



Testimony

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FOR A HEARING ON

Examining the January 6 Attack on the U.S. Capitol

**BEFORE THE
UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
and
COMMITTEE ON RULES AND ADMINISTRATION**

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Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and distinguished Senators, thank you for the invitation to testify on behalf of the Department of Homeland Security (DHS) regarding the attack that occurred on January 6, 2021 at the U.S. Capitol. Let me begin by saying that I am deeply saddened by the horrifying events that you, your staff, your loved ones, and many others experienced on that day. The country, myself included, watched in horror as domestic violent extremists carried out an assault on our Capitol – a symbol of democracy and freedom across the world.

I have been an intelligence officer for 35 years and have spent 17 of those years at DHS. I am here today to testify as the Department's Acting Under Secretary for Intelligence and Analysis (I&A). I have great faith in the I&A workforce and our mission, and want to underscore that the Department of Homeland Security is committed to strengthening our efforts to prevent acts of domestic violent extremism. That includes a commitment by DHS to ensure that our partners across every level of government and critical infrastructure sector have timely access to the most comprehensive threat assessments we can provide.

As you heard from previous witnesses, concerning information was gathered and evaluated in the weeks prior to the attack on the U.S. Capitol. We must review how and with whom that information was shared. I also believe it is fair to say that more should have been done to understand the correlation between that information and the threat of violence, and what actions were warranted as a result. I&A – and DHS more broadly – will carefully examine how we can provide more information and intelligence that enables our partners to prepare for and respond to the collective uncertainty we face in this evolving threat environment. As part of this review, DHS will also assess what resources we need to better address this threat moving forward.

I&A has a unique mission to provide intelligence and information to the Homeland Security Enterprise – especially our state, local, tribal, territorial, and private sector partners – to enable better decision-making and keep our communities safe. I&A executes its mission in an objective and neutral manner, while protecting privacy, civil rights, and civil liberties and without regard for the ideological motivation of threat actors. I&A is authorized to (1) collect intelligence overtly or from publicly available (open) sources; and (2) report on publicly-available social media information only when that information meets an intelligence collection requirement that corresponds to an authorized national or departmental mission, and the dissemination of that information is reasonably believed to further that mission.

Throughout the 2020 election period and during the presidential transition, I&A provided numerous strategic warnings about election-related violence and threats from domestic violent extremists. Through I&A intelligence products, we issued over 15 unclassified, strategic warnings about the heightened threat environment and the potential for domestic violent extremists to mobilize quickly with little to no warning. These products were disseminated broadly to federal, state, local, tribal, and territorial government and law enforcement partners via the Homeland Security Information Network (HSIN) – technology platform used to disseminate intelligence to key stakeholders – and through our field officers at Fusion Centers across the country. These products, which were also made available to Congress, were intended to increase awareness about the volatile threat environment and enhance both policy and operational planning. More specifically:

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- In August 2020, I&A published an assessment for law enforcement and other partners on physical threats stemming from the 2020 election, which assessed that ideologically-motivated violent extremists and other violent actors could quickly mobilize to threaten or engage in violence against election or campaign-related targets in response to perceived partisan and policy-based grievances.¹
- In October 2020, I&A published an assessment noting that “domestic violent extremists often act as lone offenders or in small cells of individuals, and that such actors could mobilize quickly to threaten or engage in violence.”² I&A’s analysis was incorporated into the publicly-available 2020 Homeland Threat Assessment, which was released by DHS that same month and emphasized the breadth of the domestic violent extremism threat, including risks posed by white supremacist extremists and heightened threats from election-related violence.³
- Just over a week before the attack on the U.S. Capitol, on December 30, 2020, I&A published a joint intelligence product with the FBI and National Counterterrorism Center (NCTC) highlighting persistent threats to government facilities and law enforcement, and noting that perceptions of the outcome of the election could mobilize some extremists to commit violence in the coming months.⁴
- Further, I&A proactively conducted briefings and stakeholder calls through the national network of Fusion Centers to share timely information about the threat environment that could inform their operations. I&A conducted direct outreach to the Director of Intelligence for the U.S. Capitol Police – which had access to the HSIN – and the National Capital Region’s National Threat Intelligence Center.

