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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 24, 2021

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

Dear Director Wray:

On January 6, 2021, a violent, insurrectionist mob, provoked by then-President Donald Trump, attacked the Capitol while Congress was fulfilling its constitutional duty to count the electoral votes and confirm the results of the 2020 Presidential election. The attack endangered the Vice President, members of Congress, and congressional staff; injured more than 140 police officers; and caused the death of at least seven individuals, including two United States Capitol Police officers and a D.C. Metropolitan Police Department officer. Beyond its immediate effects, the January 6 attack will likely exacerbate the preexisting threat of domestic terrorism, as the Federal Bureau of Investigation (FBI) warned in an intelligence bulletin issued last month.¹

Although the investigation into the attack continues, charging decisions to date make clear that the Capitol insurrectionists included and were in some cases organized by adherents of violent right-wing extremist groups. For example, a federal grand jury indicted three members of the right-wing Oath Keepers militia for conspiring to stop Congress's certification of the Electoral College vote, alleging that they coordinated in advance and acted "in an organized and practiced fashion" once they arrived at the Capitol.² Grand juries have also indicted several members of the extremist Proud Boys organization for conspiring to stop the electoral certification.³

The Capitol attack was not an isolated incident. In recent years, Domestic Violent Extremists (DVEs) have committed numerous hate crimes and acts of political violence, including mass shootings targeting Charleston's Emanuel African Methodist Episcopal Church, Pittsburgh's Tree of Life Synagogue, and several other houses of worship; the 2019 mass shooting at a Walmart in El Paso, Texas; the mass shooting at the 2017 congressional baseball game; the murder of Heather Heyer in Charlottesville, Virginia; shootings by Kyle Rittenhouse

¹ [FBI Urges Police Chiefs Across U.S. to Be on High Alert for Threats](#), N.Y. Times, Jan. 13, 2021.

² Indictment, *United States v. Caldwell et al.* (D.D.C. Jan. 27, 2021).

³ [Did the Proud Boys Help Coordinate the Capitol Riot? Yes, U.S. Suggests](#), N.Y. Times, Feb. 5, 2021.

and Michael Reinhoehl last summer; and the recently disrupted plots to kidnap Governors Gretchen Whitmer and Ralph Northam.

Although these attacks involved DVEs across the ideological spectrum, both the FBI and the Department of Homeland Security (DHS) have assessed that violent white supremacists represent the most significant domestic terrorism threat.⁴ Nonpartisan experts likewise warn that violent white supremacists, and right-wing extremists more broadly, pose a particularly acute domestic terrorism threat. For example, the Institute for Economics & Peace, using data collected by the National Consortium for the Study of Terrorism and Responses to Terrorism, documented a “surge in far-right political terrorism” from 2014 through 2019, noting that “[i]n North America, Western Europe, and Oceania, far-right attacks have increased by 250 percent since 2014, with deaths increasing by 709 percent over the same period.”⁵ The Center for Strategic & International Studies attributed more than two-thirds of domestic terrorist plots and attacks in 2020 to white supremacists and other like-minded extremists, notwithstanding an increase in anarchist, anti-fascist, and other like-minded attacks during the same time.⁶

Unfortunately, the FBI appears to have taken steps in recent years that minimize the threat of white supremacist and far-right violence, a grave concern that some of us have raised with you on numerous occasions in recent years. Under the Trump administration, the FBI adopted a new approach to tracking domestic terrorism incidents that substituted a catch-all category of “Racially or Ethnically Motivated Violent Extremists” (RMVEs) for a category specific to white supremacist extremists.⁷ This change obfuscates the threat posed by violent white supremacists by conflating them with so-called “Black identity extremists,” a fabricated term criticized by law enforcement experts. While some of us have repeatedly asked you to justify this change, we have never received a satisfactory response.

Additional reporting suggests that the FBI, at the behest of Trump appointees, diverted resources to investigate left-wing movements at the expense of adequately addressing the threat of violence by white supremacists and other right-wing extremists.⁸ These reports raise serious concerns about whether the FBI is allocating law enforcement and intelligence resources in a manner that reflects the scale of the threat posed by violent white supremacists, whom DHS has called “the most persistent and lethal threat in the Homeland.”⁹

⁴ Dep’t of Homeland Sec., [Homeland Threat Assessment](#) at 18 (Oct. 2020); [Extremists Pose a Violent Threat, FBI and DHS Officials Say](#), Wall St. J., Sept. 24, 2020.

⁵ Institute for Economics & Peace, [Global Terrorism Index 2020: Measuring the Impact of Terrorism](#) at 3, 40, 62 (Nov. 2020).

⁶ CSIS, [The War Comes Home: the Evolution of Domestic Terrorism in the United States](#) at 2 (Oct. 2020).

⁷ Dep’t of Homeland Sec. and Fed. Bureau of Investigation, [Domestic Terrorism: Definitions, Terminology, and Methodology](#) (Nov. 2020).

