<https://www.politico.com/news/2020/10/19/hunter-biden-story-russian-disinfo-430276>

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The former Trump administration officials who signed the letter include Russ Travers, who served as National Counterterrorism Center acting director; Glenn Gerstell, the former NSA general counsel; Rick Ledgett, the former deputy NSA director; Marc Polymeropoulos, a retired CIA senior operations officer; and Cynthia Strand, who served as the CIA's deputy assistant director for global issues. Former CIA directors or acting directors Brennan, Leon Panetta, Gen. Michael Hayden, John McLaughlin and Michael Morell also signed the letter, along with more than three dozen other intelligence veterans. Several of the former officials on the list have endorsed Biden.

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Director of National Intelligence John Ratcliffe [said on Monday](#) that the information on Biden's laptop "is not part of some Russian disinformation campaign," though the FBI is [reportedly conducting an ongoing investigation](#) into whether Russia was involved.

11/23/22, 1:16 AM

Hunter Biden story is Russian disinfo, dozens of former intel officials say - POLITICO

The New York Times [raised questions on Sunday](#) about the rigor of the Post’s reporting process, revealing that several of its reporters had refused to put their name on the Biden stories because they were concerned about the authenticity of the materials. The Post stood by its reporting, saying it was vetted before publication.

But the release of the material, which POLITICO has not independently verified, has drawn comparisons to 2016, when Russian hackers dumped troves of emails from Democrats onto the internet — producing few damaging revelations but fueling accusations of corruption by Trump. While there has been no immediate indication of Russian involvement in the release of emails the Post obtained, its general thrust mirrors a narrative that U.S. intelligence agencies have described as part of an active Russian disinformation effort aimed at denigrating Biden’s candidacy.

#### **POLITICO DISPATCH: OCTOBER 20**

He’s been in the Senate since 2003, but this year could be his last. POLITICO’s Andrew Desiderio traces Lindsey Graham’s transformation from a moderate Republican known for working across the aisle to a staunch defender of President Trump.



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“We want to emphasize that we do not know if the emails, provided to the New York Post by President Trump’s personal attorney Rudy Giuliani, are genuine or not and that we do not have evidence of Russian involvement,” the letter reads. But, it continues, “there are a number of factors that make us suspicious of Russian involvement.”

“Such an operation would be consistent with Russian objectives, as outlined publicly and recently by the Intelligence Community, to create political chaos in the United States and to deepen political divisions here but also to undermine the candidacy of former Vice President Biden and thereby help the candidacy of President Trump,” the letter reads.

National Counterintelligence and Security Center Director Bill Evanina [said in August](#) that Russia has been trying to denigrate Biden’s campaign, specifically through a Ukrainian lawmaker named Andriy Derkach who has met with Giuliani at least twice to discuss corruption accusations against Biden. Derkach was sanctioned by the Treasury Department last month for allegedly acting as a Russian agent and interfering in the 2020 election.

Giuliani brushed off concerns about Derkach in an interview with [The Daily Beast](#) this week, saying “the chance that Derkach is a Russian spy is no better than 50/50.” And he told [The Wall Street Journal](#) of the purported Biden email trove: “Could it be hacked? I don’t know. I don’t think so. If it was hacked, it’s for real. If it was hacked. I didn’t hack it. I have every right to use it.”



DEFENSE

### Biden would revamp fraying intel community

BY NATASHA BERTRAND AND KYLE CHENEY

The former officials said Derkach’s relationship with Giuliani and fixation on the Bidens, along with [Russia’s reported hack on Burisma](#) — the Ukrainian energy company that gave Hunter Biden a board seat and is at the center of Trump and his allies’ corruption allegations — “is consistent with” a Russian operation.

“For the Russians at this point, with Trump down in the polls, there is incentive for Moscow to pull out the stops to do anything possible to help Trump win and/or to weaken Biden should he win,” the letter says. “A ‘laptop op’ fits the bill, as the publication of the emails are clearly designed to discredit Biden.”

Top Biden advisers who staffed him during his vice presidency, citing their own recollections as well as a review of Biden’s official schedules, have sharply rejected suggestions that Biden ever met with a representative of Burisma in 2015 or has otherwise been involved in Hunter Biden’s business interests.

“Investigations by the press, during impeachment, and even by two Republican-led Senate committees whose work was decried as ‘not legitimate’ and political by a GOP colleague have all reached the same conclusion: that Joe Biden carried out official U.S. policy toward Ukraine and engaged in no wrongdoing,” Biden campaign spokesman Andrew Bates said last week. “Trump administration officials have attested to these facts under oath.”

FILED UNDER: CIA, CENTRAL INTELLIGENCE AGENCY, NSA, RUSSIA, JOE BIDEN, (⋮)

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## GOP seeks answers from 51 former intel officials who discredited Hunter Biden's laptop



*FILE - In this Wednesday, Jan. 20, 2021, file photo, President Joe Biden hugs first lady Jill Biden, as his son Hunter Biden and daughter Ashley Biden look on after the president was sworn-in during the 59th presidential inauguration at ... more >*

By Kerry Pickett - *The Washington Times* - Wednesday, April 6, 2022

House Republicans on the Judiciary Committee sent out letters Wednesday demanding answers from the 51 former intelligence officials who claimed reports of emails from Hunter Biden's laptop detailing influence-peddling before the 2020 presidential election were Russian disinformation.

11/23/22, 1:18 AM

GOP seeks answers from 51 former intel officials who discredited Hunter Biden's laptop - Washington Times

Republicans are looking for responses from the former intel officials who dismissed the contents of a laptop belonging to Hunter Biden almost two years ago. More media outlets, including The Washington Post and The New York Times, have authenticated the younger Biden's emails, prompting the GOP to prepare for hearings if they capture the majority in November.

In their letter to the former intel officials, the GOP lawmakers write, "The concerted effort to suppress public dissemination of the serious allegations about Hunter Biden and the Biden family, as first reported in October 2020 by the New York Post, was a grave disservice to American citizens' informed participation in our democracy."