As the events of January 6th unfolded, I&A immediately established a crisis action team to monitor the situation, augment our intelligence posture, and facilitate information sharing with critical partners and DHS leadership. I&A also increased its footprint in the Washington, DC Fusion Center to ensure direct engagement with those partners.

The Department has already taken a number of steps to improve our ability to combat domestic violent extremism. Of note:

- On January 27, 2021, DHS issued a National Terrorism Advisory System (NTAS) Bulletin highlighting our assessment that domestic violent extremists may be emboldened to act in the wake of the U.S. Capitol breach, and that this threat environment will persist through the near future.⁵ This NTAS Bulletin was not only the first issued in over a year,

¹ The Department of Homeland Security, Office of Intelligence and Analysis, Counterterrorism Mission Center, “Physical Threats to the 2020 Election Season,” August 17, 2020

² The Department of Homeland Security, Office of Intelligence and Analysis, “Key Threats to the Homeland Through 2021,” October 1, 2020

³ The Department of Homeland Security, “Homeland Threat Assessment,” October 6, 2020, <https://www.dhs.gov/publication/2020-homeland-threat-assessment>,

⁴ The Department of Homeland Security, Office of Intelligence and Analysis, Counterterrorism Mission Center, “Diverse Domestic Violent Extremist Landscape Probably Will Persist Due to Enduring Grievances,” December 30, 2020

⁵ The Department of Homeland Security, “National Terrorism Advisory System Bulletin,” January 27, 2020, <https://www.dhs.gov/national-terrorism-advisory-system>,

but also the first to warn of a threat to the homeland from a solely domestic actor. The NTAS, which is a public and broadly-disseminated product, is a critical tool that DHS will continue to leverage to communicate with the American public and our partners.

- Also, for the first time, Secretary Mayorkas designated domestic violent extremism as a National Priority Area within the Department's Homeland Security Grant Program. This means that in Fiscal Year 2021, state, local, tribal, and territorial governments will spend at least \$77 million to prevent, prepare for, protect against, and respond to domestic violent extremism.
- Further, at the Direction of Secretary Mayorkas, DHS is redoubling its efforts to augment intelligence analysis and information sharing capabilities – particularly with state, local, tribal, and territorial partners – and determine how we can better access and use publicly-available information to inform our analysis of extremist use of social media and other online platforms. We must bolster our resources, capabilities, and expertise in this area.
- We are also working with our privacy, civil liberties, and civil rights colleagues in the Department to ensure that this new scope of intelligence collection and analysis respects constitutional rights, consistent with the law. Producing intelligence in a purely domestic context is rightly limited by law and creates complexities for intelligence collection. We are mindful of our duty to respect privacy, civil rights, and civil liberties and to act within the authorities granted to DHS. We are also mindful that actual intent to carry out violence can be difficult to discern from the angry, hyperbolic – and constitutionally protected – speech and information commonly found on social media and other online platforms.

A lesson learned from the events of January 6th is that distinguishing between those engaged in constitutionally-protected activities from those involved in destructive, violent, and threat-related behavior is a complex challenge. For example, domestic violent extremists may filter or disguise online communications with vague innuendo to protect operational security, avoid violating social media platforms' terms of service, and appeal to a broader pool of potential recruits. Under the guise of the First Amendment, domestic violent extremists recruit supporters, and incite and engage in violence. Further complicating the challenge, these groups migrate to private or closed social media platforms, and encrypted channels to obfuscate their activity. We must develop the tools to overcome this challenge if we are to effectively address the rising levels of violence perpetrated by those who are inspired by domestic extremist ideological beliefs.

I will close my statement by reiterating that I&A continues to assess that domestic violent extremists – which span a diverse set of ideological actors, including racially-and ethnically-motivated extremists such as white supremacist and anti-government extremists – will continue to exploit lawful, constitutionally-protected protests and other events to pursue criminal behavior and commit acts of violence. These ideological actors are motivated by a range of violent anti-government and anti-authority narratives, periods of prolonged civil unrest, and conspiracy theories, which are largely spread through social media and other online platforms.

My colleagues at I&A – and across the Department of Homeland Security – and I understand the complexity of the threat our country currently faces. We are unwaveringly committed to ensuring

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that the Department is well positioned to combat this evolving threat and protect the American people, including through innovative approaches and continued collaboration with our partners across every level of government, law enforcement, and in the private sector.

Thank you for the opportunity to appear before your Committees today. I look forward to your questions.