⁸ [How Trump’s Focus on Antifa Distracted Attention from the Far-Right Threat](#), N.Y. Times, Jan. 31, 2021.

⁹ Dep’t of Homeland Security, [Homeland Threat Assessment](#) at 18 (Oct. 2020).

The Senate Judiciary Committee is conducting oversight of the federal government's response to the ongoing threat of domestic terrorism. To inform that oversight, please provide responses to the following questions by March 15, 2021:

1. For each year from 2016 through present, please provide the following information about terrorism assessments, preliminary investigations, and full investigations (collectively, "investigations"):
 - a. How many investigations did you initiate concerning DVEs, foreign or international terrorists, and Homegrown Violent Extremists (HVEs)? Please report separate totals for each category of terrorism and each type of investigation. Please also specify how many preliminary investigations resulted from assessments, and how many full investigations resulted from preliminary investigations and assessments.
 - b. How many of the investigations into DVEs were focused on RMVEs, Anti-Government/Anti-Authority Violent Extremists, and Other Domestic Terrorism Threats? Please report separate totals for each category of DVE and each type of investigation. Please also specify how many preliminary investigations resulted from assessments, and how many full investigations resulted from preliminary investigations and assessments.
 - c. Of the investigations you initiated concerning RMVEs, how many were focused on White Supremacist Extremists? Please report separate totals for each type of investigation. Please also specify how many preliminary investigations resulted from assessments, and how many full investigations resulted from preliminary investigations and assessments.
 - d. Of the investigations you initiated concerning Anti-Government/Anti-Authority Violent Extremists, how many were focused on groups or individuals aligned with the Boogaloo movement or other right-wing ideologies? How many were focused on groups or individuals aligned with Antifa or similar ideologies? Please report separate totals for each type of investigation. Please also specify how many preliminary investigations resulted from assessments, and how many full investigations resulted from preliminary investigations and assessments.
2. For each year from 2016 through present, please provide the following information about terrorism arrests:
 - a. How many suspected DVEs, foreign or international terrorists, and HVEs were arrested by or in coordination with the FBI? Please report separate totals for each category of terrorism.

- b. How many of the arrests of DVEs involved RMVEs, Anti-Government/Anti-Authority Violent Extremists, and Other Domestic Terrorist Threats? Please report separate totals for each category of DVE.
 - c. Of the arrests involving RMVEs, how many involved White Supremacist Extremists?
 - d. Of the arrests involving Anti-Government/Anti-Authority Violent Extremists, how many involved groups or individuals aligned with the Boogaloo movement or other right-wing ideologies? How many involved groups or individuals aligned with Antifa or similar ideologies?
3. For each year from 2016 through present, please provide the number of federal domestic terrorism-related weapons recoveries, including the number of each type of weapon and the number of weapons from each category and sub-category of DVE.
4. For each year from 2016 through present, and reporting separate totals for the performance of investigative and analytic job functions, please provide the following information concerning FBI full-time equivalents (FTEs):
 - a. How many FTEs worked exclusively on DVE investigations or analysis? How many worked primarily on DVE investigations or analysis? How many worked to some extent on DVE investigations or analysis? For each of these responses:
 - i. How many of these FTEs worked on investigations or analysis concerning RMVEs? Of these FTEs, how many worked on investigations or analysis concerning White Supremacist Extremists?
 - ii. How many worked on investigations or analysis concerning Anti-Government/Anti-Authority Violent Extremists? Of these FTEs, how many were focused on groups or individuals associated or aligned with the Boogaloo movement or other right-wing ideologies, and how many were focused on groups or individuals associated or aligned with Antifa or similar ideologies?
 - iii. How many worked on investigations or analysis concerning Other Domestic Terrorism Threats? Of these FTEs, how many were focused on groups or individuals associated or aligned with the Boogaloo movement or other right-wing ideologies, and how many were focused on groups or individuals associated or aligned with Antifa or similar ideologies?
 - b. How many FTEs worked exclusively on investigations or analysis concerning foreign or international terrorists? How many worked primarily on investigations or analysis

concerning foreign or international terrorists? How many worked to some extent on investigations or analysis concerning foreign or international terrorists?

- c. How many FTEs worked exclusively on HVE investigations or analysis? How many worked primarily on HVE investigations or analysis? How many worked to some extent on HVE investigations or analysis?