They add, "We are investigating the role that the public statement played in this effort."

<https://www.washingtontimes.com/news/2022/apr/8/gop-seeks-answers-51-former-intel-officials-who-di/>

2/10

All letter signers are asked to provide the names of all people they communicated with about the inception, drafting, editing, signing, publishing, or promotion of the "Public Statement on the Hunter Biden Emails."

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Additionally, the Republican lawmakers want all documents and communications relating to the "Public Statement on the Hunter Biden Emails" dated October 19, 2020. The former intel officials are given an April 20 deadline.

Five days after The New York Post published its first story about the laptop, which contained emails, texts, financials and other documents revealing the first son's foreign business dealings, the former 51 intel officials signed a public letter that cast doubt on the authenticity of the laptop's contents. They said it had "all the classic earmarks of a Russian information operation."

The letter was signed by people who worked "for presidents of both political parties," though a majority of the officials were Democrats.

They included former CIA Director Michael Hayden, now an analyst for CNN; former Director of National Intelligence James Clapper, now a CNN contributor; former CIA head and Defense Secretary Leon Panetta, who now runs a public policy institute at California State University; former CIA

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GOP seeks answers from 51 former intel officials who discredited Hunter Biden's laptop - Washington Times

Director John Brennan, currently an analyst for NBC and MSNBC; former National Intelligence Council chair Thomas Fingar, who now teaches at Stanford University, and Rick Ledgett, former National Security Agency deputy director, now a director at M&T Bank.

The New York Post's story on Hunter Biden's laptop was suppressed on social media platforms, and The Post's Twitter account was locked for two weeks.

Republicans attribute blame to the former intel officials' letter for causing the suppression of The New York Post's story.

"Your public statement was consistent with a broader effort to minimize and censor the New York Post's reporting about Hunter Biden and the Biden family. National news organizations called the allegations about Hunter Biden 'dubious' and a 'non-scandal,'" the Republican lawmakers wrote. "These efforts likely affected public awareness of the serious allegations surrounding the Biden family in the crucial weeks before the 2020 election."

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**SEE ALSO: Biden administration says partnering with private sector will better prepare for next cyberattack**

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They added, "At best, the public statement was a reckless attempt by you and your co-signatories to erroneously opine about purported election interference. At worse—and more likely—the public statement was a deliberate and coordinated effort to mislead the American people about

11/23/22, 1:18 AM

GOP seeks answers from 51 former intel officials who discredited Hunter Biden's laptop - Washington Times

information relevant to the 2020 presidential election by invoking your national security experience to falsely suggest that the allegations about Hunter Biden were not based in fact.”

• *Kerry Picket can be reached at [kpicket@washingtontimes.com](mailto:kpicket@washingtontimes.com).*

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February 16, 2022

The Honorable Sheila Jackson Lee  
Chair  
Subcommittee on Crime, Terrorism, and Homeland Security  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Chair Jackson Lee:

The Subcommittee on Crime, Terrorism, and Homeland Security must immediately investigate the recent reports that U.S. Immigration and Customs Enforcement (ICE) released an illegal alien with ties to terrorism from custody because he might catch COVID-19 in a detention facility. According to media reports, U.S. Border Patrol detained Venezuelan citizen Issam Bazzi at the southwest border after he entered the country illegally.<sup>1</sup> The Federal Bureau of Investigation's Terrorist Screening Center flagged Bazzi as someone with "high derogatory information" and ties to an unspecified terror group, and it recommended that Bazzi remain detained.<sup>2</sup> Although ICE recognized Bazzi as a flight risk, ICE Headquarters ordered Bazzi's release due to concerns that he was overweight and might catch COVID-19 in the detention facility.<sup>3</sup> As a result, Bazzi—a foreign national with terrorism ties—has free rein to move throughout the United States. We urge you to immediately schedule a hearing of the Subcommittee to examine the national security threat posed by foreign nationals with terrorism ties entering the United States due to the Biden Administration's lax border security and immigration enforcement.

The facts of this case strongly suggest that the Biden Administration failed to follow appropriate protocols with respect to suspected terrorists. If ICE had followed its normal protocols when a foreign national appears on the FBI's terror watchlist, Bazzi would have been detained for further investigation.<sup>4</sup> Typically, federal officers would interrogate a foreign national triggering a hit on the watchlist and conduct an in-depth investigation to determine the

<sup>1</sup> Charlie LeDuff, *LeDuff: Is this Venezuelan in Metro Detroit an Asylum seeker or Suspected Terrorist?*, DEADLINE DETROIT (January 27, 2022), [https://www.deadlinedetroit.com/articles/29777/leduff\\_is\\_this\\_venezuelan\\_in\\_dearborn\\_an\\_asylum\\_seeker\\_or\\_suspected\\_terrorist](https://www.deadlinedetroit.com/articles/29777/leduff_is_this_venezuelan_in_dearborn_an_asylum_seeker_or_suspected_terrorist).

<sup>2</sup> *Id.*

<sup>3</sup> Todd Bensman, *Report: ICE Releases Border-Crossing Terrorist Suspect from Venezuela Despite FBI Recommendation*, CENTER FOR IMMIGRATION STUDIES (January 31, 2022), <https://cis.org/Bensman/Report-ICE-Releases-BorderCrossing-Terrorist-Suspect-Venezuela-Despite-FBI-Recommendation>.

