

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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December 23, 2021

The Honorable Michael E. Horowitz
Inspector General
Department of Justice, Office of the Inspector General
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Inspector General Horowitz:

Last year, I wrote to you to request that you investigate the use of force by federal law enforcement against Americans exercising their right to peaceably assemble.¹ You undertook that investigation without delay, and I understand the work is ongoing. Because of recent, troubling reports, I write today to request that your review include an examination into the surveillance practices of certain federal agencies during the national protest activity that began in May 2020 and continues to this day.

According to December 22, 2021 reports,² agents of the Department of Homeland Security and the Federal Bureau of Investigation infiltrated First Amendment protected protests in Portland, Oregon.³ The FBI, according to sources, “set up extensive surveillance operations inside Portland’s protest movement...with agents standing shoulder to shoulder with activists.”⁴ This surveillance operation allegedly included agents from both FBI and DHS and involved plainclothes law enforcement dressing in all-black to match protesters and infiltrate the crowd.⁵

¹ Letter from Jerrold Nadler, Chairman, H. Comm On the Judiciary, et al., to Michael E. Horowitz, Inspector Gen., U.S. Dep’t of Justice and Joseph V. Cuffari, Inspector Gen., U.S. Dep’t of Homeland Security (July 19, 2020); *see also* Letter from Joseph V. Cuffari, Inspector Gen., U.S. Dep’t of Homeland Security to Jerrold Nadler, Chairman, H. Comm On the Judiciary, et al. (July 23, 2020); Letter from Michael E. Horowitz, Inspector Gen., U.S. Dep’t of Justice to Jerrold Nadler, Chairman, H. Comm On the Judiciary, et al. (July 23, 2020); Letter from Jerrold Nadler, Chairman, H. Comm On the Judiciary and Karen Bass, Chair, Subcommittee on Crime, Terrorism, and Homeland Security, H. Comm on the Judiciary to William P. Barr, Attorney General, U.S. Dep’t of Justice and Timothy J. Shea, Acting Administrator, U.S. Drug Enforcement Administration (June 5, 2020).

² Mike Baker, et al. “The F.B.I. Deployed Surveillance Teams Inside Portland Protests.” New York Times. December 22, 2021. <https://www.nytimes.com/2021/12/22/us/portland-protests-fbi-surveillance.html>

³ *Id.*

⁴ *Id.*

⁵ *Id.*

I ask that your office, as part of its review initiated by the July 19, 2020 letter, request instances in which federal law enforcement used tactics like these to surveil citizens engaged in First Amendment protected activity from May 2020 to the present. I request you identify and review the locations where these and similar surveillance efforts took place; and the length, breadth, and scope of these operations. I also ask that you review the authorizing processes within the Department of Justice that allow such operations to take place—including a review of whether the political motivations of a particular protest impact federal law enforcement's response. Finally, I ask that you examine what actions law enforcement took during these surveillance operations, including but not limited to assistance with arrests, video footage, and intelligence gathering.

I look forward to seeing the results of your investigation into the use of force and surveillance operations against Americans engaging in peaceful protests. I thank you for your prompt attention to this important matter.

Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary

cc: The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary