



Department of Justice

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

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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 6th 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 Hizballah and other terrorist groups. Lebanese Hizballah has sent operatives to build terrorist infrastructures worldwide. The arrests of individuals in the United States allegedly linked to Lebanese Hizballah's main overseas terrorist arm, and their intelligence collection and procurement efforts, demonstrate Lebanese Hizballah's interest in long-term contingency planning activities here in the homeland. Lebanese Hizballah 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.

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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.