

# DHS analyzed protester communications, raising questions about previous statements by senior department official



By [Shane Harris](#)

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A senior Department of Homeland Security official told a Senate committee earlier this month that the department had not collected, exploited or analyzed information from the electronic devices or accounts of protesters in Portland, Ore.

But an internal DHS document obtained by The Washington Post shows the department did have access to protesters' electronic messages and that their conversations were written up in an "intelligence report" that was disseminated to federal law enforcement agencies, including the FBI, as well as state and local governments.

In a [letter](#) sent Friday, Democratic members of the Senate Intelligence Committee asked Brian Murphy, acting DHS undersecretary for intelligence and analysis, about statements he made to committee staff on July 23 regarding the department's intelligence activities in Portland.

"You stated that I & A [the intelligence and analysis office] had neither collected nor exploited or analyzed information obtained from the devices or accounts of protesters or detainees. Please confirm," the senators wrote.

A DHS Open Source Intelligence Report dated six days before Murphy's briefing to the committee shows that the I & A office analyzed messages that protesters exchanged on the Telegram messaging app. They discussed which routes to take during marches and how to avoid the police.

The report describes the messages as "likely Portland-based encrypted messaging app users discuss TTPs [tactics, techniques and procedures] to evade law enforcement when being pursued." It also states that the information came from "a Telegram chat room," which it described as "an instant messaging service."

It's not clear how DHS obtained the messages and whether an informant or undercover officer had access to the Telegram group. Some officials familiar with the report, who spoke on the condition of anonymity to candidly describe it, questioned why I & A was tracking the communications of people engaged in protests that are protected by the First Amendment.

"DHS does not comment on congressional correspondence. We respond as appropriate," the department said in a statement.

The Telegram messages don't show the protesters planning to harass or target police or damage property. A significant portion of their discussion is about how to avoid encounters with police, particularly federal officers, who

they knew had detained protesters.

“We went down the side street and it seemed to deter them from following us, they retreated,” one unidentified user said about an earlier encounter with Portland police. “Seems they’re less inclined to go into residential neighborhoods which makes sense.”

“Definitely a good strategy,” another person replied. “Use more in the future.”

The senators also asked Murphy about whether I & A had taken part in questioning protesters when they were detained in federal custody. They asked him to confirm his earlier statements “that I & A personnel have not engaged in custodial debriefings” and “that I & A personnel have not interacted with protesters in any way.”

The senators further asked Murphy if I & A had “been indirectly engaged with detainee operations,” perhaps by providing “suggested lines of questioning” to authorities who were questioning those in custody.

Current and former officials have said Murphy’s office may be exceeding the boundaries of its authority in an effort to crack down on “antifa” protesters to please President Trump, who has broadly applied the “anti-fascist” label to people peacefully protesting police violence and to others who have vandalized memorials and statues to Confederate officers who fought to preserve slavery.

Murphy, a former FBI counterterrorism agent, recently tried to broaden the definition of some protesters in Portland from “violent opportunists” to people who were “violent antifa anarchists inspired,” according to an internal memo. Murphy argued that the protesters attacking federal buildings weren’t merely taking advantage of a moment but had “overwhelmingly” been linked to radical ideologies “driving individuals toward violence.”

That conclusion was undercut by an earlier DHS analysis that found there wasn’t enough information about the Portland protesters for the department to know how they might be connected to antifa or anarchist groups and what precisely was motivating them. Many of the protests in Portland have been peaceful and in response to police violence around the country.

Sen. Angus King of Maine, an independent senator who caucuses with Democrats and co-signed the letter to Murphy, said he was concerned that lawmakers didn’t have enough information about what I & A operations in Portland.

“We were hearing through the press about what was going on . . . and we should have been hearing about it in the committee,” King said in an interview.

King said he was concerned that some I & A activities may not be “consistent either with the rule of law or the constitutional protections of privacy.”

King also said he wanted more information about the intelligence office collecting information on journalists.

The Post reported on Thursday that I & A had compiled intelligence reports about two journalists who published leaked internal documents about the office’s operations. After the article was published, the acting homeland

security secretary, Chad Wolf, ordered I & A to stop collecting information on journalists and said he was launching an investigation into the matter.

King declined to comment on Murphy's interactions with the committee, but added, "We want to know what was done, under what authority, the purposes and how extensive" the operations were.

Sen. Mark R. Warner (D-Va.), the intelligence committee vice chairman, said he was "extremely frustrated about how hard it is to get any information, much less full and accurate information, about what I & A is doing in Portland and the scope of their activities."

"They have a legal obligation to keep the committee fully and currently informed, and they're not meeting that," Warner said in a statement.