







December 15, 2023

The Honorable Mark Warner Chairman Select Committee on Intelligence United States Senate Washington, DC 20510

The Honorable Gary Peters Chairman Homeland Security & Governmental Affairs Committee United States Senate Washington, DC 20510

The Honorable Jon Ossoff United States Senate Washington, DC 20510

The Honorable Michael Turner Chairman Permanent Select Committee on Intelligence United States House of Representatives Washington, DC 20515

The Honorable Mark Green Chairman Committee on Homeland Security United States House of Representatives Washington, DC 20515 The Honorable Marco Rubio Vice Chairman Select Committee on Intelligence United States Senate Washington, DC 20510

The Honorable Rand Paul Ranking Member Homeland Security & Governmental Affairs Committee United States Senate Washington, DC 20510

The Honorable Raphael Warnock United States Senate Washington, DC 20510

The Honorable Jim Himes Ranking Member Permanent Select Committee on Intelligence United States House of Representatives Washington, DC 20515

The Honorable Bennie Thompson Ranking Member Committee on Homeland Security United States House of Representatives Washington, DC 20515

Re: DHS's Politicized Targeting of Activists in Atlanta, Georgia

Dear Senator Warner, Senator Rubio, Senator Peters, Senator Paul, Senator Ossoff, Senator Warnock, Representative Turner, Representative Himes, Representative Green, and Representative Thompson:

The undersigned organizations write to express our concern about the inappropriate use of federal counterterrorism authorities by the Department of Homeland Security's Office of Intelligence and Analysis (I&A) to target opposition to construction of a police training facility in Atlanta, Georgia. I&A has a history of focusing on political and constitutionally protected speech, as well as activities far outside its homeland security mandate, including those of journalists, racial justice demonstrators in the wake of George Floyd's murder, people simply reacting online to hot-button social issues, and other social media monitoring that bases inquiries on commonly held political views. Concern about

DHS intelligence abuse is broadly bipartisan.¹ We ask your offices to call on DHS to publicly release relevant records, demand that it cease disseminating information treating opposition to the training facility as an indicator of "domestic violent extremism," probe its use of intelligence authorities, and adopt robust legislation to ensure that it does not investigate or surveil people in the United States on the basis of their political or ideological beliefs.

DHS Intelligence Has Inappropriately Characterized Stop Cop City Activists as "Domestic Violent Extremists" and Facilitated Their Targeting by Georgia Law Enforcement

Over the last year, Georgia authorities have engaged in an escalating crackdown on activists objecting to the creation of a proposed police training facility on forested land in Atlanta—a protest movement commonly referred to as Stop Cop City and Defend the Atlanta Forest. Participants in the Stop Cop City movement have engaged in a wide variety of actions, including peaceful assembly and civil disobedience, and some individuals have been accused of reported acts of property destruction and other offenses. Georgia law enforcement authorities have subjected demonstrators to teargassing, tasing, and mass arrests; in one incident, a Cop City activist was tragically killed by Georgia law enforcement under disputed circumstances. Moreover, in the past year, Georgia law enforcement authorities have arrested numerous protestors on unprecedented and tenuous allegations of "domestic terrorism," arrested bail fund organizers on fraud and money laundering charges, and indicted 61 people for allegedly conspiring to violate Georgia's RICO statute. The state's investigations and indictments have focused on protestors' political views and activities such as passing out flyers, buying food, bail fundraising, and even expressing solidarity with the protest's goals. Notably, the RICO indictment paints opposition to the Atlanta training facility as part of a nationwide web of anti-law-enforcement activity originating with the George Floyd protests.²

DHS's reporting has injected federal counterterrorism resources into the dispute, contributing to Georgia authorities' extraordinarily harsh response to the Stop Cop City movement. A June 2022 <u>email</u> shows that DHS intelligence and other <u>officials</u> communicated with Georgia police and private security companies guarding the training facility.³ In May 2023, DHS issued a <u>terrorism</u> <u>bulletin</u> calling Atlanta activists "alleged" violent extremists and asserting they were spurred by, among other things, "anti-law enforcement sentiment," a claim cited by Georgia in its <u>racketeering</u> indictment. DHS <u>materials</u> reference other nonpublic DHS reports, implying that more records remain hidden.

