



**Statement of Dana Nessel
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Submitted May 24, 2021 to

**Members of the
House Committee on Oversight and Reform
Subcommittee on Civil Rights and Civil Liberties**

Regarding

**Confronting Violent White Supremacy (Part V):
Examining the Rise of Militia Extremism**

Chairman Raskin, Ranking Member Sessions, and distinguished members of the Subcommittee on Civil Rights and Civil Liberties, thank you for the opportunity to submit a statement about the important topic of confronting violent white supremacy and the rise of militia extremism. My name is Dana Nessel and I am the Attorney General – and Chief Law Enforcement Officer – of the great state of Michigan.

Michigan is the original home of the militia movement and no stranger to the threat of domestic terrorism by violent militia extremists. Just last year, my office charged 8 leaders and associates of the anti-government extremist militia, Wolverine Watchmen, with supporting a terroristic plot to kidnap and kill the Governor of our state; to hold members of our state legislature hostage in our state capitol for days before ultimately destroying it; and, planning to harm law enforcement officers who protect and serve our state residents. The U.S. Attorney's Office charged another 6 individuals stemming from the same investigation.

In the same month, my office charged members of "The Base," a white supremacist militia that conducts paramilitary training in preparation for starting a race-war in the United States. Its name derives from the literal translation of Al-Qaeda. Under Michigan law, this extremist militia is a gang, and my office charged them as such when the gang provided the motive, means, and opportunity to commit felonies in Michigan.

Some extremist militias are driven by white supremacist ideologies, others are inspired by far-right ideologies. Regardless of motivation, combatting violence is the goal and bipartisan solutions must be achieved.

My State has served as ground zero for anti-government militia extremism since the 1990's when it was discovered that the Michigan Militia had ties to Oklahoma City bombers Timothy McVeigh and Terry Nichols who murdered 168 people on April 19, 1995.

Within months of the bombing, the Senate Judiciary Subcommittee on Terrorism held hearings to examine the militia movement's ties to the bombers. The Subcommittee invited Michigan Militia leader Norman Olsen, who testified bedecked in his Michigan Militia military fatigues with a "commander" shoulder patch. His testimony advocated his beliefs of an inherent distrust of the government, misinterpreted constitutional justifications for violence, indicated a willingness to resort to violence, and explicitly declared government as the enemy. He spread deranged conspiracy theories and turned the hearings into a soap box for his extremist ideology. Among his theories, he claimed the U.S. government launched a nerve gas attack on Tokyo's subways. Now in his 70's and living in Alaska, he is still contacted by militias in Michigan for advice and counsel. Other

militia witnesses at the same hearing said they and most Americans felt so agitated by government overreaching that violence could result.

Surprisingly, no politicians at these hearings challenged the militia leaders' misunderstanding of the Constitution. That silence served to create an impression that citizens have a constitutional right to fight violently against the government when citizens disagree with it.

I bring up this historical context to point out that Congress "examined" extremist militias 25 years ago, but failed to follow that examination with concrete measured steps to abate a clear and present danger.

Legitimizing militias, combined with the toxic partisan rhetoric of today and fed by misinformation and disinformation, has led to a marked rise in militia extremism. It has helped to create a climate that nurtures and fosters the deep sense of grievance that extremists hold, which often manifests in violence.

In my home state we saw this when politicians held closed-door meetings with extremist militia members and stood with them on stages at rallies. Then, in April of 2020, some of the very same militia members who aided in the plot to kidnap the Governor of Michigan conducted a dress rehearsal for what we saw at the U.S. Capitol in January of this year. They entered the Michigan Capitol during protests of the Governor's pandemic orders in full body armor with assault weapons and attempted to intimidate our state legislators. Even after this, our Legislature did not ban guns from the Capitol building.

What concerns me is the current inability of our national leaders to come together during times of crisis. After 9/11, bipartisan consensus was reached on issues of national security. Today, when facing the bipartisan problem of homegrown violent extremism, we cannot even agree to call it domestic terrorism let alone reach consensus on ways to solve it.

We have seen militias act to foment and organize far-right extremist coalitions. Social media and online networking put like-minded extremists together and allow them to network and organize "in real life" activities.