5. For each year from 2016 through present, please provide the following information about investigative methods:

- a. The number of investigations concerning DVEs, foreign or international terrorists, and HVEs in which you authorized the use of a Confidential Human Source (CHS) or an undercover operation. Please report separate totals for each category of investigation and each investigative method.
- b. Of the investigations concerning DVEs, the number of investigations focused on RMVEs, Anti-Government/Anti-Authority Violent Extremists, and Other Domestic Terrorism Threats in which you authorized the use of a CHS or undercover operation. Please report separate totals for each category of DVE and each investigative method.
- c. Of the investigations concerning RMVEs, the number of investigations focused on White Supremacist Extremists in which you authorized the use of a CHS or an undercover operation. Please report separate totals for each investigative method.
- d. Of the investigations concerning Anti-Government/Anti-Authority Violent Extremists, the number focused on groups or individuals aligned with the Boogaloo movement or other right-wing ideologies in which you authorized the use of a CHS or an undercover operation. Please report separate totals for each investigative method.
- e. Of the investigations concerning Anti-Government/Anti-Authority Violent Extremists, the number focused on groups or individuals aligned with Antifa or similar ideologies in which you authorized the use of a CHS or an undercover operation. Please report separate totals for each investigative method.

6. For each year from 2016 through present, please provide the number of domestic terrorism incidents that occurred in the United States. Please also specify:

- a. The number of incidents that involved RMVEs, Anti-Government/Anti-Authority Violent Extremists, and Other Domestic Terrorism Threats, respectively.
- b. Of incidents involving RMVEs, the number that involved White Supremacist Extremists.

- c. Of incidents involving Anti-Government/Anti-Authority Violent Extremists, the number that involved groups or individuals aligned with the Boogaloo movement or other right-wing ideologies, and the number that involved groups or individuals aligned with Antifa or similar ideologies.
7. In the wake of the January 6 attack, what is the FBI doing to reallocate resources to appropriately address the significance of the threat posed by RMVEs and Anti-Government/Anti-Authority Violent Extremists? Why weren't these steps taken prior to the attack?
8. Please provide a detailed explanation of the training that you provide to federal, state, local, and tribal law enforcement concerning domestic terrorism. Specifically:
 - a. Over the past five years, how has the FBI adapted its training programs to better prepare agents to address domestic terrorism?
 - b. Please produce all domestic terrorism-related training materials, whether internal or external, that the FBI has produced from 2016 through present.
9. Emerging reports indicate that off-duty and retired law enforcement personnel participated in the Capitol attack. Please address the policies, protocols, procedures, or standards (collectively, "policies and procedures") the FBI uses to ensure that its prospective, current, and former employees and contractors do not support domestic terrorism. Specifically:
 - a. What policies and procedures does the FBI follow to ensure that current and prospective FBI employees and contractors are vetted to ensure they are not members or associates of DVE movements, groups, or individuals, and are not otherwise engaged in or supporting domestic terrorism? Please provide copies of any written materials documenting these policies and procedures.
 - b. What policies and procedures—including any training, employment assistance, or insider threat programs—does the FBI follow to ensure that current FBI employees and contractors are not recruited to participate in or associate with DVE movements, groups, or individuals, or otherwise radicalized to engage in domestic violent extremism? Please provide copies of any written materials documenting these policies and procedures.
 - c. Do any such policies and procedures exist with respect to former FBI employees or contractors? Please provide copies of any written materials documenting these policies and procedures.
 - d. What steps has the FBI taken to address the potential insider threat posed by DVEs within other federal, state, and local law enforcement agencies? Please be specific.

10. Please produce all “finished” intelligence and information products and reports addressing domestic violent extremism or DVE movements, groups, or individuals, whether classified or unclassified, that the FBI issued from 2016 through present, including, but not limited to, joint-sealed or jointly issued products and reports such as Joint Intelligence Bulletins—as well as all “raw” products and reports cited or relied on as sources for these finished products and reports.

11. Please address the manner in which you categorize and track domestic terrorism threats. Specifically:

- a. Why did you change the way you track domestic terrorism incidents by subordinating white supremacist violence as a subcategory of RMVE incidents?
- b. Will you rescind this change and return to the longstanding practice of tracking white supremacist violence as a separate category?
- c. For each year from 2016 through present, please produce documents describing or explaining the FBI’s classification of violent extremist threats, including the joint FBI-DHS analytic lexicon of violent extremist threats.

Please provide an unclassified non-law-enforcement sensitive response to all of these questions to the greatest extent possible, with any classified or law-enforcement sensitive material under separate cover.

We appreciate your prompt attention to this important request.

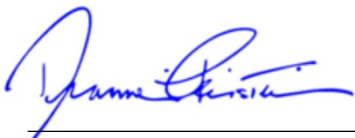
Sincerely,



RICHARD J. DURBIN
Chair



PATRICK LEAHY
United States Senator




DIANNE FEINSTEIN
United States Senator





SHELDON WHITEHOUSE
United States Senator



AMY KLOBUCHAR
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CHRISTOPHER A. COONS
United States Senator


RICHARD BLUMENTHAL
United States Senator


MAZIE K. HIRONO
United States Senator


CORY A. BOOKER
United States Senator


ALEX PADILLA
United States Senator

cc: The Honorable Charles E. Grassley
Ranking Member