

(b) (6)

From: (b) (6)
Sent: Tuesday, October 11, 2011 3:34 PM
To: (b) (6)
Subject: RE: U/FOUO) Occupy Pittsburgh Threat Assessment

That sounds great. Thank you.

From: (b) (6)
Sent: Tuesday, October 11, 2011 3:31 PM
To: (b) (6)
Subject: RE: U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6)

I believe (b) (6) is covering this—My understanding is that (b) (6) asked her to check with us on any work we had done on this issue and then follow up on the matter. When it came in, I was on SL at an medical appointment, and you were on AL—so I think (b) (6) was drafted. I had not had any further contact then the voicemail left by (b) (6) and I told (b) (6) that I thought the same for you as I think (b) (6) simply called us because he has worked with each of us in the past. I am not sure if she needs our assistance. I know she leaves for vacation on Thursday—let's touch base with her together tomorrow and then we can figure out any next steps. Sound like a plan?

(b) (6)
Senior Policy Advisor
Intelligence, Security, and Information Sharing (ISIS) Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Blackberry: (b) (6)
Fax: (202) 357-8341
email: (b) (6)
JWICS: (b) (6)

From: (b) (6)
Sent: Tuesday, October 11, 2011 3:23 PM
To: (b) (6)
Subject: FW: U/FOUO) Occupy Pittsburgh Threat Assessment

Hi (b) (6)

Sorry if I'm behind the curve on this, but I wanted to see if we needed to take any action on this Threat Assessment. It appears that it was assigned to (b) (6) but I wanted to check with you to see if I should follow-up on this.

Also, I'm out of my meetings so let me know if I can help with any taskers!

(b) (6)

From: (b) (6)
Sent: Friday, October 07, 2011 10:14 AM
To: (b) (6)
Cc: (b) (6) (b) (6)
Subject: FW: U/FOUO) Occupy Pittsburgh Threat Assessment

As we discussed.

From: (b) (6)
Sent: Friday, October 07, 2011 10:07 AM
To: (b) (6)
Subject: U/FOUO) Occupy Pittsburgh Threat Assessment

From: (b) (6)
Sent: Friday, October 07, 2011 10:04 AM
To: (b) (6) (b) (6)
Cc: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) I left both of you voice mail messages in which I described this issue in greater detail. There is attached to this email a threat bulletin being disseminated by the Office of Emergency Management in Pittsburgh in which it discusses the threat posed by the Occupy Pittsburgh campaign and the hackers' group: Anonymous. Both myself and (b) (6) (IO deployed to the PACIC Center in Harrisburg) are somewhat concerned that several items contained in this Intel Bulletin might be advocating surveillance and other countermeasures to be employed against activities protected under the 1st Amendment. Would either one or both of you be able to see what could be developed from this document that (b) (6) could take back to the Intel staff that produced this so that in the future they have a greater awareness of how to develop intelligence assessments that don't undermine Constitutionally protected speech and assembly rights?

Thanks in advanced, really appreciate all your help.

From: (b) (6)
Sent: Friday, October 07, 2011 9:52 AM
To: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) As discussed. Pittsburgh published and distributed this assessment yesterday. I'm just looking for some help in guiding their personnel on what should and shouldn't be said concerning planned, legal demonstrations. Thanks for your help. (b) (6)

From: (b) (6)
Sent: Thursday, October 06, 2011 3:06 PM
To: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

FYI,

(b) (6)

(b) (6)
Field Intelligence Officer
Transportation Security Administration
Western Pennsylvania and West Virginia

(b) (6)

(b) (6)

From: (b) (6)
Sent: Thursday, October 06, 2011 2:51 PM
To: (b) (6)
Subject: (U/FOUO) Occupy Pittsburgh Threat Assessment

Attached is a product concerning the Occupy Pittsburgh event planned for October 15, 2011 and Feedback Form. As always, your feedback is appreciated.

Please disseminate as appropriate.

(b) (6) PCP
Emergency Management Specialist/ Planner
City of Pittsburgh
Office of Emergency Management and Homeland Security
200 Ross Street, Fifth Floor
Pittsburgh PA 15219
Main: (b) (6)
Fax: 412-255-8662
Cell: (b) (6)

<http://www.facebook.com/pgh.ema>

<http://twitter.com/PittsburghOEMHS>

<http://www.pittsburghpa.gov/ema/>

(b) (6)

From: (b) (6)
Sent: Monday, October 17, 2011 11:50 AM
To: CRCL Product Review
Cc: (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Categories: Red Category

(b) (6)

Yes, I think general guidance rather than responding to every inquiry from the DHS I&A field reps at fusion centers would be the best course of action. I do think it would be helpful to get a better idea of what types of requests they are encountering—but regardless, general INFORMAL guidance would be best. I say informal guidance, because in my view, formal guidance would be specific policy advice on each individual inquiry. Let me know if you have any more questions on this. Also, do you think it makes sense to work with Priv to get on the same page?

From: (b) (6) **On Behalf Of** CRCL Product Review
Sent: Monday, October 17, 2011 11:41 AM
To: (b) (6)
Cc: CRCL Product Review
Subject: FW: Guidance Requested: Occupy Wall Street

Hi (b) (6)

We received a request from SLPO for formal CRCL guidance related to the Occupy Wall Street protest. Since this is the first request of this kind that I've seen, I wanted to double check with you before moving forward.

