

April 30, 2019

Mr. John V. Kelly
Acting Inspector General
Department of Homeland Security
Office of Inspector General
245 Murray Lane SW
Washington, DC 20528

Dear Mr. Kelly:

I write to request that you conduct an investigation of the Department of Homeland Security's (DHS) use of information from a private intelligence firm that allegedly monitored family separation protests across the United States last June. Our request comes in the wake of yesterday's troubling report in *The Intercept* that the Virginia-based firm LookingGlass Cyber Solutions gathered information on more than 600 peaceful and legal demonstrations organized last summer in response to the Trump Administration's inhumane policies of family separation at the southern border, and provided this information to DHS officials, who then disseminated it to Immigration and Customs Enforcement (ICE) personnel and to state-level law enforcement agencies.¹

Documents obtained through a Freedom of Information Act (FOIA) request by the American Immigration Council and a coalition of immigrant rights groups revealed the tracking of planned demonstrations through the monitoring of Facebook accounts affiliated with protests. According to reports, two days before the protests were scheduled, on June 28, 2018, a "Threat Researcher" sent a spreadsheet of tracked demonstrations to LookingGlass Shared Services that "originated from Cyber Threat Center (CTC)," "are broken out by City and State," and included information on physical location and Facebook event IDs.² The next day, the email and attached spreadsheet were forwarded to the headquarters of DHS's Office of Intelligence and Analysis (I&A), disseminated to I&A staff, and subsequently circulated to ICE personnel.

Initial statements by both LookingGlass, the private company that executed the surveillance, and DHS I&A have provided little insight into the origins of the data collection, how and why it was sent to DHS, and how it was used by DHS officials and state or local law enforcement officials.

An unnamed DHS official speaking on background "described the information LookingGlass collected as 'unsolicited'" and stated in an email that "in this particular instance, a private sector

¹ The Intercept, "Homeland Security Used a Private Intelligence Firm to Monitor Family Separation Protests," Ryan Devereaux, April 29, 2019. <https://theintercept.com/2019/04/29/family-separation-protests-surveillance/>.

² Email chain re: LookingGlass Cyber Threat Center, <https://www.documentcloud.org/documents/5980360-LookingGlass.html>.

entity shared unsolicited information it collected through publicly available channels with DHS I&A on protests that were scheduled to take place near Federal facilities.”³ This official appeared to justify the use of this surveillance information by stating that the agency “was at a heightened state of security due to ongoing protests outside of Federal facilities and physical threats to DHS employees which did result in at least one arrest.”⁴ However, DHS did not elaborate further publicly on why the information was disseminated within DHS, or how it was ultimately used.

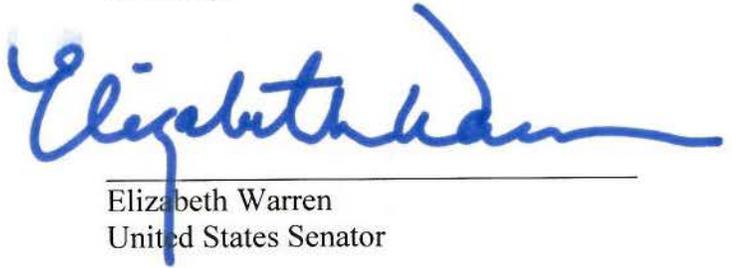
This most recent reporting raises questions about the government surveillance of Americans exercising their constitutional rights to organize peacefully and protest a cruel and unjust policy that does not make America safer or improve our immigration system and asylum process. I am very concerned about the nature of this surveillance and the potentially dangerous mischaracterization of peaceful and lawful public dissent and political demonstration as a national security threat requiring government monitoring and intelligence gathering via social media. Due to the lack of sufficient transparency from DHS on this matter and ongoing questions about the nature of contracts with private intelligence companies like LookingGlass, we request that you conduct an investigation into this matter. This investigation should include an assessment of the following questions:

1. What legal authority did DHS rely upon to use information collected by LookingGlass on the June 30, 2018 Families Belong Together protests? If the agency made a determination that using such information was lawful, how did it reach that conclusion?
2. What was the goal of this data collection and how did it originate?
3. How was the information provided to DHS? Did any DHS officials request the data or otherwise initiate its dissemination?
4. Which DHS officials were involved in the dissemination of this information, and why did they do so?
5. How was the information used by DHS or other federal or state law enforcement agencies? What other agencies received the report or data from the report? Did any White House official receive the report or data from the report?
6. Which DHS official directs or oversees LookingGlass’s data collection or other actions related to monitoring of demonstrations or groups that criticize the administration’s immigration policies? Has Looking Glass provided other information to DHS regarding surveillance of other immigration-related protests that occurred before or after June 30, 2018?
7. What is the nature of DHS’s relationship with LookingGlass? Please include information related to any contracts between the agency and the firm that existed at the time of the June 30, 2018 Families Belong Together protests.
8. Are there other private intelligence companies that provide similar surveillance information to DHS, and if so, what is the nature of their relationship with the agency, and how is this information disseminated and used by DHS?

³ The Intercept, “Homeland Security Used a Private Intelligence Firm to Monitor Family Separation Protests,” Ryan Devereaux, April 29, 2019. <https://theintercept.com/2019/04/29/family-separation-protests-surveillance/>.

⁴ *Id.*

Sincerely,



Elizabeth Warren
United States Senator