Especially concerning is a January 3, 2023 I&A <u>intelligence assessment</u>, attached to this letter, that describes criticism of environmental damage and "anti-law enforcement sentiment"—views generally associated with the Stop Cop City movement—as "DVE [domestic violent extremist] narratives." A second I&A <u>report</u> from later that month, after police killed a protestor, Manuel Esteban "Tortuguita" Paez Terán, echoes the same themes. The conflation of these views with "violent extremism" invites law enforcement to more harshly police and prosecute individuals based on their political opinions. Indeed, recent research shows that protests against police violence and

¹ In 2020, then-House Intelligence Committee Chair Adam Schiff <u>investigated</u> I&A's assertion it could use expanded intelligence authorities to surveil protestors opposed to confederate monuments. Senator Rand Paul <u>has noted</u> that all Americans should be alarmed by the office's intelligence practices.

² Indictment at 23, State of Georgia v. Jack Morgan Beamon et al., No. 23SC189192 (Ga. Super. Ct. August 29, 2023), https://www.documentcloud.org/documents/23940338-cop-city-rico-indictment.

³ Additionally, in December 2022, the DHS Cybersecurity and Infrastructure Security Agency <u>issued a report</u> referring to opponents of the training facility as "militants" comprising a "violent far-left occupation."

racial injustice garner harsher law enforcement responses than other protests.⁴ Protests against climate change and environmental harm have also been the subject of surveillance and criminalization by federal and local law enforcement agencies.⁵

The January 3 intelligence assessment further asserts that purported "domestic violence extremists" throughout the country "have staged acts in solidarity" with those in Atlanta via "property destruction and sabotage" against financial backers and construction contractors. To substantiate this assertion, I&A lists 13 incidents occurring outside Atlanta. We were able to track down eight.

All eight of these alleged acts were vandalism. In <u>several</u> instances, <u>individuals</u> reportedly smashed windows of branches of banks supporting the construction project, or jammed <u>ATM</u> and <u>door card</u> <u>readers</u>.⁶ The most significant alleged damage was in <u>Alabama</u>, where the windows of one training facility contractor were broken and painted with a warning. Similar <u>vandalism</u> <u>occurred</u> at offices of another construction contractor.

Even if these acts were committed "in solidarity" with the Stop Cop City movement, it is far from clear why I&A deemed these acts "domestic violent extremism"—a term DHS uses synonymously with "domestic terrorism"⁷ Indeed, public information does not suggest that any of these referenced acts posed a "danger to human life"; nor do the acts appear to have placed "critical infrastructure" or "key resources" at risk of destruction, factors that are key to DHS's <u>definition</u> of domestic terrorism. DHS's use of "domestic violent extremism" and related terms, both in this January 3 report and elsewhere, promotes exaggerated concerns among its law enforcement audience, predictably resulting in <u>unjustifiably aggressive</u> arrests and prosecutions.

All told, I&A's treatment of the Stop Cop City movement is reminiscent of its role in efforts to suppress demonstrations after George Floyd's murder, which led to investigations, removal of I&A's acting head, and significant criticism by the <u>public</u> and on <u>Capitol Hill</u>. Its Atlanta operations merit a similarly strong investigation.

⁶ The January 3, 2023, intelligence assessment labels these incidents "Sabotage or Violent Obstruction," and it accompanies the label with an icon depicting a bomb with a lit fuse. I&A, *Domestic Violent Extremists in Multiple States Inspired by Violent Opposition to Public Safety Project in Georgia*, DHS, January 3, 2023, 4, https://ia600507.us.archive.org/23/items/u-fouo-iif-domestic-violent-extremists-in-multiple-states-inspired-

by-violent-01032023-dhs/%28U--FOUO%29%20IIF%20-%20Domestic%20Violent%20Extremists%20in%20Multiple%20States%20Inspired%20by%20Violent%200 1032023%20DHS.pdf.

⁴ Sandhya Kajeepeta and Daniel Johnson, *Police and Protests: The Inequity of Police Responses to Racial Justice Demonstrations*, Legal Defense Fund Thurgood Marshall Institute, November 2023, https://tminstituteldf.org/wp-content/uploads/2023/10/Police-and-Protests_PDF-3.pdf.