My initial recommendation is to request that Shala Byers provide us with a specific question. Based on her email below SLPO has received numerous requests, and I believe that understanding the question would assist us in framing a response.

As a secondary matter, I wanted to see whether you would like us to develop policy guidance on this topic? Or, alternatively we can make ourselves available to component partners or intelligence officers who request information on First-Amendment protected activities. My recommendation is for CRCL to draft general guidance, rather than taking on ad hoc questions about Occupy Wall Street.

Please let me know if you agree with the approach to (1) request additional information on the types of requests SLPO is receiving; (2) draft initial guidance for your review.

Thanks,

(b) (6)

Office: (b) (6)
Cell: (b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview

Cc: SL_Support; (b) (6) (b) (6)

Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office: (b) (6)
E-mail: (b) (6)

(b) (6)

From: (b) (6)
Sent: Monday, October 17, 2011 2:03 PM
To: (b) (6)
Subject: FW: Guidance Requested: Occupy Wall Street

DELIBERATIVE

(b) (6)

Below is my tweaks to the email that Scott Matthews drafted. I've used **bold and underline** to note the language I've added. Please advise.

(b) (6)

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged **constitutionally** protected activity. **We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech.** We would also be loath to pass requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with "Occupy Wall Street" like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and **intelligence** products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to **re**consider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Inevitably, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN
Pag (b) (6) HTSN

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6) (b) (6)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office: (b) (6)
E-mail (b) (6)

(b) (6)

From: (b) (6)
Sent: Monday, October 17, 2011 2:51 PM
To: Privreview
Cc: (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Scott, this looks great. Thank you for putting this well-written response together. We fully support this position. I've added a few extra nuggets for your consideration. I've used **bold and underline** to annotate the proposed changes. If you agree with this, please feel free to send forward. I've added my signature block to show my agreement.

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged **constitutionally** protected activity. **We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech.** We would also be loath to pass **DHS** requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, **where the health and safety concern relates to the DHS mission.**

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with "Occupy Wall Street" like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and **intelligence** products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to **re**consider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Inevitably, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN: (b) (6)
Page: (b) (6) HTSN: (b) (6)



(b) (6)
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6) (b) (6)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office: (b) (6)
E-mail: (b) (6)

(b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 2:37 PM
To: (b) (6)
Subject: RE: (U/FOUO) Occupy Pittsburgh Threat Assessment
Attachments: 10-24-11 regarding Pittsburg Office of Emergency Management and Homeland Security_CRCL.docx

DELIBERATIVE

Hi (b) (6)

I think that (b) (6) foundation and the culling down you did look great. I made a few very minor tweaks for your consideration. My changes sought to take out language that indicates our guidelines are mandatory. For instance replace "personnel must" with "personnel should".

I also recommend that we advise only the DHS people – and remain silent on whether they should pass along our input to the Pittsburgh folks.

Please see the attached document with my recommendations.

(b) (6)

Office: (b) (6)
Cell: (b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 1:40 PM
To: (b) (6)
Subject: RE: (U/FOUO) Occupy Pittsburgh Threat Assessment

Hi (b) (6)

(b) (5), (b) (6)

From: (b) (6)
Sent: Friday, October 07, 2011 10:04 AM
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) I left both of you voice mail messages in which I described this issue in greater detail. There is attached to this email a threat bulletin being disseminated by the Office of Emergency Management in Pittsburgh in which it discusses the threat posed by the Occupy Pittsburgh campaign and the hackers' group: Anonymous. Both myself and (b) (6) (IO deployed to the PACIC Center in Harrisburg) are somewhat concerned that several items

contained in this Intel Bulletin might be advocating surveillance and other countermeasures to be employed against activities protected under the 1st Amendment. Would either one or both of you be able to see what could be developed from this document that (b) (6) could take back to the Intel staff that produced this so that in the future they have a greater awareness of how to develop intelligence assessments that don't undermine Constitutionally protected speech and assembly rights?

Thanks in advanced, really appreciate all your help.

From: (b) (6)
Sent: Friday, October 07, 2011 9:52 AM
To: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) As discussed. Pittsburgh published and distributed this assessment yesterday. I'm just looking for some help in guiding their personnel on what should and shouldn't be said concerning planned, legal demonstrations. Thanks for your help. (b) (6)

From: (b) (6) [mailto:(b) (6)]
Sent: Thursday, October 06, 2011 3:06 PM
To: (b) (6)
[REDACTED]
Cc: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

FYI,

(b) (6)

(b) (6)
Field Intelligence Officer
Transportation Security Administration
Western Pennsylvania and West Virginia
(b) (6) o
(b) (6) c
(412) 472-8018 f

From: (b) (6)
Sent: Thursday, October 06, 2011 2:51 PM
To: (b) (6)
Subject: (U/FOUO) Occupy Pittsburgh Threat Assessment

Attached is a product concerning the Occupy Pittsburgh event planned for October 15, 2011 and Feedback Form. As always, your feedback is appreciated.

Please disseminate as appropriate.

