

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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June 15, 2020

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Acting Secretary Wolf:

We are troubled that the Trump Administration has repeatedly levied baseless accusations against demonstrators protesting racial discrimination in the U.S. criminal justice system by labelling them “Antifa” terrorists, while refusing to condemn or even acknowledge white supremacists and other far-right extremists who have sought to exploit the protests to advance their own racist ideological objectives and plans for a race war.

The Trump Administration’s decision to ignore the involvement of white supremacist groups in these protests in favor of spreading wildly exaggerated rumors about Antifa has only served to encourage right-wing militias provoking violence, to delegitimize the grievances of peaceful protestors, and to add serious danger, intimidation, and fear to already emotionally charged situations.¹

Overwhelming Evidence of White Supremacist Attempts to Interfere in Recent Protests

At demonstrations across the country, far-right extremists have appeared at rallies, sometimes with assault rifles, as part of a loosely organized network of white supremacist and anti-government organizations seeking to spark violence between activists and police forces.²

In Minnesota, where Mr. Floyd was murdered by Minneapolis Police Officer Derek Chauvin, officials “have identified white nationalist groups operating on the ground amid the protests in Minneapolis and St. Paul.” Officials found white nationalist recruitment posters in

¹ *How the Antifa Fantasy Spread in Small Towns Across the U.S.*, BuzzFeed News (June 9, 2020) (online at www.buzzfeednews.com/article/annehelenpetersen/antifa-rumors-george-floyd-protests).

² *Men Wearing Hawaiian Shirts and Carrying Guns Add a Volatile New Element to Protests*, Washington Post (June 3, 2020) (online at www.washingtonpost.com/technology/2020/06/03/white-men-wearings-hawaiian-shirts-carrying-guns-add-volatile-new-element-floyd-protests/).

the Twin Cities, and State Corrections Commissioner Paul Schnell described the associated groups as “agitators.”³

John Harrington, Minnesota’s Department of Safety Commissioner, said that some of the 40 arrests made in the Twin Cities on May 29, 2020, were linked to white supremacist groups.⁴ Local activists on the ground during the Minneapolis demonstrations identified armed members of the Three Percenters militia, one of the largest militia networks in the United States.⁵

Officials in Pennsylvania have stated that they have “definite evidence” of white supremacists joining protests, wearing body armor, carrying handguns, and throwing rocks and bottles at police.⁶ In other instances, white supremacist groups such as the Patriot Front cultivated misinformation campaigns to sow discord ahead of peaceful demonstrations.⁷

White supremacists were also active online and on social media in an attempt to incite violence. On June 1, 2020, Twitter announced that an account pretending to represent left-wing activists was linked to white supremacist group Identity Evropa. Twitter deleted the account after it spread calls for violence.⁸

On June 5, 2020, Facebook announced it had shut down nearly 200 pages and accounts associated with far-right extremist groups, including the American Guard and Proud Boys, after group members discussed bringing weapons to protests.⁹

On June 2, 2020, a report issued by the Network Contagion Research Institute, an independent non-profit organization, indicated that a network of right-wing militia groups

³ *Minnesota Officials Believe White Supremacists Attending Demonstration in Twin Cities, Official Says*, The Hill (June 1, 2020) (online at www.thehill.com/homenews/state-watch/500414-minnesota-officials-believe-white-supremacists-attending-demonstrations).

⁴ *Minnesota Officials Link Arrested Looters to “White Supremacist Groups,”* Courthouse News (May 30, 2020) (online at www.courthousenews.com/minnesota-officials-link-arrested-looters-to-white-supremacist-groups/).

⁵ *Far-Right Extremists Are Hoping to Turn the George Floyd Protests into a New Civil War*, Vice (May 29, 2020) (online at www.vice.com/en_us/article/pkyb9b/far-right-extremists-are-hoping-to-turn-the-george-floyd-protests-into-a-new-civil-war).

⁶ *George Floyd Protests in Pa. Being Hijacked by White Supremacists, State Official Says*, Ellwood City Ledger (June 2, 2020) (online at www.ellwoodcityledger.com/news/20200602/george-floyd-protests-in-pa-being-hijacked-by-white-supremacists-state-official-says/3).

⁷ *White Supremacists Spread Fear and Propaganda in Brookings’ Protest*. Keloland (June 9, 2020) (online at www.keloland.com/news/white-supremacists-spread-fear-and-propaganda-in-brookings-protest/).

⁸ *White Nationalist Group Posing as Antifa Called for Violence on Twitter*, NBC News (June 1, 2020) (online at www.nbcnews.com/tech/security/twitter-takes-down-washington-protest-disinformation-bot-behavior-n1221456).

⁹ *Facebook Removes Nearly 200 Accounts Tied to Hate Groups*, ABC News (June 5, 2020) (online at <https://abcnews.go.com/Business/wireStory/facebook-removes-200-accounts-tied-hate-groups-71101914>).

incubated during the coronavirus crisis is acting as an “agent of discontent and chaos” during the ongoing protests against police brutality.¹⁰

On June 3, 2020, three former military servicemembers with ties to the far-right, anti-government “Boogaloo” movement were arrested on terrorism-related charges after conspiring to spark violence during a demonstration against police brutality in Las Vegas.¹¹

On June 5, 2020, Ohio Governor Mike DeWine suspended and removed an Ohio National Guardsman who espoused white supremacist ideologies online.¹² The guardsman, who had been deployed to Washington, D.C., as part of President Trump’s militarized response to largely peaceful protests, has been reported to have bragged about receiving “real ammunition to shoot and kill” and used a white supremacist acronym for “race and holy war.”¹³

Baseless Delegitimization of Peaceful Protestors as “Antifa” Terrorists

President Trump has repeatedly called protestors and looters “Antifa” in an effort to delegitimize the overwhelmingly peaceful and effective protest movement to win cheap political points. As protests spread in the wake of Mr. Floyd’s murder, the President called for a “total shutdown of Radical Left Anarchists,” decried the “gravity and depravity of the Radical Left, looters and thugs,” denounced “killers, terrorists, anarchists, thugs, hoodlums, looters, ANTIFA & others,” and, revealingly, quoted a television host on Twitter who said that he did not see “any indication that there were any white supremest [sic] groups mixing in. This is an ANTIFA organization.”¹⁴ President Trump has even declared he would designate Antifa as a terrorist organization, despite the lack of any clear legal authority to do so.¹⁵

The President’s clear desire to vilify peaceful demonstrations by branding them as Antifa radicals has continued even after clashes between protesters and law enforcement ebbed. On June 9, President Trump baselessly and absurdly accused a 75-year-old peace activist of being an

¹⁰ Network Contagion Research Institute, *COVID-19, Conspiracy, and Contagious Sedition* (June 2, 2020) (online at www.ncri.io/reports/covid-19-conspiracy-and-contagious-sedition-a-case-study-on-the-militia-sphere/).

¹¹ *Prosecutors: 3 Men Plotted to Terrorize Vegas Protests*, Associated Press (June 4, 2020) (online at www.apnews.com/6223153093f08fa910c4ab445771b773).

¹² *FBI: Ohio National Guardsman Expressed White Supremacist Ideology*, Politico (June 5, 2020) (online at www.politico.com/news/2020/06/05/fbi-national-guardsman-expressed-white-supremacist-ideology-303924).

¹³ *Ohio National Guard Member Sent Home for White Supremacist Views Is Likely a Fascist YouTuber*, Right Wing Watch (June 9, 2020) (online at www.rightwingwatch.org/post/ohio-national-guard-member-sent-home-for-white-supremacist-views-is-likely-a-fascist-youtuber/).

¹⁴ Donald J. Trump, Twitter (May 31, 2020) (online at www.twitter.com/realDonaldTrump/status/1267126801186394118?s=20); Donald J. Trump, Twitter (June 3, 2020) (online at www.twitter.com/realDonaldTrump/status/1268037166946553856?s=20); Donald J. Trump, Twitter (June 3, 2020) (online at www.twitter.com/realDonaldTrump/status/1268166288993632256?s=20); Donald J. Trump, Twitter (June 6, 2020) (online at www.twitter.com/realDonaldTrump/status/1269235993812570112?s=20); Donald J. Trump, Twitter (June 1, 2020) (online at www.twitter.com/realDonaldTrump/status/1267430825659899907?s=20).