⁵ Jenna Bitar, "6 Ways Government Is Going After Environmental Activists," ACLU, February 6, 2018, <u>https://www.aclu.org/news/free-speech/6-ways-government-going-after-environmental-activists</u>.

⁷ DHS's definition of "domestic terrorism" derives from the definition of "terrorism" codified in the Homeland Security Act, 6 U.S.C. § 101(18). See FBI and DHS, *Strategic Intelligence Assessment and Data on Domestic Terrorism*, June 2023, 3–4, <u>https://www.fbi.gov/file-repository/fbi-dhs-domestic-terrorism-strategic-report-</u> <u>2023.pdf/view</u>. The Department "use[s] the term 'domestic violent extremism' to refer to [domestic terrorism] threats." *Id.* at 4; see also I&A, *Domestic Violent Extremists in Multiple States*, 5 ("I&A utilizes ['domestic violent extremist'] synonymously with 'domestic terrorist.").

Permissive Rules and Weak Safeguards Foster Chronic Abuse

DHS policy gives I&A far too much freedom to target people in the United States.⁸ I&A's guidelines permit officers to collect information when they have a "reasonable belief" that the collection furthers one or more of I&A's amorphous missions covering terrorism, threats to critical infrastructure, and undefined "significant" threats to public safety, among many others.⁹ Officers need not corroborate or document their justifications for collecting information, nor do guidelines protect against use of unreliable sources, illogical reasoning, explicit or implicit bias, or contempt or disrespect of social movements. These flaws thoroughly undermine the guidelines' nominal protections for constitutional rights, such as their prohibition on collecting intelligence for the "sole purpose" of monitoring First Amendment–protected activities. In fact, This First Amendment protection is easily eviscerated by pretextual reliance on one of I&A's many broad missions, as appears to have happened in targeting Stop Cop City activists.¹⁰ Recently implemented reforms—apparently to signal a shift from prior abuses—have had no meaningful impact on the way I&A conducts its business.¹¹

I&A shares information about people in the United States with thousands of government officials federal, state, and local. As expected, law enforcement officials around the country listen to what I&A has to say. Consequently, the lax standards underlying I&A's intelligence products—including I&A's threadbare protections for activities protected by the First Amendment—are a matter of grave and urgent concern.

Congress Has the Power to End DHS Intelligence Abuses

We ask that your offices take the following steps to address I&A's abuse of its overbroad intelligence authorities:

- 1. Meet expeditiously with signatories to this letter to discuss the harms of DHS intelligence programs;
- 2. Call for the public release of all DHS records related to Stop Cop City and opposition to the proposed Atlanta Public Safety Training Center;
- 3. Demand that DHS cease disseminating information that treats ideological support for the Stop Cop City movement as an indicator of "domestic violent extremism"; and
- 4. Investigate DHS's use of intelligence authorities and standards that have permitted repeated abuses and adopt robust legislation to curtail them.

⁸ The Brennan Center for Justice provides a detailed analysis of the permissive environment in which I&A operates and how its lack of meaningful rules, coupled with a mandate to target Americans, results in systemic, repeated abuse. Spencer Reynolds and Faiza Patel, *A New Vision for Domestic Intelligence: Fixing Overbroad Mandates and Flimsy Safeguards*, Brennan Center for Justice, March 30, 2023, https://www.brennancenter.org/our-work/policy-solutions/new-vision-domestic-intelligence.

⁹ I&A, Department of Homeland Security, Office of Intelligence and Analysis, Instruction IA-1000: Office of Intelligence and Analysis Intelligence Oversight Program and Guidelines, DHS, January 19, 2017, app. B, 3–4, https://www.dhs.gov/sites/default/files/publications/office-of-intelligence-and-analysis-intelligence-oversight-program-and-guidelines.pdf ("Authorized Intelligence Missions").

¹⁰ Reynolds and Patel, New Vision for Domestic Intelligence, 6–7.

¹¹ Spencer Reynolds, "DHS Intelligence Rearranges the Deck Chairs—Again," *Just Security* (blog), May 10, 2023, <u>https://www.justsecurity.org/86524/dhs-intelligence-rearranges-the-deck-chairs-again/</u>.