(b) (6) PCP
Emergency Management Specialist/ Planner
City of Pittsburgh
Office of Emergency Management and Homeland Security

200 Ross Street, Fifth Floor
Pittsburgh PA 15219
Main: (b) (6)
Fax: 412-255-8662
Cell: (b) (6)

<http://www.facebook.com/pgh.ema>

<http://twitter.com/PittsburghOEMHS>

<http://www.pittsburghpa.gov/ema/>

(b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 4:39 PM
To: (b) (6) (b) (6)
Cc: (b) (6)
Subject: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

(b) (6) and (b) (6)

Good afternoon. I'm (b) (6) a Domestic Terrorism analyst with the Homeland Counterterrorism Division. I ran across this today and was interested in a possible write up of the event for the state and locals. Before I spent the time writing on this, however, I'd like to know what objections CRCL might pose to such a product concerning the Occupy movement—which has thus far been nonviolent. Please take a look at below and let me know what you think.

Best,

(b) (6)

DHS Office of Intelligence and Analysis
Homeland Counterterrorism Division
Homegrown Violent Extremism Branch
Domestic Terrorism Analyst
Desk: (b) (6)

Warning: This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information such as found under 49 CFR 1520 or the Privacy Act of 1974. It should not be communicated to any person, or agency, unless disclosure is in performance of official DHS duties and there exists a valid need to know. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

New post on **GREY COAST ANARCHIST NEWS**



Eugene: SUV covered in anti-oil, pro-occupation graffiti and set on fire

by greycoast4narchists

From RegisterGuard. October 14, 2011.

Perhaps the people responsible for torching a graffiti-covered Toyota 4-Runner in west Eugene on Wednesday night really did want to send a political message.

But at this point, police say they don't know who set the fire or why they did it — despite the fact that the burned sport utility vehicle was covered with miscellaneous graffiti that included an anarchist symbol and messages consistent with those of the nationwide “Occupy” movement protesting economic inequities.

Eugene police spokeswoman Melinda McLaughlin said it would be “unfair to blame any one group” for the arson.

“The graffiti is all over the map,” she said.

Eugene firefighters rushed to the corner of West 13th Avenue and Grant Street just after 9 p.m. Wednesday and found the red SUV engulfed in flames. Police arrived at the scene a short time later and determined that the blaze had been set intentionally. The damage was estimated at \$5,000.

Before lighting the vehicle on fire, someone had used white paint to scrawl onto the vehicle a number of messages that included “Occupy Eugene,” “99%,” “Oil is Bad” and “No Exxon” — along with an anarchist symbol and a profanity directed toward Eugene Mayor Kitty Piercy, police said.

Piercy said she spoke Thursday with police about the fire, and added that she hopes authorities track down the people behind the “dangerous” incident.

“Of course I don't like to see hateful graffiti aimed at me or anyone else,” Piercy said. “Especially when it is linked to a violent act such as this one.”

Meanwhile, organizers with Occupy Eugene — an offshoot of the national movement that last month began staging demonstrations on Wall Street — were quick to distance their group from the arson.

Occupy Eugene spokeswoman Crystal Stanford said the group is part of “a peaceful movement” that does not condone violence or property destruction.

“My first thought (upon hearing of the SUV fire) was that people would think that we were on the fringe,” Stanford said. “We're a populist movement, and our values are consistent with the values of the everyday, normal person.”

She added that group members “love the mayor. Kitty Piercy is on our team.”

While he said he had no idea who might be responsible for the fire, Eugene author and anarchist John Zerzan said he is certain anarchists are participating in “Occupy” events locally and elsewhere, and that their beliefs differ greatly from “peaceniks” who “never want to get off the sidewalk.”

“Some people want to take (the movement) in a militant direction, and some don't,” Zerzan said.

Police continue to investigate the arson case.

McLaughlin said the 4-Runner's most recent registered owner — who does not live in Eugene — sold it about a year

ago.

She said investigators did not want to publicly identify the person to whom it was sold.

Police have not spoken with any witnesses who saw the fire being set.

Neighbors on Thursday said they did not recognize the vehicle as belonging to anyone in the area.

In 2000, a pair of self-proclaimed anarchists in Eugene set fire to three SUVs at the former Romania truck lot off Franklin Boulevard.

The two men, Jeffrey Luers and Craig Marshall, later pleaded guilty to arson charges and went to prison.

Thanks for flying with  WordPress.com

(b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 5:04 PM
To: (b) (6)
Subject: RE: (U/FOUO) Occupy Pittsburgh Threat Assessment

DELIBERATIVE

Yes I think that making ourselves available for further discussion is totally reasonable and a good policy. I support that offer ☺

(b) (6)

Office: (b) (6)
Cell: (b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 2:55 PM
To: (b) (6)
Subject: RE: (U/FOUO) Occupy Pittsburgh Threat Assessment

DELIBERATIVE

Thanks (b) (6)

Also, thanks for marking the material- my oversight. Good catch. Just to be sure, did your good with the last sentence of making an offer to discuss with the fusion center?

From: (b) (6)
Sent: Monday, October 24, 2011 2:37 PM
To: (b) (6)
Subject: RE: (U/FOUO) Occupy Pittsburgh Threat Assessment

DELIBERATIVE

Hi (b) (6)

I think that (b) (6) foundation and the culling down you did look great. I made a few very minor tweaks for your consideration. My changes sought to take out language that indicates our guidelines are mandatory. For instance replace "personnel must" with "personnel should".