<sup>4</sup> *Id.*

The Honorable Sheila Jackson Lee  
February 16, 2022  
Page 2

threat level, the foreign national's purpose in the country, and other possible conspirators.<sup>5</sup> After federal officers obtained all the information they could from the individual, the foreign national would be deported if he was a suspected terrorist.<sup>6</sup> There is no known case in which a foreign national who pinged on the terror watchlist was simply released on his own recognizance.<sup>7</sup>

Bazzi's momentary detainment is not an aberration. Other foreign nationals on the terror watch list have been apprehended at the border. Customs and Border Patrol Chief Patrol Agent Chris Clem tweeted on December 20, 2021, that "a potential terrorist" illegally entered the United States from Mexico in the Yuma, AZ Sector.<sup>8</sup> That tweet was later deleted citing that "it contained sensitive law enforcement information."<sup>9</sup> Moreover, CBP deleted a press release in April 2021 that detailed the arrest of two Yemeni illegal aliens who pinged the terror watch list.<sup>10</sup> CBP deleted the press release after stating that it "was not properly reviewed and contained certain disclosure and policy information related to national security."<sup>11</sup> The actions of officials at DHS seem to be anything but transparent. First, DHS releases a person with known ties to terrorist on his own recognizance, and then DHS hides information about the detainment of illegal aliens on the terror watch list.

Both state and federal law enforcement are overwhelmed by the massive increases of illegal crossings on our southern border over the last year. The crisis occurring as a result of these illegal crossings now extends into the realm of terrorism. Because of the lack of seriousness shown by the Biden Administration in securing our borders, we are allowing foreign nationals into the country with known ties to terror and treating them like any other illegal border crosser. Former Border Patrol Chief Rodney Scott warned in his farewell message that the crisis at the border is not a humanitarian crisis as much as it is one of national security.<sup>12</sup> It is time for the Biden Administration to strengthen our southern border so that federal law enforcement does not feel the need to release suspected terrorists on their own recognizance.

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Mark Moore, *Border Patrol Official's Tweet About 'Potential Terrorist' Arrest Deleted*, NEW YORK POST (December 28, 2021), <https://nypost.com/2021/12/28/border-patrol-officials-tweet-about-potential-terrorist-arrest-deleted/>

<sup>9</sup> *Id.*

<sup>10</sup> Adam Shaw, *CBP Deletes Press Release Outlining Arrest of Yemeni border Crossers on Terror Watch List*, FOX NEWS (April 6, 2021) <https://www.foxnews.com/politics/cbp-press-release-arrest-of-yemeni-border-terror-watch-list>

<sup>11</sup> *Id.*

<sup>12</sup> Mark Moore, *Ex-Border Patrol Chief Warns of Terrorists Crossing into the US Through Southern Border*, THE NEW YORK POST (Aug. 17, 2021), <https://nypost.com/2021/08/17/terrorists-a-real-threat-to-enter-us-through-southern-border-rodney-scott-says/>.

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We ask that you immediately schedule a hearing to allow Subcommittee Members to hear from the Department of Homeland Security, FBI, and terrorism experts about how President Biden's lax border security policies are being exploited by foreign terrorists. Thank you for your prompt attention to this matter.

Sincerely,



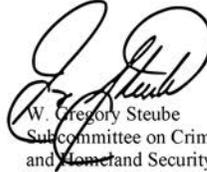
Andy Biggs  
Ranking Member  
Subcommittee on Crime, Terrorism,  
and Homeland Security



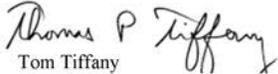
Steve Chabot  
Subcommittee on Crime, Terrorism,  
and Homeland Security



Louie Gohmert  
Subcommittee on Crime, Terrorism,  
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W. Gregory Steube  
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Tom Tiffany  
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Victoria Spartz  
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Scott Fitzgerald  
Subcommittee on Crime, Terrorism,  
and Homeland Security



Burgess Owens  
Subcommittee on Crime, Terrorism,  
and Homeland Security

## LeDuff: Is this Venezuelan in Metro Detroit an asylum seeker or suspected terrorist?



deadlinedetroit.com/articles/29777/leduff\_is\_this\_venezuelan\_in\_dearborn\_an\_asylum\_seeker\_or\_suspected\_terrorist

Column

January 27, 2022, 7:00 AM by Charlie LeDuff

### The Dearborn house where Issam Bazzi reportedly is staying

With an all-time number of people caught illegally entering the United States through its southern border in 2021, American citizens and law enforcement officers are left wondering who got away. Have potential terrorists managed to escape the long arm of the law?

We now know of one case where the government caught a person who's flagged on the terror watch list, only to release him into the interior, his family in tow.



The Biden administration has allowed Issam Bazzi, who was caught wading along the shores of the Rio Grande River in Texas last November to be released on his own recognizance while he awaits a March asylum hearing in Detroit.

According to sensitive government documents obtained exclusively by Deadline Detroit, Bazzi and his family are living, presumably, in Dearborn in a house owned by his cousin on a tree-lined street near Wyoming and Warren Avenues. Knocks to the door Wednesday evening went unanswered.

Bazzi, a 50-year-old citizen of Venezuela born in Lebanon, is not supposed to be in America because federal law prohibits those with suspected connections to terrorist groups from entering. It also bans their spouses and children.

### Classified secret

It's unknown which group Bazzi might be affiliated with, because his profile, according to those immigration documents, is coded as classified in the federal terrorism database.

In fact, the FBI's Terrorist Screening Center, which maintains the list, will not confirm or deny whether an individual is even on it. So it is very likely that Bazzi does not know he is on the terror list. Until now.

Bazzi, according to the documents, is described as a person with “high derogatory information” with ties to an unspecified terror group.

Bazzi and his family were detained in Texas last November, as authorities decided what to do with him. Background checks and at least one interrogation were conducted. The FBI recommended that Bazzi continue to be detained. Agents from Immigration and Customs Enforcement deemed him a flight risk.

But officials from the Department of Homeland Security ordered his release. One of the mitigating factors, according to those documents, was that Bazzi had a precondition that made him highly susceptible to Covid-19.

That precondition: Bazzi is overweight.

And so, he and his family were discharged on or about Dec. 9, with the promise Bazzi would show up in March in Detroit for his immigration hearing.

### **Puzzling presence**

In any event, current and former federal law enforcement officials say they have no recollection of a person with a confirmed hit in the database being allowed entry. Especially one who entered the country by raft.

“Unless there’s something bigger going on, we don’t let people in who are on the list,” said Andrew Arena, former chief of international terrorism operations for the FBI, who helped draft the original protocols for the watch list.

