



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

July 31, 2020

Mr. Brian Murphy
Acting Undersecretary for Intelligence and Analysis
Department of Homeland Security
Washington, DC 20520

Dear Acting Undersecretary Murphy:

We write to express our serious concerns regarding the role of the Office of Intelligence & Analysis (I&A) in the deployment of Department of Homeland Security (DHS) personnel to Portland, Oregon, in recent weeks. We are also troubled by reports that I&A has authored and disseminated intelligence products detailing American citizen journalists' reporting activities, which are protected by the First Amendment.

I&A must produce clear, valid, and unbiased intelligence and information—not driven by any political agenda. As the acting head of I&A, you have a duty to provide unvarnished assessments and intelligence both to the broader Intelligence Community and to state and local partners even if the assessments contradict the policy agenda of DHS's senior leadership. The consumers of your intelligence expect that I&A will not shade the facts to suit a particular agenda. More broadly, the American public counts on you to have the courage to disagree with your peers and superiors in DHS when the truth demands it.

Recent reporting in the *New York Times*, based on an I&A intelligence product, indicates that DHS intelligence agents have had a poor understanding of the motivations of the protesters.¹ Quoting from the I&A intelligence assessment, the *Times* report indicated that DHS has “low confidence” in its assessment of the motives of protesters and that DHS lacks “insight into the motives for the most recent attacks.”²

Media reports on July 26, 2020, show a purported e-mail from you to your senior staff on largely the same subject, raising further concerns.³ You appear to communicate that, for forthcoming Field Intelligence Reports and Open Source Intelligence Reports related to events in Portland, the definition associated with violent actors in Portland should be changed from “Violent Opportunists” (VO) to “Violent Antifa Anarchists Inspired” (VAAI).⁴ You note that you made this decision after reviewing “overwhelming[] intelligence regarding the ideologies driving individuals towards violence.”⁵

¹ Zolan Kanno-Youngs, Sergio Olmos, Mike Baker, and Adam Goldman, *From the Start, Federal Agents Demanded a Role in Suppressing Anti-Racism Protests*, NEW YORK TIMES, July 28, 2020, <https://www.nytimes.com/2020/07/28/us/federal-agents-portland-seattle-protests.html>.

² *Id.*

³ Benjamin Wittes (@benjaminwittes), TWITTER (July 26, 2020, 7:06 AM), <https://twitter.com/benjaminwittes/status/1287343604038598656>.

⁴ *Id.*

⁵ *Id.*

Further media reports on July 30, 2020, show that DHS is compiling “intelligence reports” on American citizen journalists related to their reporting on the protests and DHS activities in Portland.⁶ This is a shocking misuse of the information-sharing apparatus meant to protect American communities.

These developments raise numerous questions about the nature of your change to the definition of violent actors that should be utilized to review protest activity in Portland, including whether political considerations, rather than facts, spurred this change, and whether political considerations are driving the production of certain intelligence assessments at I&A. As such, the Committee asks that you produce the following no later than August 14, 2020:

- all documents referring or relating to the “overwhelming[] intelligence” you cite in your July 25, 2020 email to senior staff that relate to the change to the “Violent Antifa Anarchist Inspired” definition;
- all intelligence products related to events in Portland or other protests across the country that were published after July 16, 2020;
- all documents referring or related to the production of intelligence products covering American citizen journalists’ reporting on the protests, including any written correspondence among DHS employees and between DHS employees and (1) all employees at the White House and (2) all employees of all other Federal agencies, related to the production and dissemination of such products from July 1, 2020, to the present; and
- any correspondence with or between I&A’s Privacy and Intelligence Oversight Office and other DHS oversight bodies regarding I&A operations or activities responding to the protests in Portland.

Thank you for your attention to this important matter.

Sincerely,



Bennie G. Thompson
Chairman
Committee on Homeland Security



Max Rose
Chairman
Subcommittee on Intelligence & Counterterrorism

⁶ Shane Harris, *DHS Compiled ‘Intelligence Reports’ on Journalists Who Published Leaked Documents*, WASHINGTON POST, JULY 30, 2020, https://www.washingtonpost.com/national-security/dhs-compiled-intelligence-reports-on-journalists-who-published-leaked-documents/2020/07/30/5be5ec9e-d25b-11ea-9038-af089b63ac21_story.html.