I also recommend that we advise only the DHS people – and remain silent on whether they should pass along our input to the Pittsburgh folks.

Please see the attached document with my recommendations.

(b) (6)

Office: (b) (6)
Cell: (b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 1:40 PM
To: (b) (6)
Subject: RE: (U/FOUO) Occupy Pittsburgh Threat Assessment

Hi (b) (6)

(b) (5), (b) (6)




From: (b) (6)
Sent: Friday, October 07, 2011 10:04 AM
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) I left both of you voice mail messages in which I described this issue in greater detail. There is attached to this email a threat bulletin being disseminated by the Office of Emergency Management in Pittsburgh in which it discusses the threat posed by the Occupy Pittsburgh campaign and the hackers' group: Anonymous. Both myself and (b) (6) (IO deployed to the PACIC Center in Harrisburg) are somewhat concerned that several items contained in this Intel Bulletin might be advocating surveillance and other countermeasures to be employed against activities protected under the 1st Amendment. Would either one or both of you be able to see what could be developed from this document that (b) (6) could take back to the Intel staff that produced this so that in the future they have a greater awareness of how to develop intelligence assessments that don't undermine Constitutionally protected speech and assembly rights?
Thanks in advanced, really appreciate all your help.

From: (b) (6)
Sent: Friday, October 07, 2011 9:52 AM
To: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) As discussed. Pittsburgh published and distributed this assessment yesterday. I'm just looking for some help in guiding their personnel on what should and shouldn't be said concerning planned, legal demonstrations. Thanks for your help. (b)

From: (b) (6) [mailto:(b) (6)]
Sent: Thursday, October 06, 2011 3:06 PM
To: (b) (6)

Cc: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

FYI,
(b)
(6)

(b) (6)

Field Intelligence Officer
Transportation Security Administration
Western Pennsylvania and West Virginia

(b) (6)

o

(b) (6)

c

(412) 472-8018 f

From: (b) (6)

Sent: Thursday, October 06, 2011 2:51 PM

To: (b) (6)

Subject: (U/FOUO) Occupy Pittsburgh Threat Assessment

Attached is a product concerning the Occupy Pittsburgh event planned for October 15, 2011 and Feedback Form. As always, your feedback is appreciated.

Please disseminate as appropriate.

(b) (6)

PCP

Emergency Management Specialist/ Planner
City of Pittsburgh
Office of Emergency Management and Homeland Security
200 Ross Street, Fifth Floor
Pittsburgh PA 15219

Main: (b) (6)

Fax: 412-255-8662

Cell: (b) (6)

<http://www.facebook.com/pgh.ema>

<http://twitter.com/PittsburghOEMHS>

<http://www.pittsburghpa.gov/ema/>

(b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 5:15 PM
To: (b) (6)
Cc: (b) (6)
Subject: Occupy Wall Street Request
Attachments: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

Hey (b) (6)

I saw the request that came in for guidance on whether I&A can do a product on Occupy Wall Street. We got a similar request from SLPO last week and we collaborated with Privacy to come up with a joint response. The response below was cleared by (b) (6) I wanted to share this with you to initiate our discussion:

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.

(b) (6)
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

(b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 4:39 PM
To: (b) (6) (b) (6)
Cc: (b) (6)
Subject: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

(b) (6) and (b) (6)

Good afternoon. I'm (b) (6) a Domestic Terrorism analyst with the Homeland Counterterrorism Division. I ran across this today and was interested in a possible write up of the event for the state and locals. Before I spent the time writing on this, however, I'd like to know what objections CRCL might pose to such a product concerning the Occupy movement—which has thus far been nonviolent. Please take a look at below and let me know what you think.

Best,

(b) (6)

DHS Office of Intelligence and Analysis
Homeland Counterterrorism Division
Homegrown Violent Extremism Branch
Domestic Terrorism Analyst
Desk: (b) (6)

Warning: This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information such as found under 49 CFR 1520 or the Privacy Act of 1974. It should not be communicated to any person, or agency, unless disclosure is in performance of official DHS duties and there exists a valid need to know. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

New post on **GREY COAST ANARCHIST NEWS**



Eugene: SUV covered in anti-oil, pro-occupation graffiti and set on fire

by greycoast4narchists

From RegisterGuard. October 14, 2011.

Perhaps the people responsible for torching a graffiti-covered Toyota 4-Runner in west Eugene on Wednesday night really did want to send a political message.

But at this point, police say they don't know who set the fire or why they did it — despite the fact that the burned sport utility vehicle was covered with miscellaneous graffiti that included an anarchist symbol and messages consistent with those of the nationwide “Occupy” movement protesting economic inequities.

Eugene police spokeswoman Melinda McLaughlin said it would be “unfair to blame any one group” for the arson.

“The graffiti is all over the map,” she said.

Eugene firefighters rushed to the corner of West 13th Avenue and Grant Street just after 9 p.m. Wednesday and found the red SUV engulfed in flames. Police arrived at the scene a short time later and determined that the blaze had been set intentionally. The damage was estimated at \$5,000.

