

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
SUSAN M. COLLINS, MAINE
ROY BLUNT, MISSOURI
TOM COTTON, ARKANSAS
JOHN CORNYN, TEXAS
BEN SASSE, NEBRASKA

DIANNE FEINSTEIN, CALIFORNIA
RON WYDEN, OREGON
MARTIN HEINRICH, NEW MEXICO
ANGUS S. KING, JR., MAINE
KAMALA HARRIS, CALIFORNIA
MICHAEL F. BENNET, COLORADO

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JAMES M. INHOFE, OKLAHOMA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY S. BAILEY, CHIEF CLERK

July 31, 2020

Mr. Brian Murphy
Acting Under Secretary of Homeland Security for Intelligence and Analysis
Department of Homeland Security
Washington, D.C. 20528

Dear Acting Under Secretary Murphy:

We have grown increasingly concerned about the role and operations of the Department of Homeland Security, and the Office of Intelligence and Analysis (I&A) in particular, with regard to the protests in Portland, Oregon. As a member of the Intelligence Community, I&A is obligated by statute to keep the congressional intelligence committees fully and currently informed of its operations. Given the intense national as well as congressional interest in DHS activities related to protests in Portland and around the country, documents and other information related to I&A's operations should be provided to the Committee pro-actively, and not merely in response to repeated requests or following revelations in the press.

We request that you provide the following information:

1. Of the I&A personnel deployed to, or otherwise who have been assigned to missions connected to the Portland protests, how many are analysts and how many are collectors? What I&A mission centers do they work for? What backgrounds and training do they have that are relevant to the Portland mission?
2. Has I&A employed any contractors for the Portland mission? If yes, please describe their roles.
3. Where have I&A personnel in Portland physically worked and with whom have they been co-located?

4. Please provide a breakdown of the DHS components I&A personnel have supported and a description of the support provided to each such component. To what extent does the chain of command of I&A personnel include those components, as opposed to I&A Headquarters?
5. Please describe interactions and coordination between I&A personnel in Portland and state and local law enforcement and political authorities.
6. Please describe interactions and coordination between I&A personnel in Portland and federal law enforcement, including elements of the Departments of Justice and Homeland Security.
7. A July 9, 2020, I&A document describing “Portland Surge Operation” states that I&A personnel may “collect from incarcerated, detained, or arrested persons” so long as the collection is conducted overtly. You stated during a briefing for Committee staff on July 23, 2020, that I&A personnel have not engaged in custodial debriefings. Please confirm. Have I&A personnel been indirectly engaged with detainee operations, for example, by providing collection requirements or requests, or suggested lines of questioning, to detaining authorities or otherwise requesting or receiving information related to detainees?
8. You also stated during the July 23, 2020, briefing that I&A personnel have not interacted with protesters in any way. Please confirm.
9. During the July 23, 2020, briefing, you stated that I&A had neither collected nor exploited or analyzed information obtained from the devices or accounts of protesters or detainees. Please confirm.
10. Please describe I&A’s open source collection. What rules of engagement apply to open source collection in the context of protests in which the vast majority of participants are exercising their First Amendment rights? What rules or guidance does I&A follow to distinguish actual threats of violence or vandalism from political hyperbole, and what training do I&A personnel receive on the implementation of that guidance?
11. What processes does I&A have to vet the authenticity of open source threat reporting? What processes does I&A have to vet the authenticity of social media accounts in which individuals take credit for acts of violence or vandalism, on their own behalf or on behalf of an ideology? How has this

vetting been conducted prior to disseminating this information, or using it as a basis for analysis?

12. Have I&A operations in connection with the Portland protests been reviewed by an I&A Intelligence Oversight Officer, DHS's Privacy Office and Office for Civil Rights and Civil Liberties, or any other DHS personnel responsible for reviewing the impact of I&A operations on the privacy and civil liberties of U.S. persons? If yes, please describe those reviews.
13. The "Job Aid" document authorizes collection of information that "informs an overall assessment that threats to [law enforcement] personnel, facilities, or resources will materialize." The document includes a similar explicit authorization with regard to public monuments, memorials and statues. Can I&A collect information on U.S. persons who are not threatening violence and, if so, under what circumstances?
14. Has I&A conducted network analysis linking individuals suspected of violence? If yes, please describe how that analysis has been conducted while not collecting on U.S. persons not suspected of violence? Please provide any such analysis.
15. During the July 23, 2020, briefing, you stated that I&A is able to track those who engage in violent acts because "it is the same people who come out after midnight." Please describe how I&A is able to differentiate between peaceful protesters exercising their First Amendment rights and those individuals who have planned or conducted acts of violence, and what information or intelligence is used in making this determination.
16. Has I&A produced or contributed to targeting packages or dossiers on particular suspects? If yes, please provide these to the Committee.
17. On July 16, 2020, the FAA put in place flight restrictions over Portland to prevent drones from flying below 1000 feet. The FAA cited a DHS conclusion that private drone use presented a threat. Please provide any intelligence to support that conclusion.
18. Have I&A personnel obtained or analyzed data from overhead surveillance of protests? If yes, please describe.

19. On July 25, 2020, you sent a memo to I&A personnel in which you stated that individuals in Portland committing acts of violence are “VIOLENT ANTIFA ANARCHIST INSPIRED (VAAI).” Please describe the origin of this designation and the analytical process whereby it was developed and applied.
20. Your July 25, 2020, memo stated that the VAAI designation was informed by FIRs, OSIRs, “baseball cards” and FINTEL. Please provide these documents to the Committee.
21. Please describe how I&A has applied its retention guidelines to information related to the Portland protests. What information has been marked for indefinite retention? How has I&A sought to apply its 180-day retention limitation to information it has disseminated?
22. Please describe what I&A raw reporting has been disseminated to what entities, whether DHS, federal law enforcement, state or local or municipal law enforcement, or the Intelligence Community.
23. Are there limits to I&A’s role in protecting public monuments, memorials or statues absent threat of violence to persons? Does it matter whether such monuments, memorials or statues are on federal, state, local, or private property?
24. What other cities has I&A deployed to, or plans to deploy to in response to protests or associated threats of violence? Please provide any documentation or guidance related to any such deployments.
25. According to press accounts, I&A disseminated Open Source Intelligence Reports on a journalist and a legal scholar who had written about I&A. If that is accurate, provide those reports, a complete description of who they were disseminated to, and an explanation of the purpose and basis for the reports and their dissemination under law and I&A’s intelligence oversight guidelines, including with regard to the identification of any U.S. persons within them.

Please provide responses no later than Thursday, August 6, 2020.
Thank you for your attention to this important and urgent matter.

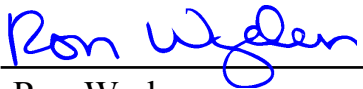
Sincerely,



Mark R. Warner
Vice Chairman



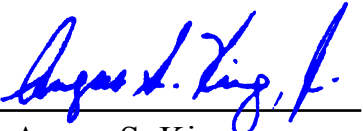
Dianne Feinstein
U.S. Senator



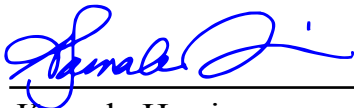
Ron Wyden
U.S. Senator



Martin Heinrich
U.S. Senator



Angus S. King
U.S. Senator



Kamala Harris
U.S. Senator



Michael F. Bennet
U.S. Senator