We welcome the opportunity to meet with you and your staff to discuss these troubling practices. Please do not hesitate to contact Spencer Reynolds, Senior Counsel of the Liberty & National Security Program at the Brennan Center for Justice, at <u>reynoldss@brennan.law.nyu.edu</u>; Kia Hamadanchy, ACLU Senior Policy Counsel, at <u>khamadanchy@aclu.org</u>; Emily Early, Associate Director of the Southern Regional Office at Center for Constitutional Rights, at <u>cearly@ccrjustice.org</u>; and Puneet Cheema, Manager of the Justice in Public Safety Project at the Legal Defense Fund, at <u>pcheema@naacpldf.org</u>.

Respectfully,

American Civil Liberties Union Brennan Center for Justice Center for Constitutional Rights NAACP Legal Defense and Educational Fund, Inc.



OFFICE of INTELLIGENCE and ANALYSIS

INTELLIGENCE IN FOCUS

3 JANUARY 2023

DHS-IA-IF-2022-17303

PUBLIC SAFETY & SECURITY

(U//FOUO) Domestic Violent Extremists in Multiple States Inspired by Violent Opposition to Public Safety Project in Georgia

(U//FOUO) Domestic violent extremist (DVE) attacks and sustained violent opposition to a public safety construction project in Georgia are likely inspiring likeminded individuals to mobilize to violence in solidarity against law enforcement, construction firms, and financial institutions in at least 10 other US states. Over the past year and a half, DVEs in Georgia have cited anarchist violent extremist (AVE) and animal rights/environmental violent extremist (AREVE) ideology and anti-law enforcement sentiment to justify assaults, arson, sabotage, and other violent tactics intended to prevent the construction of an 85-acre public safety facility in Atlanta. Online support for sustained, violent opposition to the Atlanta project has helped amplify DVE narratives, such as anti-law enforcement sentiment and criticism of perceived damages to the environment. AVEs and AREVEs have adopted the narratives to justify violence against financial institutions and construction firms associated with the project in Georgia.

- (U//FOUO) Since May 2021, suspected DVEs who cited AVE and AREVE ideology have claimed at least 20 incidents nationwide associated with the project in Atlanta. There have been nine additional criminal incidents nationwide that we have a reasonable belief were in furtherance of the opposition, but they were not attributed to a violent extremist ideology, according to DHS reporting. Fifteen of the incidents occurred in Atlanta, directly targeting the construction project. Suspected DVEs who praised the activity in Atlanta and cited similar ideological motivations have claimed 14 incidents in at least 10 other states since January, according to DHS and nongovernmental organization reporting. Some AVE and AREVE claims of responsibility cited concerns about climate change as justification for incidents of property destruction, according to DHS reporting.
- (U//FOUO) Of the 29 incidents nationwide, law enforcement, construction companies, and banks have been the most heavily targeted. In addition to conducting assaults and arson, DVEs in Atlanta have consistently employed tree spiking and intimidation tactics to discourage support for the projects, including

(U) Prepared by the Counterterrorism Mission Center and the Office of Regional Intelligence. Coordinated within the DHS Intelligence Enterprise (CISA, CWMD, ICE, NTER, ORI, USCG, USSS) and with US Capitol Police. For questions, contact DHS-SPS-RFI@hq.dhs.gov

one instance of doxing, according to DHS reporting. In December 2022, five individuals occupying a portion of the construction site were arrested and charged with violating several of Georgia's domestic terrorism statutes, according to DHS and media reports. Charges included deliberately damaging emergency vehicles and throwing projectiles at first responders. Outside of Atlanta, DVEs have predominantly damaged property.

• *(U//FOUO)* DVE attack campaigns to disrupt construction have had little impact on the project timelines, but they almost certainly have increased construction costs. Assault, arson, and sabotage attacks likely pose the greatest threats of physical harm to law enforcement, construction workers, and other personnel perceived by DVEs as being associated with the project.

(U) Atlanta's Public Safety Training Center

(U//FOUO) In September 2021, the city of Atlanta approved plans to build a \$90 million public safety training center in unincorporated Dekalb County, along Atlanta's southeastern edge, according to media reporting. The planned facility sits on a 300-acre parcel of mostly wooded public land now considered part of the South River Forest, one of the largest forested areas in the Atlanta metro area. Some AVEs and AREVEs have repeatedly staged acts of violent obstruction against law enforcement



(U) The planned public safety training facility will sit on a wooded area in southeast Atlanta.

and construction workers entering the site, including throwing rocks and improvised incendiary devices at or around officers and vehicles, slashing tires, and setting a vehicle on fire, according to media reporting.