Before lighting the vehicle on fire, someone had used white paint to scrawl onto the vehicle a number of messages that included “Occupy Eugene,” “99%,” “Oil is Bad” and “No Exxon” — along with an anarchist symbol and a profanity directed toward Eugene Mayor Kitty Piercy, police said.

Piercy said she spoke Thursday with police about the fire, and added that she hopes authorities track down the people behind the “dangerous” incident.

“Of course I don't like to see hateful graffiti aimed at me or anyone else,” Piercy said. “Especially when it is linked to a violent act such as this one.”

Meanwhile, organizers with Occupy Eugene — an offshoot of the national movement that last month began staging demonstrations on Wall Street — were quick to distance their group from the arson.

Occupy Eugene spokeswoman Crystal Stanford said the group is part of “a peaceful movement” that does not condone violence or property destruction.

“My first thought (upon hearing of the SUV fire) was that people would think that we were on the fringe,” Stanford said. “We're a populist movement, and our values are consistent with the values of the everyday, normal person.”

She added that group members “love the mayor. Kitty Piercy is on our team.”

While he said he had no idea who might be responsible for the fire, Eugene author and anarchist John Zerzan said he is certain anarchists are participating in “Occupy” events locally and elsewhere, and that their beliefs differ greatly from “peaceniks” who “never want to get off the sidewalk.”

“Some people want to take (the movement) in a militant direction, and some don't,” Zerzan said.

Police continue to investigate the arson case.

McLaughlin said the 4-Runner's most recent registered owner — who does not live in Eugene — sold it about a year

ago.

She said investigators did not want to publicly identify the person to whom it was sold.

Police have not spoken with any witnesses who saw the fire being set.

Neighbors on Thursday said they did not recognize the vehicle as belonging to anyone in the area.

In 2000, a pair of self-proclaimed anarchists in Eugene set fire to three SUVs at the former Romania truck lot off Franklin Boulevard.

The two men, Jeffrey Luers and Craig Marshall, later pleaded guilty to arson charges and went to prison.

Thanks for flying with  WordPress.com

(b) (6)

From: (b) (6)
Sent: Friday, October 28, 2011 2:52 PM
To: (b) (6); (b) (6)
Subject: RE: U/FOUO) Occupy Pittsburgh Threat Assessment (DELIBERATIVE)
Attachments: 10-24-11 regarding Pittsburg Office of Emergency Management and Homeland Security_CRCL with (b) (6) and (b) (6) edits MRM.docx

(b) (6)

(b) (5)

(b) (6) Esq.

Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)
Sent: Tuesday, October 25, 2011 1:30 PM
To: (b) (6); (b) (6)
Subject: RE: U/FOUO) Occupy Pittsburgh Threat Assessment (DELIBERATIVE)

Hi (b) (6)

(b) (5), (b) (6)

(b) (6)
Senior Policy Advisor
Intelligence, Security, and Information Sharing (ISIS) Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Blackberry: (b) (6)
Fax: (202) 357-8341
email: (b) (6)
JWICS: (b) (6)

From: (b) (6)
Sent: Tuesday, October 11, 2011 5:23 PM
To: (b) (6) (b) (6)
Subject: FW: U/FOUO) Occupy Pittsburgh Threat Assessment (DELIBERATIVE)

(b) (6) & (b) (6)

Attached please find my first crack at a response to the Pittsburgh threat assessment. Per the way (b) (6) has raised this issue to us, I'm focusing on general principles (with some digressions on how they would apply to the product in question), rather than redlining the actual report. I spoke with (b) (6) on Friday and got some additional detail about the fusion center in question and how this product came to be that I think will be helpful as you look at what I've written. Can we meet briefly tomorrow to discuss?

(b) (6)

(b) (6) Esq.
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)
Sent: Friday, October 07, 2011 10:14 AM
To: (b) (6)
Cc: (b) (6) (b) (6)
Subject: FW: U/FOUO) Occupy Pittsburgh Threat Assessment

As we discussed.

From: (b) (6) [mailto:(b) (6)]
Sent: Friday, October 07, 2011 10:07 AM
To: (b) (6)
Subject: U/FOUO) Occupy Pittsburgh Threat Assessment

From: (b) (6)
Sent: Friday, October 07, 2011 10:04 AM
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) I left both of you voice mail messages in which I described this issue in greater detail. There is attached to this email a threat bulletin being disseminated by the Office of Emergency Management in Pittsburgh in which it discusses the threat posed by the Occupy Pittsburgh campaign and the hackers' group: Anonymous. Both myself and (b) (6) (IO deployed to the PACIC Center in Harrisburg) are somewhat concerned that several items contained in this Intel Bulletin might be advocating surveillance and other countermeasures to be employed against activities protected under the 1st Amendment. Would either one or both of you be able to see what could be developed from this document that (b) (6) could take back to the Intel staff that produced this so that in the future they have a

greater awareness of how to develop intelligence assessments that don't undermine Constitutionally protected speech and assembly rights?

Thanks in advanced, really appreciate all your help.