“This appears to be the new and improved border security posture. A kinder, gentler approach,” said Arena. “It doesn’t make a whole lot of sense. And quite frankly, I’ve never seen it before.”

Bazzi’s release may have simply been a breakdown in intelligence between the Department of Justice and the Department of Homeland Security, said two DOJ officials with direct knowledge of the case.

“The public would be shocked to learn of very bad people who are being apprehended at the border and ultimately released into the United States,” says Chris Cahrera, vice-president of the Border Patrol Council, the union representing Border Patrol Agents.

“But the terror watch list? That’s the top of the top. The worst of the worst.”

Secretary of Homeland Security Alejandro Mayorkas last year gave temporary protective status to people from Venezuela living in the United States, allowing them to stay and work here temporarily due to the economic and political turmoil there. But that order only applies to those Venezuelan nationals who were physically present in the United States before March 9, 2021.

Bazzi seemed to think this applied to any Venezuelan who could make it to American soil.

“Claims that he heard that Venezuelans were being accepted into the United States for asylum claims,” his federal interrogator wrote.

According to those interrogation notes, Bazzi said that he, his wife and his daughter took a commercial flight from Caracas, Venezuela last October to Monterrey, Mexico.

### **Flight risk**

From there, Bazzi contacted a human smuggler known as "Joni," who transported the family to Matamoros, a Mexican border town across the Rio Grande from Brownsville, Texas. They traversed the river, landing in an immigration hotspot known as "The Washout" where they gave themselves up to Border Patrol agents, making a claim of asylum.

Federal agents declared Bazzi a flight risk should he be let into the United States, according to those documents. They were overruled by ICE "HQ" and released. It is unclear who paid for the Bazzi family's travel north or whether they received Covid vaccinations.

Local law enforcement based in Metro Detroit does not seem to know that Bazzi is presumably living in Michigan. The Detroit office of the FBI did not respond to inquires. Nor did the Detroit office of Immigration and Custom Enforcement. The Dearborn Police Department did not respond to questions.

The suburban life should fit Bazzi nicely. There is a Taco Bell, McDonald's and a halal pizza parlor all within walking distance of the tidy Cape Cod house he lists as his temporary address.

Regular Covid testing should be no problem since a CVS is nearby. If Bazzi contracts Covid, heaven forbid, he might avail himself of the urgent care.

Should Bazzi choose to get lost in the thrill of America, there is a U-Haul rental facility just around the corner. And if he needs an immigration attorney, there is the storefront law office at the end of the block.

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► *Listen to Charlie LeDuff's weekly podcast, "The No BS News Hour."*



## Center for Immigration Studies

### Report: ICE Releases Border-Crossing Terrorist Suspect from Venezuela Despite FBI Recommendation

A Lebanon-born Venezuelan on the FBI's terrorism watchlist due to "highly derogatory information" is free in Michigan

By Todd Bensman on January 31, 2022

When President Joe Biden's government ended interior deportations of illegally present foreign nationals in America last year, one group left on a very short list of potential expellees was "suspected terrorists".

But a new and so-far undisputed news report has it that Immigration and Customs Enforcement (ICE) headquarters in Washington, D.C., ordered the release of a Lebanon-born Venezuelan named Issam Bazzi who swam the Rio Grande into Brownsville, Texas, and then was flagged as being on the FBI's terrorism watchlist.



All this and more comes from former New York Times writer and Pulitzer Prize winner Charlie LeDuff, reporting in a January 27 story for the online news outlet Deadline Detroit. LeDuff's report stated that ICE HQ overrode FBI recommendations to keep the 50-year-old Bazzi in custody on the Texas border because of "highly derogatory information" and that he posed a flight risk.

The reason ICE headquarters intervened for the release of a suspected border-crossing terrorist from Hezbollah-friendly Venezuela whose intelligence file contained highly derogatory information?

Concern that he might catch Covid-19 in the detention center because he was overweight, LeDuff reported.

Instead of extended detention, investigation, and deportation that are all supposed to be in store for every FBI watch-listed migrant caught crossing the border, Bazzi is living free on his own recognizance in Dearborn, Mich., pending the outcome of an asylum case that will take years to conclude because of a backlog.

Someone in the federal government apparently was left so aggrieved or fearful by ICE headquarters' intervention that they leaked classified, "sensitive government documents" about the episode to LeDuff. He went with it after the FBI and ICE stonewalled his calls for comment.

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Report: ICE Releases Border-Crossing Terrorist Suspect from Venezuela Despite FBI Recommendation

Those documents describe Bazzi as a person with highly derogatory information and ties to an unspecified terrorist group, LeDuff wrote (although it is likely Hezbollah, as I'll explain shortly).

In October, Bazzi flew with his wife and daughter from the Venezuelan capital of Caracas to Monterrey, Mexico, a typical travel plan for record numbers of Venezuelans fleeing the economy destroyed by the military dictatorship of Nicolas Maduro and now swelling the mass migration crisis at the U.S. southern border.

Some 24,819 Venezuelans crossed in December 2021, well more than double the number in just September and compared to 206 in December 2020, CBP data show. Some who got in before March 2021 will get to stay under a benefit the Biden administration announced called Temporary Protected Status. Most who came in after March still get to stay while they pursue asylum on grounds of persecution by Venezuela's government.

The Bazzi family was amid this latter throng. In November 2021, they hired a smuggler who crossed them from Matamoros, Mexico, into Brownsville.

## A National Security Problem Emerges in the New Venezuelan Border Migration

If LeDuff's story is true — and, again, no one has challenged it — the Bazzi river crossing and release to the Detroit area reveal a national security threat embedded in this new Venezuelan traffic not previously considered. It is a threat with which U.S. homeland security will be challenged to contend, competently, due to the mass migration crisis. That crisis has reached historic proportions and appears to have overburdened almost every border management control system in the American arsenal, including counterterrorism programs that should have kept Bazzi in custody.