The same ideology that existed with the militia movement of the 90's is present today in the Boogaloo movement: an inherent distrust of government, a misunderstanding of the Constitution, a belief that there is no other option but violence, and justification of civilian deaths. The movement calls for the collapse of society through violent revolution, akin to a 2nd American Civil War. This is domestic terrorism.

Current circumstances serve to heighten extremists' fears – pandemic-related restrictions, a narrative of a stolen election, states adopting red-flag laws, and mobilization of the military to act as riot control.

FBI Director Christopher Wray has acknowledged in testimony before the Senate in March of this year that far-right-wing extremists **are the most significant domestic terrorism threat** facing the United States. In his testimony, he stated that, at any given time, the FBI has approximately 2,000 domestic terrorism investigations, and has repeatedly warned of the mounting domestic terror threat in recent years. He has acknowledged that racially motivated violent extremists are also one of the most significant domestic terrorism threats. Of these, the most lethal attacks over the last few years were perpetrated by white supremacists.

This year, I expanded my Department's Hate Crimes Unit to now include Domestic Terrorism because of the overlap of extremist ideologies. I have also directed my department to work with FBI and Michigan State Police and to prioritize these cases for prosecutorial review.

Luckily, Michigan is uniquely situated to address domestic terrorism because of the Michigan Anti-Terrorism Act. This act went into effect with bipartisan support in April of 2002 after the 9/11 terrorist attacks. Our Legislature recognized that laws should be enacted to adequately address the threats of terrorism against targets in our State. These statutes criminalize committing domestic terrorism as a life offense and provides state prosecutors with the tools to prosecute other acts of domestic terrorism as 20-year felonies: providing material support or resources for terrorism, hindering prosecution of terrorism, communicating true or false threats of terrorism, surveilling vulnerable targets, and disrupting telecommunications.

In addition to the Michigan Anti-Terrorism Act, my office has utilized Michigan gang statutes to charge individuals acting on behalf of an organized group. Changing our thinking to explicitly label extremist militias as gangs is important and sends a strong message that this kind of extremism will not be tolerated in Michigan. If you organize in Michigan to commit felonies, you are a gang. Michigan also can utilize statutes that criminalize the impersonation of a police officer and training with firearms and explosives in furtherance of a civil disorder.

While Michigan has a robust array of laws to address domestic terrorism, many states and federal prosecutors do not. For example, while federal prosecutors have laws that address providing material support for designated "foreign terrorist organizations," there are no laws to address domestic terrorists, or "homegrown" violent extremists. This is a gap that my Department has filled by using our state

laws, but to fully combat domestic terrorism across the country, changes to federal criminal laws must be made.

Moreover, because we are on the frontline of this battle, federal funding is needed for state law enforcement offices – like mine – so that we can dedicate staff and resources to this cause. If States are doing the heavy lifting, they must be adequately resourced. They must be supported in establishing domestic terrorism task forces, providing training to state law enforcement to identify and train subject matter experts, and building liaisons within state law enforcement agencies.

Simply put, there are no existing domestic terrorism federal laws or task forces to deal with the problem and our citizens have an expectation that we stop attacks before they happen. It boggles the mind that if the Wolverine Watchmen have simply decided to kill Governor Whitmer instead of kidnap her, there would have been no violation of federal law. The lack of proper laws and dedicated units is a glaring gap in security across the US which should not be acceptable to Michigan or U.S. citizens.

Coordination is key. We learned that firsthand in prosecuting those who aided in the plot to kidnap our Governor. To truly disrupt an extremist threat, local, state, and federal law enforcement must coordinate to use all their tools to stop the whole organization.

Lastly, and importantly, I want to emphasize that terrorism is a messaging crime. Domestic terrorists seek to send a message of fear to intimidate and coerce the conduct of government. Government must send its own message back by labeling extremist violence as domestic terrorism. Labels matter. Prosecuting hate-motivated attackers as terrorists sends the clear message that the threat of extremism is just as significant when it is based on domestic political, religious, or social ideologies as it is when based on violent jihadism.

My experience in Michigan has demonstrated that acts of domestic terrorism are not focused on one political party or even one branch of government, and that the threat they present is ever rising. Combatting this common threat will require bipartisan support, aggressive solutions, and ample funding. Finally, and most importantly, we must acknowledge the impact of the problem: acts of domestic terrorism do not just harm the target of the crime, they threaten the very foundations of our democracy.