From: (b) (6)
Sent: Friday, October 07, 2011 9:52 AM
To: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) As discussed. Pittsburgh published and distributed this assessment yesterday. I'm just looking for some help in guiding their personnel on what should and shouldn't be said concerning planned, legal demonstrations. Thanks for your help. (b) (6)

From: (b) (6) [mailto:(b) (6)]
Sent: Thursday, October 06, 2011 3:06 PM
To: (b) (6)
[Redacted]
Cc: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

FYI,
(b) (6)

(b) (6)
Field Intelligence Officer
Transportation Security Administration
Western Pennsylvania and West Virginia
(b) (6) o
(b) (6) c
(412) 472-8018 f

From: (b) (6)
Sent: Thursday, October 06, 2011 2:51 PM
To: (b) (6)
Subject: (U/FOUO) Occupy Pittsburgh Threat Assessment

Attached is a product concerning the Occupy Pittsburgh event planned for October 15, 2011 and Feedback Form. As always, your feedback is appreciated.

Please disseminate as appropriate.

(b) (6) PCP
Emergency Management Specialist/ Planner
City of Pittsburgh
Office of Emergency Management and Homeland Security
200 Ross Street, Fifth Floor
Pittsburgh PA 15219
Main: (b) (6)

Fax: 412-255-8662

Cell: (b) (6)

<http://www.facebook.com/pgh.ema>

<http://twitter.com/PittsburghOEMHS>

<http://www.pittsburghpa.gov/ema/>

(b) (6)

From: (b) (6)
Sent: Monday, October 31, 2011 10:22 AM
To: (b) (6)
Cc: (b) (6)
Subject: RE: Occupy Wall Street Request

DELIBERATIVE

Hey (b) (6)

I agree with your concern. I think you've drafted a good response below. My only point of divergence is that I believe a product written about the incident of vandalism, if it does not attribute the vandalism to OWS would not be a Homeland Security issue. Although this question falls within OGC's authority to determine, if the basis for reporting is a single incident, not the general movement, the single incident does not appear to be a Homeland Security issue.

I fear that no matter how you parse a potential report, any product on OWS which seeks to report on the movement in general, or the potential for violence nationwide would be largely reporting on First Amendment-protected activity.

I am concerned that this may be misinterpreted by recipients or lead to improper action on the basis of an I&A report.

I'm happy to discuss this further with you. Please let me know what you think.

(b) (6)

Office: (b) (6)
Cell: (b) (6)

From: (b) (6)
Sent: Monday, October 31, 2011 10:08 AM
To: (b) (6)
Cc: (b) (6)
Subject: RE: Occupy Wall Street Request

(b) (5), (b) (6)

(b) (5), (b) (6)

(b) (5)



(b) (6) [redacted] Esq.

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b) (6) (o)

(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6) [redacted]

Sent: Monday, October 24, 2011 5:15 PM

To: (b) (6) [redacted]

Cc: (b) (6) [redacted]

Subject: Occupy Wall Street Request

Hey (b) (6) [redacted]

I saw the request that came in for guidance on whether I&A can do a product on Occupy Wall Street. We got a similar request from SLPO last week and we collaborated with Privacy to come up with a joint response. The response below was cleared by (b) (6) [redacted]. I wanted to share this with you to initiate our discussion:

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.

(b) (6)
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

(b) (6)

From: (b) (6)
Sent: b
To: (b) (6)
Cc: (b) (6)
Subject:

(b) (5) (b) (6)

(b) (5) (b) (6)

(b) (6) Esq.
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)
Sent: Monday, October 24, 2011 5:15 PM
To: (b) (6)
Cc: (b) (6)
Subject: Occupy Wall Street Request

Hey (b) (6)

I saw the request that came in for guidance on whether I&A can do a product on Occupy Wall Street. We got a similar request from SLPO last week and we collaborated with Privacy to come up with a joint response. The response below was cleared by (b) (6) I wanted to share this with you to initiate our discussion:

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.

(b) (6)
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)


(b) (6)

From: (b) (6)
Sent: (b) (6)
To: (b) (6)
Cc: (b) (6)
Subject:

I expect that the analyst considers the single incident to be an incident of domestic terrorism (similar to ELF attacks on SUVs), and would argue that the DHS authority to report would be based on this being a suspected domestic terrorism incident. I think a reasonable case could be made for that.

W/r/t a larger report on the Occupy movement, do you mean that you don't think CRCL could clear on any product on OWS, generally? I tend to agree that it would be difficult to clear on that, given that any concerns out of the movement thus far are local matters: reasonable time, place, and manner restrictions on protests, health and safety issues, etc, all seem to be situational awareness issues (not domestic terrorism-related) that apply only to locals dealing with particular protests, and therefore, lack a DHS nexus for reporting. Given that their only foray into illegal activity, as a movement, seems to be violating permit rules and clashes with the police over removals (mostly, but not exclusively, though civil disobedience tactics), a product would tend to appear as merely reporting on First Amendment activity. What do you think of adding this to my draft:

(b) () (b) (6)



This request was addressed to the two of us, but I think we need a CRCL-wide approved response. Why don't we finalize our proposed text, then send it to (b) (6) for clearance?

(b) (6) Esq.
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)
Sent: Monday, October 31, 2011 10:22 AM
To: (b) (6)
Cc: (b) (6)
Subject: RE: Occupy Wall Street Request

DELIBERATIVE

Hey (b) (6)

I agree with your concern. I think you've drafted a good response below. My only point of divergence is that I believe a product written about the incident of vandalism, if it does not attribute the vandalism to OWS would not be a Homeland Security issue. Although this question falls within OGC's authority to determine, if the basis for reporting is a single incident, not the general movement, the single incident does not appear to be a Homeland Security issue.