As I report in *America's Covert Border War: The Untold Story of the Nation's Battle to Prevent Jihadist Infiltration*, such finds trigger in-person interrogations by federal officers and further investigation to determine threat level, purpose, and other potential collaborators. A routine database check at the Texas border apparently showed Bazzi was on the FBI's terrorism watchlist. In line with those protocols, after at least one federal in-person interview, the FBI recommended to ICE that Bazzi remain in detention as a flight risk, LeDuff cited the leaked documents as saying. That would be the norm.

Usually, anyone caught at the border who is already flagged as a suspected jihadist terrorist is deported, I report in my book. No known public reporting has shown that migrants on the watchlist were simply released on their own recognizance.

But very abnormally, ICE headquarters ordered him released on or about December 9 with a personal recognizance bond and honor-system promise that he voluntarily report to Detroit immigration offices in March. In this, Bazzi was treated like any other of the hundreds of thousands of migrants who are not on the FBI terrorism watchlist that the Biden administration has let in since taking office.

## Evidence Stacking Up that Border Counterterrorism Systems Are Faltering

Last year, the U.S. Border Patrol apprehended some 14 migrants who crossed the southern border and were on the FBI terrorism watchlist, according to former Chief Border Patrol Agent Rodney Scott. This number would not account for an undisclosed number of others almost certainly also caught south of the border on the routes through Panama, Costa Rica, and Mexico. And they often enough are.

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Americans can only hope that, in the current mass migration crisis that started and went on throughout 2021, none of those 14 were released into the country on their own recognizance to pursue asylum claims. All should have been deported in line with standard procedure. Deportation also should have happened to all of those caught by American allied countries south of the border, as Mexico typically does and also as Costa Rica and Panama do, working closely with the Americans.

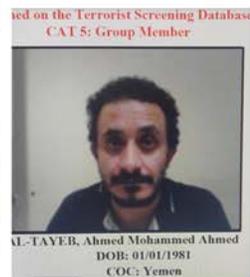
The Bazzi case is only the second case I have noted where these wise protocols have broken down.

One explanation why Bazzi was released might be that the border crisis of historic proportions in the American experience is finally breaking down the systems that catch migrant-terrorists that I described in *America's Covert Border War*.

The first case seems to have happened in late December, in Mexico. I reported that Mexico's government released a Yemeni migrant it knew, from a previous encounter, had flagged on the FBI's terrorism watchlist. CBP considered the Yemeni to be a "Category 5" member of a terrorist organization.

Mexico first captured Ahmed Mohammed Ahmed in April 2021 and, in line with American protocols, deported him back to Yemen. But an American law enforcement intelligence source told CIS that Mexican authorities left him in Europe at the airport and returned to Mexico. Ahmed abandoned his flight and returned to Mexico, too. The Mexicans caught him again in July 2021.

Mexican immigration, by then utterly swamped with huge and historic volumes of migrants going to the southern border, held him for nearly five months. But then they had to clear their own detention centers. They flushed out Ahmed with everyone else, the law enforcement source told CIS. Like any Central American or Haitian migrant, the Yemeni was told to voluntarily report in once a week to Mexican immigration, but of course, he disappeared instead.



That release presented a sharp departure from normal collaborative protocols with American intelligence, wherein the two governments together would make sure such a migrant was deported and never released.

The Americans felt compelled to issue a bulletin warning law enforcement in the Del Rio, Texas, area to be on the lookout for the man.

## Of Venezuela's Terrorism Nests and Rolling Luggage on the Rio Grande

Iran and its Lebanon-based proxy, the U.S.-designated terrorist organization Hezbollah, maintain deep ties with Venezuela's central government, through the nation's wealthy Lebanese diaspora. The Iran-Hezbollah presence inside Venezuela, working within Lebanese clan structures, dates to when the late leftist dictator Hugo Chavez took power in 1999 and appointed many Venezuela-born Lebanese to powerful cabinet posts, including offices of immigration, foreign trade, and tourism. That presence and influence, backed in recent years by Russia, continued after Chavez died to the present-day regime of Nicolas Maduro.

Joseph Humire, executive director of the Center for a Secure and Free Society with contacts inside Venezuela, reports extensively about how Iran and Hezbollah work closely with the Maduro regime building transnational organized crime, human smuggling, and financial networks throughout South America and into the United States.

He told CIS that American and Israeli intelligence services have long known that Iran, Hezbollah, and Venezuela's Lebanese government officials provide these foreign operatives with elaborate state-sponsored cover identities and access to its state-run airline and banking systems, enabling them to move freely in the Western

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**Hemisphere.**

The state-issued fake identities have allowed terrorist operatives to travel all over the region and world developing illicit businesses and building terrorism capability, without the true origins and identities of these operatives becoming known, Humire said.

"I have examined a couple dozen cases of individuals who got the full suite of records enabling establishment of identities," Humire said. "New birth certificates, passports, banking, and property all get put under these names so that that person now has a document ledger saying they were born in Venezuela."

Clandestine agents of Hezbollah's notorious Unit 910 are periodically uncovered inside the United States, including, as I have extensively reported, in the Detroit area.



*Venezuelans arriving in Tapachula, Mexico, in January 2021 from the Rio Suchiate river border with Guatemala. Photo by Todd Bensman.*

Humire said he does not recognize the name Bazzi, which LeDuff provided in his story.

But he said his organization has uncovered links between the major human smuggling organization that is moving significant numbers of Venezuelans right now and the state-run airline that most often flies the migrants into Guatemala or Mexico for their journey into the United States.

LeDuff reported that Bazzi flew from Caracas, Venezuela, to Monterrey, Mexico, which is known to be a typical leg of the Venezuelan migration route. Many Venezuelans are, almost comically, seen dragging rolling luggage over the Guatemala border river or up the Texas banks of the Rio Grande.

With regard to Bazzi and thousands of others reaching the American southern border, he described a problem for American law enforcement: "The real big question is, is he just a Venezuelan Lebanese who is part of the community where everyone is fleeing the conditions in the country? Or that he is one of those terror figures whose movement the [Maduro] government facilitated with new identities?"