¹⁵ *Trump, Lacking Clear Authority, Says U.S. Will Declare Antifa a Terrorist Group*, New York Times (May 31, 2020) (online at www.nytimes.com/2020/05/31/us/politics/trump-antifa-terrorist-group.html?referringSource=articleShare).

Antifa “provocateur” as the activist lay in a hospital bed recovering from head injuries sustained in a brutal public assault by police officers in Buffalo.¹⁶

Other senior officials in the Administration have echoed the President’s strategy. On May 31, 2020, despite the growing evidence of white supremacist agitators in recent protests, Attorney General Barr, declared—without evidence—that violence across the country has been “instigated and carried out by Antifa and other similar groups.”¹⁷ On June 4, 2020, Attorney General Barr repeated this false allegation in a news conference, singling out “Antifa and other similar extremist groups” for their supposed role in “instigating and participating in violent activity.”¹⁸ Federal Bureau of Investigations (FBI) Director Christopher Wray, who joined the Attorney General at the news conference, asserted that “anarchists like Antifa and other agitators” are “exploiting this situation to pursue violent extremist agendas.”¹⁹

Most disturbingly, when Attorney General Barr was asked directly by a reporter about the June 3, 2020, arrests of three far-right “Boogaloo” extremists, he refused to explicitly call attention to white supremacist groups or far-right organizations.²⁰ He instead chose to frame his response in a way that deceptively emphasized Antifa, saying that there was a “witch’s brew of extremist individuals” and that “in addition to Antifa and other extremist groups like Antifa, there were a variety of groups and people of a variety of ideological persuasions.”²¹

This fraudulent and inflammatory approach not only directly contravenes established facts on the ground, but also contradicts the actions and assessment of your own Department and other Trump Administration agencies.

The FBI has reportedly found “no intelligence” to show Antifa’s involvement or presence in D.C.-area protests on May 31.²² An internal Department of Homeland Security (DHS) memorandum cited the FBI in warning that a white supremacist online channel has encouraged followers to incite violence to start a race war.²³ DHS indicated that “white supremacists were

¹⁶ *Trump Falsely Targets Buffalo Protester, 75, as ‘Antifa Provocateur,’* New York Times (June 9, 2020) (online at www.nytimes.com/2020/06/09/nyregion/who-is-martin-gugino-buffalo-police.html).

¹⁷ *Trump Vows to Designate Antifa a Terrorist Group. Here’s Why DOJ Officials Call that ‘Highly Problematic,’* ABC News (June 1, 2020) (online at www.abcnews.go.com/Politics/trump-vows-designate-antifa-terrorist-group-heres-doj/story?id=70999186); Department of Justice, *Attorney General William P. Barr’s Statement on Riots and Domestic Terrorism* (May 31, 2020) (online at www.justice.gov/opa/pr/attorney-general-william-p-barrs-statement-riots-and-domestic-terrorism).

¹⁸ *The Justice Department’s Rhetoric Focuses on Antifa. Its Indictments Don’t,* Washington Post (June 4, 2020) (online www.washingtonpost.com/politics/2020/06/04/justice-departments-rhetoric-focuses-antifa-its-indictments-dont/).

¹⁹ *Id.*

²⁰ *Barr Says There’s a ‘Witches’ Brew’ of Extremist Groups Trying to Disrupt Protests,* Yahoo News (June 4, 2020) (online at www.news.yahoo.com/barr-says-theres-witches-brew-184321399.html).

²¹ *Id.*

²² *The FBI Finds ‘No Intel Indicating Antifa Involvement’ in Sunday’s Violence,* The Nation (June 2, 2020) (online at www.thenation.com/article/activism/antifa-trump-fbi/).