(*U*//FOUO) A film studio located next to the planned training facility site has also recently acquired 40 acres of land. Although the studio's expansion is not related to the planned public safety facility, some AVEs and AREVEs have seized on similarities between the two projects as justification for acts of property destruction to oppose climate change and harm to the environment.

(U//FOUO) We assess that DVE narratives inflating the perceived success of the attacks would likely inspire similar violent or criminal opposition campaigns at other construction projects nationwide. However, DVEs who grow frustrated by their lack of progress could expand targeting to sabotage transportation and energy infrastructure or adopt more violent tactics to intimidate and threaten victims.

- (*U*) DVEs use narratives to reinforce the perception of their success by linking acts of violent opposition to a targeted construction project's logistical delays, lapses in funding, or scaling back. AVEs and AREVEs have characterized the attacks in Atlanta as a potential test bed for future violent campaigns, underscoring DVE interest in measuring the effectiveness of the attacks to potentially replicate or repurpose the tactics used, judging from open source reporting.
- (U) Previous AVE and AREVE attack campaigns—including at least one discussed among DVEs who support the attacks in Atlanta—expanded targeting to exact costs on industries perceived as complicit in advancing projects or research at the expense of the environment, judging from media reporting.^a The potential expansion of targets associated with large-scale construction projects could include attacks against railways, pipelines, and electric substations, as well as emergency services personnel and real-estate developers.

^a (*U*//FOUO) Beginning in the late 1990s, and continuing into the next decade, AREVEs and other criminal actors involved in the animal activist campaign Stop Huntingdon Animal Cruelty (SHAC) engaged in sustained violence and criminal activity in opposition to Huntingdon Life Sciences, a contract research facility engaged in animal experimentation in the United States and United Kingdom. The SHAC campaign has been cited by suspected AVEs and AREVEs as a model for the current campaign in Atlanta.

	Safety Facility	(U//FOUO) AVEs, AREVEs, and criminal threat actors opposing the planned construction of a public safety training facility in Atlanta, Georgia have waged an ongoing campaign of assault and property destruction targeting law enforcement and construction workers and equipment. Nationwide, AVEs and AREVEs in at least 10 other states have staged acts in solidarity with Atlanta-based AVEs and AREVEs by committing property destruction and sabortage against financial institutions and construction companies perceived to be associated with the facility's construction. There was an uptick in incidents of obstruction and sabotage starting the first week of May 2022, when suspected AVEs and AREVEs declared a call to action. The information cutoff date is 31 July 2022.	(U) Incident Locations, May 2021 to July 2022	Albany, N	San Francisco, CA Springfreid, MA Springfreid, MA Springfreid, MA Oakland, CA Kansas City, KS Columbus, OH	Birmingham, AL Atlanta, GA Atlanta, GA	$15 \ 2 \ 1 \ n^{=29}$	t Number of Incidents Percent of Incidents	Planned Training Facility 8 27.6% Construction Company 8 37.6%	a 0	.nt 5	Office Building 3 10.3% cs*	Property Damage 13 43.3%	age or Violent Obstruction 4	Tree Spiking 3 10.0%	Assault 2 6.7%	v c i	Motivation	1 0	ated	
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Source, Reference, and Dissemination Information