"American homeland security", Humire said, "is going to have a hard time figuring that out."

The Bazzi case, he said, "may be the first proven case where individuals fitting this background are moving through the corridor. If this is not the case with him, it still is going to happen sooner or later."

Topics: Biden Border Crisis, National Security

11/23/22, 1:29 AM

The Biden Admin Released A Suspected Terrorist Into The United States After He Illegally Crossed The Border

## The Biden Admin Released A Suspected Terrorist Into The United States After He Illegally Crossed The Border

 [thefederalist.com/2022/03/04/the-biden-admin-released-a-suspected-terrorist-into-the-united-states-after-he-illegally-crossed-the-border/](https://thefederalist.com/2022/03/04/the-biden-admin-released-a-suspected-terrorist-into-the-united-states-after-he-illegally-crossed-the-border/)

March 4, 2022



Image Credit U.S. Navy photo by Steelworker 1st Class Matthew Tyson/Wikimedia Commons

National Security  
By: Todd Bensman  
March 04, 2022

8 min read

The GOP minority requested a hearing about why ICE ordered an illegal migrant on the FBI terrorism watch list to be freed despite 'flight risk' warning.



Todd Bensman

AUSTIN, Texas –On Feb. 16, Republican Congress members asked House Democrats for permission to hold a hearing about a decision to release a suspected Islamist terrorist who in November swam the Rio Grande into Texas.

Rep. Andy Biggs, R-Ariz., ranking member of the Subcommittee on Crime, Terrorism and Homeland Security, penned the request to subcommittee Chair Sheila Jackson Lee, D-Texas, in part on grounds that "There is no known case in which a foreign national who pinged on a terror watch list was simply released on his own recognizance. The facts in the case strongly suggest that the Biden Administration failed to follow appropriate protocols with respect to suspected terrorists."

Eight GOP lawmakers on the subcommittee signed the letter. But it appears House Democrats are not as interested. An aide in the congressman's office said they've heard nothing: "They're ignoring us." Two of my own emailed requests to Lee's spokesperson went unanswered.

The silent treatment should come as no surprise in this era of sharp partisanship. The GOP co-signatories probably understood this when they sent the letter. But they had to send it anyway because the case at the root of this partisan kerfuffle is too serious for stupid swordsmanship. This one deserves a real hearing, perhaps an inspector general investigation, and media inquiry as the objectively non-partisan homeland security matter this is.

The case of Lebanon-born Venezuelan Issam Bazzi's release into the American interior is just the latest such incident that raises serious questions. Chief among them is whether the historic mass-migration crisis at the U.S. southern border has seriously degraded national security.

### **How This Terrorist Suspect Was Set Free**

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Bazzi was among a swell of Venezuelans who began crossing the Rio Grande in escalating numbers last November on word that the United States was handing out free passes into the interior. Some 25,000 turned themselves in at the border in December and another 22,000 did

in January. According to leaked Department of Homeland Security documents in my possession, Bazzi flew with his wife and daughter to Monterrey, Mexico, in early November, then swam the river into Brownsville, Texas.

His name and fingerprints flagged him as on the FBI's terrorism watch list, so a mistaken identity is unlikely. In the lexicon of U.S. Customs and Border Protection, Bazzi is described in the documents as a "Category 5 group member," which can mean not considered armed and dangerous. But one of the government documents noted Bazzi's file "contains substantive high side derogatory information."

As I explain in my book, "America's Covert Border War," danger level is irrelevant for what is supposed to happen with any border-crossing terrorist group member on the FBI's watch list. The U.S. Citizenship and Immigration Services website notes that "generally, any individual who is a member of a 'terrorist organization' ... is 'inadmissible and is ineligible for most immigration benefits.'"

FBI agents operating in line with established post-9/11 protocols interrogate watch-listed migrants and others from countries of national security interest who cross the southern border and end up in Immigration and Customs Enforcement detention centers. That happened when Bazzi was flagged as a suspected terrorist in Brownsville, Texas, after his crossing. But then the process went off the rails.

After interviewing Bazzi, the FBI cited "highly derogatory information" in deciding he was a flight risk and recommended ICE keep the 50-year-old Venezuelan in custody. Typically, migrants suspected of terrorism are deported to their home countries, even if they have no "highly derogatory" intelligence information on their records and don't pose a flight risk, as the FBI said of Bazzi.

Granted, the United States could not have deported Bazzi to Venezuela because of American diplomatic estrangement with the Nicolas Madura regime. But DHS would have known that the Biden administration was working on an agreement with Colombia to air-deport Venezuelan border-jumpers there. Starting January 31, the United States began deporting Venezuelans to Colombia under that agreement.

But Bazzi was not in custody for that to happen. Something so far off the grid as to defy belief happened instead. ICE headquarters in Washington D.C. ordered Bazzi released into the United States on his own recognizance to pursue an asylum claim in Michigan, where he had family, according to the DHS documents.

This order came in defiance of the FBI's recommendation. The reason? Bazzi was claimed to be at heightened risk from Covid-19 in the detention center due to a "Chronic Care Condition – Overweight," the leaked DHS documents said.

Someone in federal homeland security leaked sensitive internal documents about this to Pulitzer Prize-winning former New York Times reporter Charlie LeDuff, who ran a story in a Detroit-area online publication that no other reporter has even tried to follow. LeDuff told me he made contact with Bazzi and relatives who, in brief telephone communications, denied he was a terrorist and said they had no idea why he was on a terrorism watch list.

### **Even Deeper Causes for Concern**

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According to the documents, U.S. authorities had denied Bazzi a tourist visa in 2019 to visit relatives in the Detroit area. His FBI terrorism watch list status was cited for declining him. Those systems worked in keeping him out of the country.

All thinking Americans on either side of the political aisle should find unity in asking why Bazzi's illegal crossing of the southern border and merely asking for asylum got him inside the country. The obvious initial indicator, short of more answers, is that a border defense failed in an important national security function, most probably because a mass migration crisis of historic proportions. An overloading 2 million apprehensions during 2021, the most since the nation began counting in 1960, has broken management systems down there.

