

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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October 12, 2021

The Honorable Alejandro N. Mayorkas
Secretary
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

Dear Secretary Mayorkas:

I am writing to request information regarding the Department of Homeland Security's (DHS's) actions, consistent with existing guidelines and authorities, to detect and prevent domestic terrorism and domestic extremist threats online and through social media platforms.

In recent years, domestic extremist groups' use of social media platforms, including Facebook, YouTube, Twitter, TikTok and others, for communication, organizing, and planning has expanded. Over time, this has included dissemination of digital manifestos, manuscripts, or magazines, participation in online forums, and posting or streaming videos of violent acts.¹ Online platforms continue to be used to fundraise, recruit, organize, train, and plan for acts of domestic terrorism.² For example, social media was used by domestic extremists in the 2016 Pizzagate Conspiracy, the 2017 Unite the Right rally in Charlottesville, VA, the 2018 Tree of Life Synagogue shooting, the 2020 attempted kidnapping of Michigan Governor Gretchen Whitmer, and the 2021 bomb threat at the U.S. Capitol.³

¹ Robert O'Harrow Jr., Andrew Ba Tran, and Derek Hawkins, *The rise of domestic extremism in America*, Washington Post (Apr. 12, 2021) (<https://www.washingtonpost.com/investigations/interactive/2021/domestic-terrorism-data/>); Ben Collins, *Instagram account connected to Gilroy shooter pushed staple of white supremacist internet forums*, NBC News (July 29, 2019) (<https://www.nbcnews.com/tech/tech-news/instagram-account-connected-gilroy-shooter-pushed-staple-white-supremacist-internet-n1035926>); *Racist, Violent, Unpunished: A White Hate Group's Campaign of Menace*, ProPublica (Oct. 19, 2019) (<https://www.propublica.org/article/white-hate-group-campaign-of-menace-rise-above-movement>).

² Olivia Little, *Far-right militias are using TikTok to organize and recruit new followers*, Media Matters for America (Jan. 12, 2021) (<https://www.mediamatters.org/january-6-insurrection/far-right-militias-are-using-tiktok-organize-and-recruit-new-followers>).

³ Amanda Robb, *Anatomy of a Fake News Scandal*, Rolling Stone (Nov. 16, 2017) (<https://www.rollingstone.com/feature/anatomy-of-a-fake-news-scandal-125877/>); *Racist, Violent, Unpunished: A White Hate Group's Campaign of Menace*, ProPublica (Oct. 19, 2019) (<https://www.propublica.org/article/white-hate-group-campaign-of-menace-rise-above-movement>); *Deadly Shooting at Pittsburgh Synagogue*, Anti-Defamation League (Oct. 27, 2021) (<https://www.adl.org/blog/deadly-shooting-at-pittsburgh-synagogue>); Lois Beckett, *Michigan terror plot: why rightwing extremists are thriving on Facebook*, Guardian (Oct. 10, 2020) (<https://www.theguardian.com/technology/2020/oct/09/facebook-rightwing-extremists-michigan-plot-militia-boogaloo>); Emily Birnbaum, *Library of Congress bomb suspect livestreamed on Facebook for hours before being blocked*, Politico (Aug. 19, 2021) (<https://www.politico.com/news/2021/08/19/capitol-bomb-threat-facebook-livestream-506268>).

Domestic extremists also used social media platforms, such as Facebook, Twitter, YouTube, and TikTok, to recruit, organize, and communicate actions in the lead up to the January 6th attack on the U.S. Capitol.⁴ In DHS's October 2020 *Homeland Threat Assessment*, DHS stated that “[v]iolent extremist media almost certainly will spread violent extremist ideologies, especially via social media, that encourage violence and influence action within the United States.”⁵ According to recent reports, a former Facebook employee filed a whistleblower complaint with the Securities and Exchange Commission and disclosed internal Facebook documents that indicate that Facebook’s algorithms contributed to misinformation and the January 6th attack on the Capitol, stating, “Facebook knew its algorithms and platforms promoted this type of harmful content, and it failed to deploy internally recommended or lasting countermeasures.”⁶ The former Facebook employee recently testified to Congress that choices by Facebook relating to its algorithms and content policies resulted in repeated “conflicts between [Facebook’s] own profits and our safety” and that “Facebook consistently resolved those conflicts in favor of its own profits” concluding that “[t]he result has been a system that amplifies division, extremism, and polarization...”⁷

Despite the prolific and public planning of the events leading to the January 6th attack on the U.S. Capitol and DHS’s general awareness of the threat of domestic extremism on social media, the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration found that DHS did not “[deem] online posts calling for violence at the Capitol as credible” and did not issue “formal intelligence bulletins about the potential for violence at the Capitol.”⁸

As both Ranking Member, and now Chairman of the Senate Committee on Homeland Security and Governmental Affairs, I have previously requested information from DHS regarding its prioritization and allocation of resources to detect and prevent domestic terrorism, including its ability to track and provide data on these efforts.⁹ DHS is responsible for “protecting the American people from terrorist threats,” including “understanding evolving and

⁴ Digital Citizens Alliance and Coalition for a Safer Web, *The Domestic Extremist Next Door* (Apr. 2021) (https://www.digitalcitizensalliance.org/clientuploads/directory/Reports/DCA_The_Domestic_Extremist_Next_Door.pdf).