I fear that no matter how you parse a potential report, any product on OWS which seeks to report on the movement in general, or the potential for violence nationwide would be largely reporting on First Amendment-protected activity.

I am concerned that this may be misinterpreted by recipients or lead to improper action on the basis of an I&A report.

I'm happy to discuss this further with you. Please let me know what you think.

(b) (6)

Office: (b) (6)
Cell: (b) (6)

From: (b) (6)
Sent: Monday, October 31, 2011 10:08 AM
To: (b) (6)
Cc: (b) (6)
Subject: RE: Occupy Wall Street Request

(b) () (b) (6)

(b) () (b) (6)

(b) (6) Esq.

Policy Advisor

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b) (6) (o)

(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)

Sent: Monday, October 24, 2011 5:15 PM

To: (b) (6)

Cc: (b) (6)

Subject: Occupy Wall Street Request

Hey (b) (6)

I saw the request that came in for guidance on whether I&A can do a product on Occupy Wall Street. We got a similar request from SLPO last week and we collaborated with Privacy to come up with a joint response. The response below was cleared by (b) (6) I wanted to share this with you to initiate our discussion:

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.

(b) (6)
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

(b) (6)

From: (b) (6)
Sent: b
To: (b) (6)
Cc: (b) (6)
Subject:


Hi (b) (6)

I added one line to the beginning and I am comfortable with sending this draft response to (b) (6) for her review. If you agree with this add, can you please send to (b) (6) for her review?

Thanks,

(b) (6)

(b) () (b) (6)



From: (b) (6)
Sent: Monday, October 31, 2011 11:02 AM
To: (b) (6)
Cc: (b) (6)
Subject: RE: Occupy Wall Street Request

I expect that the analyst considers the single incident to be an incident of domestic terrorism (similar to ELF attacks on SUVs), and would argue that the DHS authority to report would be based on this being a suspected domestic terrorism incident. I think a reasonable case could be made for that.

W/r/t a larger report on the Occupy movement, do you mean that you don't think CRCL could clear on any product on OWS, generally? I tend to agree that it would be difficult to clear on that, given that any concerns out of the movement thus far are local matters: reasonable time, place, and manner restrictions on protests, health and safety issues, etc, all seem to be situational awareness issues (not domestic terrorism-related) that apply only to locals dealing with particular protests, and therefore, lack a DHS nexus for reporting. Given that their only foray into illegal activity, as a movement, seems to be violating permit rules and clashes with the police over removals (mostly, but not exclusively, though civil disobedience tactics), a product would tend to appear as merely reporting on First Amendment activity. What do you think of adding this to my draft:

(b) () (b) (6)



This request was addressed to the two of us, but I think we need a CRCL-wide approved response. Why don't we finalize our proposed text, then send it to (b) (6) for clearance?

(b) (6) Esq.

Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)

(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)

Sent: Monday, October 31, 2011 10:22 AM

To: (b) (6)

Cc: (b) (6)

Subject: RE: Occupy Wall Street Request

DELIBERATIVE

Hey (b) (6)

I agree with your concern. I think you've drafted a good response below. My only point of divergence is that I believe a product written about the incident of vandalism, if it does not attribute the vandalism to OWS would not be a Homeland Security issue. Although this question falls within OGC's authority to determine, if the basis for reporting is a single incident, not the general movement, the single incident does not appear to be a Homeland Security issue.

I fear that no matter how you parse a potential report, any product on OWS which seeks to report on the movement in general, or the potential for violence nationwide would be largely reporting on First Amendment-protected activity.

I am concerned that this may be misinterpreted by recipients or lead to improper action on the basis of an I&A report.

I'm happy to discuss this further with you. Please let me know what you think.

(b) (6)

Office: (b) (6)

Cell: (b) (6)

From: (b) (6)

Sent: Monday, October 31, 2011 10:08 AM

To: (b) (6)

Cc: (b) (6)

Subject: RE: Occupy Wall Street Request

(b) () (b) (6)

(b) () (b) (6)

(b) (6) Esq.

Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)
Sent: Monday, October 24, 2011 5:15 PM
To: (b) (6)
Cc: (b) (6)
Subject: Occupy Wall Street Request

Hey (b) (6)

I saw the request that came in for guidance on whether I&A can do a product on Occupy Wall Street. We got a similar request from SLPO last week and we collaborated with Privacy to come up with a joint response. The response below was cleared by (b) (6) I wanted to share this with you to initiate our discussion:

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible

exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.

(b) (6)
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

(b) (6)

From: (b) (6)
Sent: (b) (6)
To: (b) (6)
Cc: (b) (6)
Subject: (b) (6)

b

b

Sounds good. Thank you.

(b) (6)

From: (b) (6)
Sent: Monday, October 31, 2011 12:16 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

Deliberative

(b) (6)

I tweaked the first sentence a bit. (see below) With this change, you can send it up. At this point in time, I don't believe we need to circulate for a CRCL wide opinion on the matter at this point.