Privacy and Civil Liberties Considerations	<i>(U//FOUO)</i> The mere advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics does not constitute violent extremism, and may be constitutionally protected. US Persons linking, citing, quoting, or voicing the same themes, narratives, or opinions raised by threat actors are presumed to be acting under their own volition, and to be engaging in First Amendment-protected activity, unless there are reasonable, articulable facts tending to show that they are acting at the direction or under the control of a foreign threat actor or violent domestic threat actor. Furthermore, variants of the topics covered in this requirement, even those that include divisive terms, should not be assumed to reflect malign activity absent information specifically attributing the content to violent domestic threat actors. Threat actors frequently amplify themes already present in lawful domestic debate. Lawful domestic actors in the United States have the right to use arguments originating from any source, even adversary narratives. This information should be considered in the context of all applicable legal and policy authorities to use open source information while protecting privacy, civil rights, and civil liberties.
Source Summary Statement	(U//FOUO) We have moderate confidence in our assessment that DVEs' sustained opposition to a public safety construction project in Georgia is likely inspiring likeminded individuals to mobilize in solidarity against law enforcement, construction firms, and financial institutions in at least 11 other US states. Our assessment is based on DHS reporting, news media, and a reliable nongovernmental organization. We would have higher confidence in our assessment if we had additional claims of responsibility for activity outside of Atlanta, Georgia, where a violent extremist ideology is identified as a motivating factor.
	(U//FOUO) We have moderate confidence in our assessment that DVE narratives inflating the perceived success of the attacks would likely inspire additional violent opposition campaigns at other construction projects nationwide. We base this assessment on historical incidents of these ideologies' supporters engaging in activity in opposition to a project, which, at times, escalated to violence. We would have higher confidence in our assessment if we had more reporting on an increase in incidents of opposition campaigns escalating to violence.
Definitions	(U//FOUO) Anarchist Violent Extremists (AVEs): Individuals who seek, wholly or in part, through unlawful acts of force or violence, to further their opposition to all forms of capitalism, corporate globalization, and governing institutions, which they perceive as harmful to society.
	(U//FOUO) Animal Rights/Environmental Rights Violent Extremists (AREVEs): Groups or individuals who facilitate or engage in the unlawful use or threat of force or violence with the intent to intimidate or coerce, in furtherance of political and/or social agendas by those seeking to end or mitigate perceived cruelty, harm, or exploitation of animals or perceived exploitation or destruction of natural resources and the environment.
	(U//FOUO) Domestic Violent Extremist (DVEs) : Individuals based and operating primarily within the United States or its territories without direction or inspiration from a foreign terrorist group or other foreign power who seeks to further political or social goals, wholly or in part, through unlawful acts of force or violence. The mere advocacy of political or social positions, political activism, use of strong rhetoric, or generalized philosophic embrace of violent tactics alone does not constitute extremism and may be constitutionally protected. DVEs can fit within one or multiple categories of ideological motivation and can span a broad range of groups or movements. I&A utilizes this term synonymously with "domestic terrorist."

Reporting Suspicious	(U) To report suspicious activity, law enforcement, Fire-EMS, private security
Activity	personnel, and emergency managers should follow established protocols; all other personnel should call 911 or contact local law enforcement. Suspicious activity
	reports (SARs) will be forwarded to the appropriate fusion center and FBI Joint
	Terrorism Task Force for further action. For more information on the Nationwide SAR
	Initiative, visit www.dhs.gov/nsi.
Dissemination	(U) Federal, state, local, tribal, and territorial officials, law enforcement partners, and
	private sector security partners.
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	authorized critical infrastructure and key resource personnel and private sector
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Office of Intelligence and Analysis
Customer Feedback Form

Product Title: (U//FOUO) Domestic Violent Extremists in Multiple States Inspired by Violent Opposition to Public Safety Pr

All survey responses are completely anonymous. No personally identifiable information is captured unless you voluntarily offer personal or contact information in any of the comment fields. Additionally, your responses are combined with those of many others and summarized in a report to further protect your anonymity.

1. Please select partner type:	Select One		and function:	Select One								
2. What is the highest level of intelligence information that you receive? Select One												
3. Please complete the following sentence: "I focus most of my time on:" Select One												
4. Please rate your satisfaction with each of the following:												
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Product's overall usefulness	0	0	0	0	0	0						
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6. To further understand your response to question #5, please provide specific details about situations in which you might use this product.

7. What did this product <u>not</u> address that you anticipated it would?

8. To what extent do you agree with the following two statements?											
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This product will enable me to make better decisions regarding this topic.	0	0	0	0	0	0					
This product provided me with intelligence information I did not find elsewhere.	0	0	0	0	0	0					
9. How did you obtain this product? Select One											
10. Would you be willing to participate in a follow-up conversation about your feedback? Yes											
To help us understand more about your organization so	we can better taild	or future produ	cts, please provide:								
Name: Position: Submit											
Organization:		State	:		Feedb	ack 🖊					
Contact Number:		Email	:								
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