⁵ Department of Homeland Security, *Homeland Threats Assessment* (Oct. 6, 2020) (https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf).

⁶ Ryan Mac and Cecilia Kang, *Whistle-Blower Says Facebook ‘Chooses Profits Over Safety’*, New York Times (Oct. 3, 2021) (<https://www.nytimes.com/2021/10/03/technology/whistle-blower-facebook-frances-haugen.html>).

⁷ Senate Committee on Commerce, Science, and Transportation, *Hearing on Protecting Kids Online: Testimony from a Facebook Whistleblower*, 117th Cong. (Oct. 5, 2021) (<https://www.commerce.senate.gov/services/files/FC8A558E-824E-4914-BEDB-3A7B1190BD49>), pg. 2.

⁸ Senate Committee on Homeland Security and Governmental Affairs and Senate Committee on Rules and Administration, *Examining the U.S. Capitol Attack: A Review of the Security, Planning, and Response Failures on January 6* (June, 8, 2021), pg. 5.

⁹ Senate Homeland Security and Governmental Affairs Committee Chairman Ron Johnson and Ranking Member Gary Peters Letter to Department of Homeland Security Secretary Kevin K. McAleenan (May 8, 2019).

emerging threats” and “improving terrorism prevention.”¹⁰ Within the Department, three offices have relevant responsibilities related to addressing domestic extremism. The Office of Intelligence and Analysis (I&A), currently led by Counterterrorism Coordinator John Cohen, is tasked with “equip[ping] the Department with the intelligence and information it needs to keep the Homeland safe, secure, and resilient.”¹¹ The Homeland Security Investigations (HSI) office “is the principal investigative arm” of the Department with the mission “to investigate, disrupt and dismantle terrorist, transnational and other criminal organizations.”¹² Lastly, the Center for Prevention Programs and Partnerships (CP3) “supports communities across the United States to prevent individuals from radicalizing to violence and intervene when individuals have already radicalized to violence.”¹³

I appreciate that DHS has now designated domestic violent extremism as a National Priority Area, and that DHS has taken steps to address the threat of domestic extremism’s proliferation on social media, including after January 6th “to gather and analyze intelligence about security threats from public social media posts.”¹⁴ Further, the current Administration has prioritized this issue by creating the *National Strategy for Countering Domestic Terrorism*, including addressing online extremism.¹⁵ I also recognize that DHS’s Office of Intelligence and Analysis recently produced a document warning federal, state, and local counterterrorism and law enforcement partners about the spread of domestic extremist content through TikTok, including concern over domestic extremists’ use of TikTok “to recruit adherents, promote violence, and disseminate tactical guidance for use in various terrorist or criminal activities.”¹⁶

However, concerns still exist over DHS’s actions to combat the proliferation of domestic extremism on social media, and how the Department has prioritized its resources to counteract

¹⁰ Department of Homeland Security, *Preventing Terrorism Overview* (accessed Sep. 28, 2021) (<https://www.dhs.gov/topic/preventing-terrorism-overview>).

¹¹ Department of Homeland Security, *Office of Intelligence and Analysis* (accessed Sep. 28, 2021) (<https://www.dhs.gov/office-intelligence-and-analysis>).

¹² U.S. Immigration and Customs Enforcement, *Homeland Security Investigations*, Department of Homeland Security (accessed Sep. 28, 2021) (<https://www.ice.gov/about-ice/homeland-security-investigations>).

¹³ Department of Homeland Security, *Center for Prevention Programs and Partnerships* (accessed Sep. 28, 2021) (<https://www.dhs.gov/CP3>).

¹⁴ Senate Committee on Homeland Security and Governmental Affairs, Testimony Submitted for the Record of Secretary Alejandro N. Mayorkas, Department of Homeland Security, *Hearing on Resources and Authorities Needed to Protect the Homeland*, 117th Cong. (July 27, 2021) (<https://www.hsgac.senate.gov/imo/media/doc/Testimony-Mayorkas-2021-07-27.pdf>); Ken Dilanian, *DHS launches warning system to find domestic terrorism threats on public social media*, NBC News (May 10, 2021) (<https://www.nbcnews.com/politics/national-security/dhs-launches-warning-system-find-domestic-terrorism-threats-public-social-n1266707>).

