

# The Washington Post

*Democracy Dies in Darkness*

## DHS compiled 'intelligence reports' on journalists who published leaked documents

By **Shane Harris**

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The Department of Homeland Security has compiled “intelligence reports” about the work of American journalists covering protests in Portland, Ore., in what current and former officials called an alarming use of a government system meant to share information about suspected terrorists and violent actors.

Over the past week, the department’s Office of Intelligence and Analysis has disseminated three Open Source Intelligence Reports to federal law enforcement agencies and others, summarizing tweets written by two journalists — a reporter for the New York Times and the editor in chief of the blog Lawfare — and noting they had published leaked, unclassified documents about DHS operations in Portland. The intelligence reports, obtained by The Washington Post, include written descriptions and images of the tweets and the number of times they had been liked or retweeted by others.

After The Post published a story online Thursday evening detailing the department's practices, the acting homeland security secretary, Chad Wolf, ordered the intelligence office to stop collecting information on journalists and announced an investigation into the matter.

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“Upon learning about the practice, Acting Secretary Wolf directed the DHS Intelligence & Analysis Directorate to immediately discontinue collecting information involving members of the press,” a department spokesman said in a statement. “In no way does the Acting Secretary condone this practice and he has immediately ordered an inquiry into the matter. The Acting Secretary is committed to ensuring that all DHS personnel uphold the principles of professionalism, impartiality and respect for civil rights and civil liberties, particularly as it relates to the exercise of First Amendment rights.”

Some of the leaked DHS documents the journalists posted and wrote about revealed shortcomings in the department's understanding of the nature of the protests in Portland, as well as techniques that intelligence analysts have used. A memo by the department's top intelligence official, which was tweeted by the editor of Lawfare, says personnel relied on "FINTEL," an acronym for financial intelligence, as well as finished intelligence "Baseball cards" of arrested protesters to try to understand their motivations and plans. Historically, military and intelligence officials have used such cards for biographical dossiers of suspected terrorists, including those targeted in lethal drone strikes.

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The DHS intelligence reports, which are unclassified, are traditionally used for sharing the department's analysis with federal law enforcement agencies, state and local officials, and some foreign governments. They are not intended to disseminate information about American citizens who have no connection to terrorists or other violent actors and who are engaged in activity protected by the First Amendment, current and former officials said.

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“This has no operational value whatsoever,” said John Sandweg, who previously served as the department’s acting general counsel.

“This will just damage the intelligence office’s reputation,” Sandweg said, calling the decision to report on journalists “incredibly dumb.”

Officials who are familiar with the reports, and who spoke on the condition of anonymity to candidly discuss them, said they are consistent with the department’s aggressive tactics in Portland, and in particular the work of the Intelligence and Analysis Office, which they worried is exceeding the boundaries of its authority in an effort to crack down on “antifa” protesters to please President Trump. He and other senior administration officials have used that “anti-fascist” label to describe people in Portland and other cities who are protesting police violence, as well as others who have vandalized statues and memorials to Confederate officers that they consider racist.

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The reports reflect the intelligence office’s concerns about leaks of internal information.

“To broadly disseminate an intelligence report, including to numerous state and local law enforcement agencies, about a DHS leak to a reporter strikes me as bizarre,” said Steve Bunnell, who served as the department’s general counsel for three years in the Obama administration. If department officials were concerned about unauthorized disclosures, they should refer the matter to the inspector general or handle it internally, he said.

Disseminating the information about internal leaks of this nature via the intelligence reports “has nothing to do with DHS’s original mission,” Bunnell said.

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The Intelligence and Analysis Office has for years been the butt of jokes among larger, more established agencies like the CIA and the FBI, who liken it to a team of junior-varsity athletes. The DHS office produces reports that are largely based on unclassified, often public sources of information that current and former officials have said are of limited use.

During operations in Portland, the office has sought to expand its reach. Earlier this month, DHS personnel were authorized to collect information on protesters who threaten to damage or destroy public memorials and statues, regardless of whether they are on federal property, a significant expansion of authorities that have historically been used to protect landmarks from terrorist attacks, former officials said.

The intelligence reports about the journalists say they are “provided for intelligence and lead purposes” and have “been deemed necessary for the intended recipient to understand, assess, or act on the information provided.”

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One of the journalists, Times reporter Mike Baker, co-wrote an article on July 28 that revealed an internal DHS memo indicating that the camouflaged federal agents sent to put down the unrest in Portland didn't understand the nature of the protests they were facing.

The DHS memo described the conflict as connected to a years-long history of violence against government personnel and facilities in the Pacific Northwest by “anarchist extremists.” But it acknowledged that “we have low confidence in our assessment” when it comes to understanding the current protests in Oregon’s largest city.

“We lack insight into the motives for the most recent attacks,” the memo said.

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Baker included an image of that portion of the memo in a Twitter thread that also linked to the Times article. The DHS intelligence report included that tweet and stated that Baker had posted “a leaked Department of Homeland Security (DHS) internal product.”

A spokeswoman for the Times declined to comment.

The other journalist, Benjamin Wittes, a senior fellow at the Brookings Institution and the editor in chief of Lawfare, had also posted various internal documents to his Twitter feed, including, on July 24, a memo admonishing department personnel not to give information to reporters.

“The ongoing leaks related to our work in Portland remain of great concern as it distracts from our mission and creates opportunities for others to exploit this information for their own benefit,” the unsigned memo states.

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The memo was written in response to reporting in Lawfare and The Washington Post days earlier about the new guidance to collect information on people who threatened memorials and statues. The memo defended the intelligence office’s authority and said its work had “informed our analysis on the enduring threat environment [in Portland] and disrupted attempted violent attacks.”



Wittes told The Post that he didn't object to the department expressing concerns about leaks and that if officials had sent a link to his tweet in a message to employees, he wouldn't object.

"It's not the sharing of my tweet that's disturbing. It's the construction of it as an intelligence report on a U.S. person that's disturbing," Wittes said.

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If the department was willing to document public statements this way, what would stop DHS from "making a public record dossier on me?" Wittes asked.

"I'm considering my legal options and will have more to say about this at a later date," he added.

In a subsequent tweet that was also the subject of an intelligence report, Wittes posted an internal memo from Brian Murphy, the DHS acting undersecretary for intelligence and analysis and a former FBI agent, announcing that officials were changing the terminology used for individuals attacking federal facilities. The decision, Murphy wrote, was based in part on the Open Source Intelligence Reports that officials had reviewed about protesters.

“We can’t say any longer that this violent situation is opportunistic,” Murphy wrote, adding that intelligence “overwhelmingly” led officials to believe that the attackers were driven by “anarchist” and “violent antifa” ideologies.

Murphy’s conclusions cut against the earlier DHS memo, which the Times reported, that said the department didn’t have enough information to know whether the Portland protesters were connected to anti-government groups that had a history of operating in the region.

*Nick Miroff contributed to this report.*