



Homeland Security

MEMORANDUM FOR: Office of Intelligence and Analysis Workforce

FROM: Francis X. Taylor (b) (6) (b) (7) (c)
Under Secretary for Intelligence and Analysis

SUBJECT: Guidelines for Reporting On Protests and Constitutionally Protected Activities

DHS Office of Intelligence and Analysis (I&A) employees are generally expected to conduct authorized intelligence activities necessary to protect national and homeland security, and to support the other missions of the Department.

This mission requires I&A intelligence professionals to carry out authorized intelligence activities affecting U.S. Persons in a manner that protects the constitutional rights and privacy of those and other individuals encountered.

I&A personnel are authorized to report on any individuals or organizations reasonably believed to be engaging, or planning or preparing to engage, in criminally violent extremist activities dangerous to human life or critical infrastructure and in furtherance of their political or ideological beliefs.

I&A intelligence officials may report on the activities of protestors only to the extent those activities are so disruptive that they endanger the minimal operations of state and local governments to protect from, respond to, or otherwise address:

1. Threats to critical infrastructure and key national resources;
2. Significant threats to the national economic security, national public health, or national public safety;
3. Violence or disorder of such magnitude that it hinders the execution of the laws of that State, or the laws of; the United States within that State, to such a degree as to deprive any individuals of rights or protections guaranteed under the U.S. Constitution;
4. Threats of such severity and magnitude that they exceed State and local government capabilities such that federal assistance would be necessary and authorized as a matter of law; and
5. Major disasters and catastrophes.

Any anticipated I&A intelligence reporting on protestor activities lacking any indication of violent extremist motives requires advanced consultation with the Office of General Counsel Intelligence Law Division and the I&A Intelligence Oversight Office.