Instead of the outcome for Bazzi's tourist visa application, Bazzi's illegal border crossing has him living free on his own recognizance pending the outcome of an asylum case that, also because of the border, will allow him total freedom for years because of a vastly expanded immigration court backlog.

### **Mexico Also Released a Yemeni Terror Suspect**

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One reason to suspect the mass migration crisis has heightened a once fairly managed national security threat is that the Bazzi case is now the second one I have found where border counterterrorism protocols apparently broke under the weight. Mexico is staggering under the mass migration on its side too.

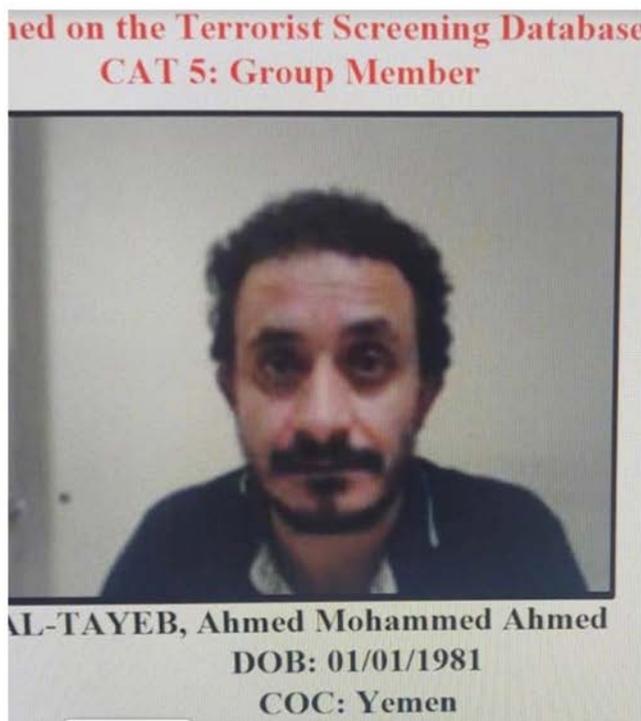
According to other government documents leaked to me, Mexican immigration in April 2021 caught a Yemeni just as he was about to cross into Del Rio, Texas. At that early stage of the mass migration crisis, collaborative protocols with the Americans, as I also report in "America's Covert Border War," seemed to be working. Notified, the Americans would have run the name and fingerprints through databases and gotten the FBI watch list hit; Yemeni national Ahmed Mohammed Ahmed was a "Category 5" member of a terrorist organization.

The Mexicans tried to deport Ahmed to Yemen. It didn't work out. An American law enforcement intelligence source told me the Mexican intelligence officers prematurely left him at a European transit airport and returned to Mexico. Ahmed abandoned his connecting flight and returned to Mexico, too. The Mexicans caught him again in July 2021, preparing to cross into Del Rio.

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The Biden Admin Released A Suspected Terrorist Into The United States After He Illegally Crossed The Border

By then, Mexico was struggling to manage historic numbers of migrants. They kept him for five months. But instead of deporting him this time, Mexico let Ahmed go free, an act the Americans would never have previously agreed to.



Screen shot from government document obtained by the author.

Ahmed was supposed to check in weekly with immigration once a week but, of course, disappeared. The release so alarmed the Americans that they sent out a "Be On The Lookout" bulletin to law enforcement on the Texas side to capture him. It's unclear if anyone ever did.

### **Serious Action Needed, Stat**

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11/23/22, 1:29 AM

The Biden Admin Released A Suspected Terrorist Into The United States After He Illegally Crossed The Border

Next to the need for all Americans to demand Ahmed's capture or evidence of it, there's another important takeaway from this incident. It is that, like the mishandling of Bazzi, this one also presented a sharp departure from normal protocols.

President Biden barely mentioned the southern border in his March 1 State of the Union speech. Biggs needled him on Twitter at one point during the border part of the speech, expressing frustration: "You released a suspected terrorist from ICE custody so he wouldn't catch COVID," Biggs tweeted.



Rep Andy Biggs  
@RepAndyBiggsAZ

You released a suspected terrorist from ICE custody so he wouldn't catch COVID.

8:59 PM · Mar 1, 2022 · Twitter Web App

The frustration amid the silence on these cases is understandable. Democrats must hold their noses and unify with Biggs and his GOP cohort in pressing for answers.

Among the many questions they will need to ask is this: How many other border-crossing migrants on the FBI's terror list have breached U.S. defensive measures apparently faltering under the border crisis?

Todd Bensman is a Texas-based senior national security fellow for the Center for Immigration Studies, a Washington D.C.-based research institute, and a writing fellow for the Middle East Forum. His book, "Overrun: How Joe Biden Unleashed the Greatest Border Crisis in U.S. History," (Bombardier Books) will be released in February. For nearly a decade, Bensman led counterterrorism-related intelligence efforts for the Texas Department of Public Safety's Intelligence and Counterterrorism Division. Follow him on Twitter @BensmanTodd.

Ahmed Mohammed Ahmed

Andy Biggs

asylum

asylum fraud

Biden administration  
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Illegal Immigration  
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Issam Bazzi  
mass migration  
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migration  
migration crisis  
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terror watch list  
terrorism  
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watch lists



## Center for Immigration Studies

### CBP Encounters 100 on Terrorist Watchlist at Southwest Border, Half After Entering Illegally And what about the ones who got away?

By Andrew R. Arthur on June 22, 2022



11/23/22, 1:29 AM

CBP Encounters 100 on Terrorist Watchlist at Southwest Border, Half After Entering Illegally

On June 17, Rep. August Pfluger (R-Texas) issued a statement in response to reports that some 15 illegal migrants (possibly more) whose names appeared on the FBI's Terror Watchlist were apprehended in May at the Southwest border. Looking at the large number who were caught, he asked how many others weren't. It's a good question, given that the Biden administration has largely ceded control at the U.S.-Mexican line to illegal entrants from around the world.