²³ *A White Supremacist Channel on Telegram Encouraged Followers to Incite Violence During Police*

working online to increase tensions between protesters and law enforcement by calling for acts of violence against both groups.”²⁴

Even more recently, a threat assessment produced by the FBI, DHS, and the National Counterterrorism Center made only limited mention of left-wing Antifa activists, and instead concluded that the greatest threat of violence comes from lone offenders or domestic extremist groups, “including militia extremists and [groups] who advocate a belief in the superiority of the white race.”²⁵ The agencies specifically point to white supremacists within the “Boogaloo” movement who have “sought to bring about a second civil war . . . by intentionally instigating violence at First Amendment protected activities.”²⁶

Finally, although the Department of Justice (DOJ) has charged over 50 individuals in connection with the protests, not a single one has been linked to Antifa or “other similar groups.”²⁷ Publicly available arrest records and criminal complaints show that federal law enforcement have not uncovered any efforts by Antifa activists to escalate violence at protests.²⁸ This lack of evidence is particularly telling given reports that the FBI has been actively harassing peaceful protestors, searching for non-existent links to Antifa.²⁹

DHS Must Keep Congress Informed About White Supremacist Activity

Committee staff have requested a briefing on this critical issue weeks ago, but DHS has failed to provide one. We insist that DHS investigate these matters fully and provide a briefing by June 30, 2020, to explain what your agency is doing to tackle the serious public safety problem of white supremacists instigating violence at peaceful protests. We also insist that your agency share whatever evidence it has gathered to support Attorney General Barr’s allegations regarding “Antifa and other similar groups” by June 25, 2020.

Brutality Protests by ‘Shooting in a Crowd,’ According to Internal DHS Memo, Business Insider (June 2, 2020) (online at www.businessinsider.com/white-supremacist-telegram-channel-encourages-violence-george-floyd-protests-2020-6).

²⁴ *U.S. Assessment Finds Opportunities Drive Protest Violence, Not Extremists*, Reuters (June 3, 2020) (online at www.reuters.com/article/us-minneapolis-police-protests-extremist/us-assessment-finds-opportunists-drive-protest-violence-not-extremists-idUSKBN23A1KU).

²⁵ *Intelligence Bulletin Warning of Protest-Related Violence Makes Little Mention of ‘Antifa,’* ABC News (June 9, 2020) (online at www.abcnews.go.com/US/intelligence-bulletin-warning-protest-related-violence-makes-mention/story?id=71166595).

²⁶ *Id.*

²⁷ *No Sign of Antifa So Far in Justice Department Cases Brought Over Unrest*, N.P.R. (June 9, 2020) (online at www.npr.org/2020/06/09/873278314/no-sign-of-antifa-so-far-in-justice-department-cases-brought-over-unrest).

²⁸ *Federal Arrests Show No Sign That Antifa Plotted Protests*, New York Times (June 11, 2020) (online at www.nytimes.com/2020/06/11/us/antifa-protests-george-floyd.html).

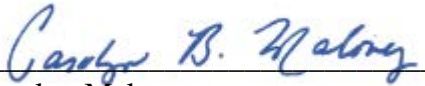
²⁹ *After Barr Ordered FBI to “Identify Criminal Organizers,” Activists were Intimidated at Home and at Work*, The Intercept (June 12, 2020) (<https://theintercept.com/2020/06/12/fbi-jtff-protests-activists-cookeville-tennessee/>).

People of all races are coming together across the nation to peacefully protest police brutality against African Americans and the structural racism that has brought America to this moment of reckoning. The infiltration of peaceful protests by white supremacists seeking to incite violence is a serious danger to public safety and should be a major focus of the Department's attention, not an inconvenient truth to be swept under the rug.

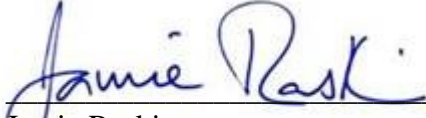
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee's request. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Thank you for your attention to this matter.

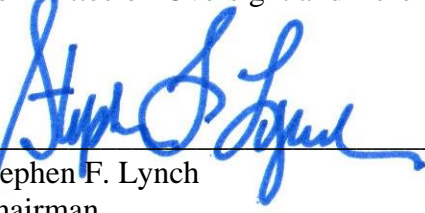
Sincerely,



Carolyn Maloney
Chairwoman
Committee on Oversight and Reform



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties



Stephen F. Lynch
Chairman
Subcommittee on National Security

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.