¹⁵ White House, National Security Council, *National Strategy for Countering Domestic Terrorism* (June 2021) (<https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>), pgs. 21-23.

¹⁶ Office of Intelligence and Analysis, *Some Domestic Violent Extremists and Foreign Terrorist Organizations Exploiting TikTok*, Department of Homeland Security (Apr. 19, 2021).

that threat. The fiscal year (FY) 2020 National Defense Authorization Act (NDAA) required DHS to report data on domestic extremism, which is necessary to enable Congress to fully assess the efforts of DHS and other federal agencies to counter the threat of domestic extremism, and consider what additional support may be needed.¹⁷ But in its first joint Strategic Intelligence Assessment with the Federal Bureau of Investigation, DHS failed to provide detailed information on its staffing allocation for domestic terrorism.¹⁸ This lack of information and clarity on the data and allocation of resources raises questions as to whether DHS is adequately postured to address the threat of domestic extremism. I expect a full accounting from DHS in regards to this question as required by law.

While I support DHS's efforts, it is also critical that the federal government take precautions to ensure Americans' civil rights and civil liberties are protected, consistent with the First and Fourth Amendment and other constitutional protections. I am encouraged that DHS has involved the Office for Civil Rights and Civil Liberties and the Privacy Office in missions to ensure these protections are not eroded.¹⁹

In light of recurring concern regarding proliferation of domestic extremist content on social media and to better understand what DHS is doing to address the issue, for the period dating from January 1, 2019 to present, I respectfully request that you provide the following documents and information:

1. DHS policies, procedures, guidance, and strategies for countering domestic terrorism and domestic extremist threats on social media and online platforms.
 - a. What is DHS's role in the Administration's *National Strategy for Countering Domestic Terrorism*, and how is DHS helping to achieve Strategic Goal 2.2, "Address online terrorist recruitment and mobilization to violence by domestic terrorists"?
2. Applicable statutory and DHS specific limitations for use of social media and online platforms to detect and prevent domestic terrorism and domestic extremist threats, including without limitation, guidance on applicable First and Fourth Amendment constitutional protections.
3. DHS's coordination with social media companies and online platforms regarding cooperation with efforts to detect and prevent domestic terrorism and domestic extremist threats on social media and online platforms.

¹⁷ Public Law 116-92, enacted 20 December 2019.

¹⁸ Federal Bureau of Investigation and Department of Homeland Security, *Strategic Intelligence Assessment and Data on Domestic Terrorism* (May 2021) (<https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-strategic-report.pdf/view>), pg. 27.

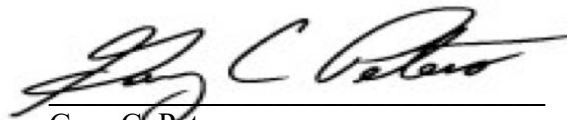
¹⁹ Federal Bureau of Investigation and Department of Homeland Security, *Strategic Intelligence Assessment and Data on Domestic Terrorism* (May 2021) (<https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-strategic-report.pdf/view>), pg. 17.

4. Strategies and actions, planned or taken, by DHS, including in coordination with other federal, state, local, and tribal governments and agencies to detect and prevent extremist violence online, including without limitation, in relation to the January 6, 2021 attack on the U.S. Capitol.
5. HSI and I&A investigations involving domestic terrorism and domestic extremist threats online and on social media platforms, including the number of investigations opened and closed, the outcomes of such investigations, coordination with federal, state, and local law enforcement authorities, and all related I&A products.
6. All I&A products related to domestic extremist threats online, including without limitation any related follow-up or additional actions related to the April 19, 2021 I&A Reference Aid, *Some Domestic Violent Extremists and Foreign Terrorist Organizations Exploiting TikTok*.
7. The Offices within DHS responsible for receiving notifications from social media companies and online platforms and the processes and policies for use of information received from the public or from social media companies and online platforms in publications and in disseminating information to other law enforcement entities.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate and Section 12(e) of S. Res. 70 (117th Congress) to investigate the “efficiency, economy, and effectiveness of all agencies and departments of the Government” and “processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems... [and] legislative and other proposals to improve these methods, processes, and relationships.”²⁰

Please provide these documents and information as soon as possible, but no later than October 27, 2021. Thank you for your prompt attention and cooperation in this matter.

Sincerely,



Gary C. Peters
Chairman

²⁰ S. Rule XXV, S. Res. 70 (117th Congress).