**The Terrorist Screening Database vs. the Terrorist Screening Dataset.** My colleague Todd Bensman reported in April that CBP has begun including, among other enforcement statistics, encounters with aliens on the terror watchlist. I will note, however, that the agency changed the nomenclature for those hits since Bensman's report.

A screenshot included with Bensman's piece shows that CBP previously referred to those aliens as "Terrorist Screening Database [TSDB] Encounters" (Emphasis added.) There actually is a well-known TSDB, which as the Congressional Research Service has explained, is a multi-agency effort administered by the FBI.

That database, also known as the "terrorist watchlist", contains "biographic identifiers for those known either to have or be suspected of having ties to terrorism".

CBP now refers to those aliens as "Terrorist System Dataset [TSDS] Encounters". I can't find any reference to the TSDS outside of CBP (and few within it), but it appears that the TSDS is the portion of the TSDB to which CBP has access, or alternatively the interface through which CBP accesses the TSDB (and possibly both).

That said, according to CBP:

*The TSDS originated as the consolidated terrorist watchlist to house information on known or suspected terrorists (KSTs) but has evolved over the last decade to include additional individuals who represent a potential threat to the United States, including known affiliates of watchlisted individuals.*

The same could be said about the TSDB, so perhaps I am being picayune, or CBP is.

**CBP Terrorist Screening Dataset Encounters.** In any event, thus far in FY 2022, Border Patrol agents at the Southwest border have apprehended 50 illegal migrants with records in the TSDS. By comparison, in FY 2021, there were 15 such apprehensions, which itself was five times as many as in FY 2020 (three). None occurred in FY 2019, six in FY 2018, and two in FY 2017.

Similarly, there were 50 encounters with TSDS aliens by CBP officers in the agency's Office of Field Operations (OFO) at the Southwest border ports of entry in FY 2022.

That is slightly down from the 103 such encounters at the Southwest border ports in FY 2021, though close to the 72 TSDS encounters there in FY 2020. But it's way behind FY 2019, when there were 280, and trails FY 2018 (155) and FY 2017 (116).

The picture at the Northern border is starkly different. Border Patrol agents there have apprehended just four TSDS illegal migrants in the past six fiscal years: Three in FY 2019 and one in FY 2021. No TSDS aliens have been apprehended by Border Patrol there this year.

The CBP officers in OFO at the Northern border ports have been busier on the terrorist front than their Border Patrol colleagues on the U.S.-Canadian line. They have encountered 142 TSDS aliens this fiscal year, more than double the total (54) in FY 2021. CBP officers at the Northern border have traditionally dealt with their share of terrorist watchlist aliens, however: 258 in FY 2019; 196 in FY 2018; and 217 in FY 2017.

**Why the Difference at the Northern Border?** Why are there so many suspected terrorists coming through the Northern ports from Canada?

11/23/22, 1:29 AM

CBP Encounters 100 on Terrorist Watchlist at Southwest Border, Half After Entering Illegally

At least part of the difference has to do with the aliens who end up on the TSDS to begin with. As noted above, the TSDS contains not only information on known or suspected terrorists, but also affiliates of such individuals.

As I have explained in the past, aliens suspected of terrorism abroad often have stronger factual asylum and Convention Against Torture (CAT) claims than the average protection claimant. They probably were investigated by the authorities back home, possibly arrested, and in instances abused. Of course, they deny any involvement in terrorism, ascribing the foreign government's interest to simple persecution.

The same is also true of associates of known or suspected terrorists. If the authorities were looking for me in this country, they would first check with my family and my employer, before broadening the dragnet to my friends and acquaintances. That's what happens abroad, too, and those "others" end up linked to the prime suspect.

Canada offers asylum and CAT protections like those found in the United States, so at least some of those aliens stopped at the Northern ports by OFO are likely associates of known or suspected terrorists who themselves may pose little or no risk to the United States.

It is harder to enter Canada illegally than the United States. Unless you are coming from this country, you can only get to the Great White North by boat or plane, and Canada employs robust vetting processes for all legal entrants before they depart at foreign ports on their way to the country.

That said, at least two intending terrorists have entered the United States from Canada: Algerian Ahmed Ressay, who attempted to enter on a fake Canadian passport to blow up Los Angeles International Airport on the millennium; and Palestinian Gazi Ibrahim Abu Mezer, who entered illegally and was arrested while planning to bomb the New York subway system.

**What's the Danger?** The Southwest border is an entirely different situation, which is why, like Rep. Pfluger, I am concerned about the uptick in TSDS aliens from there. Nearly half the aliens apprehended by Border Patrol at the Southwest border in May were "long-distance migrants", not nationals of Mexico or the Northern Triangle countries of El Salvador, Guatemala, and Honduras.

Now that the welcome mat at the Southwest border is out, it is bound to attract not just aliens coming here "for a better life", but those foreign nationals with some misguided axe to grind and an intention to harm the people of the United States and our institutions because of it.

Terrorists with an intent to harm the United States will seek to exploit our immigration system in the safest and most effective way possible. Because the Biden administration refuses to gain any control (let alone "operational control") over the Southwest border, that means entering illegally from Mexico.

It is ironic that in its final report, the 9/11 Commission found: "In the decade before September 11, 2001, border security — encompassing travel, entry, and immigration — was not seen as a national security matter."

Past is plainly prologue, because not only has the security situation at the Southwest border regressed under the Biden administration to what it was before 9/11, border security there is now worse, as the more than 700,000 illegal migrant "got-aways" who have entered unimpeded since the inauguration demonstrate.

Who's in the gaggle of 700,000-plus Southwest border got-aways, which is larger than the population of Boston? No idea, and we won't know who the worst ones are until they act. But the worst ones are plainly coming, as the 50 terror watchlist aliens Border Patrol agents have apprehended at the Southwest border in the first seven months of FY 2022 demonstrate.

Topics: National Security