Thanks

(b) (6)

(b) () (b) (6)

(b) ()



(b) (6)
Senior Policy Advisor
Intelligence, Security, and Information Sharing (ISIS) Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Blackberry: (b) (6)
Fax: (202) 357-8341
email: (b) (6)
JWICS: (b) (6)

From: (b) (6)
Sent: Monday, October 31, 2011 11:49 AM
To: (b) (6)
Cc: (b) (6)
Subject: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

DELIBERATIVE

(b) (6)

Last week, (b) (6) and I received this request for CRCL's concerns regarding an incident of vandalism and arson in Eugene, OR, which might be tied to the Occupy movement, or might be related to eco-terrorism or other domestic terrorism. We've crafted a proposed response, but believe this is something we should probably coordinate a CRCL-wide response for. What do you think?

(b) () (b) (6)



(b) ()

(b) (6) Esq.

Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)

Sent: Monday, October 24, 2011 4:39 PM

To: (b) (6) (b) (6)

Cc: (b) (6)

Subject: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

(b) (6) and (b) (6)

Good afternoon. I'm (b) (6) a Domestic Terrorism analyst with the Homeland Counterterrorism Division. I ran across this today and was interested in a possible write up of the event for the state and locals. Before I spent the time writing on this, however, I'd like to know what objections CRCL might pose to such a product concerning the Occupy movement—which has thus far been nonviolent. Please take a look at below and let me know what you think.

Best,

(b) (6)

DHS Office of Intelligence and Analysis
Homeland Counterterrorism Division
Homegrown Violent Extremism Branch
Domestic Terrorism Analyst
Desk: (b) (6)

b

b

b

b

b

New post on **GREY COAST ANARCHIST NEWS**



Eugene: SUV covered in anti-oil, pro-occupation graffiti and set on fire

by greycoast4narchists

From RegisterGuard. October 14, 2011.

Perhaps the people responsible for torching a graffiti-covered Toyota 4-Runner in west Eugene on Wednesday night really did want to send a political message.

But at this point, police say they don't know who set the fire or why they did it — despite the fact that the burned sport utility vehicle was covered with miscellaneous graffiti that included an anarchist symbol and messages consistent with those of the nationwide "Occupy" movement protesting economic inequities.

Eugene police spokeswoman Melinda McLaughlin said it would be "unfair to blame any one group" for the arson.

"The graffiti is all over the map," she said.

Eugene firefighters rushed to the corner of West 13th Avenue and Grant Street just after 9 p.m. Wednesday and found the red SUV engulfed in flames. Police arrived at the scene a short time later and determined that the blaze had been set intentionally. The damage was estimated at \$5,000.

Before lighting the vehicle on fire, someone had used white paint to scrawl onto the vehicle a number of messages that included "Occupy Eugene," "99%," "Oil is Bad" and "No Exxon" — along with an anarchist symbol and a profanity directed toward Eugene Mayor Kitty Piercy, police said.

Piercy said she spoke Thursday with police about the fire, and added that she hopes authorities track down the people behind the “dangerous” incident.

“Of course I don’t like to see hateful graffiti aimed at me or anyone else,” Piercy said. “Especially when it is linked to a violent act such as this one.”

Meanwhile, organizers with Occupy Eugene — an offshoot of the national movement that last month began staging demonstrations on Wall Street — were quick to distance their group from the arson.

Occupy Eugene spokeswoman Crystal Stanford said the group is part of “a peaceful movement” that does not condone violence or property destruction.

“My first thought (upon hearing of the SUV fire) was that people would think that we were on the fringe,” Stanford said. “We’re a populist movement, and our values are consistent with the values of the everyday, normal person.”

She added that group members “love the mayor. Kitty Piercy is on our team.”

While he said he had no idea who might be responsible for the fire, Eugene author and anarchist John Zerzan said he is certain anarchists are participating in “Occupy” events locally and elsewhere, and that their beliefs differ greatly from “peaceniks” who “never want to get off the sidewalk.”

“Some people want to take (the movement) in a militant direction, and some don’t,” Zerzan said.

Police continue to investigate the arson case.

McLaughlin said the 4-Runner’s most recent registered owner — who does not live in Eugene — sold it about a year ago.

She said investigators did not want to publicly identify the person to whom it was sold.

Police have not spoken with any witnesses who saw the fire being set.

Neighbors on Thursday said they did not recognize the vehicle as belonging to anyone in the area.

In 2000, a pair of self-proclaimed anarchists in Eugene set fire to three SUVs at the former Romania truck lot off Franklin Boulevard.

The two men, Jeffrey Luers and Craig Marshall, later pleaded guilty to arson charges and went to prison.

(b) (6)

From: (b) (6)
Sent: b
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6)
Subject:

b

b

Dear (b) (6),

Thanks for inquiring with CRCL as to concerns that we would have with regard to a write up of the incident in Oregon where an SUV was vandalized and set on fire. Given that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity, we maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech.

As you note, the Occupy movement has thus far been largely non-violent. There have been some arrests, and any violence thus far seems to be limited to clashes between some individuals who are or may be associated with the movement (the order of events in Oakland doesn't seem to be clear) during attempts to remove protestors from certain locations or enforce curfews.

In a product on the incident in Eugene, we'd be particularly concerned about attribution of the incident. The article notes that the police say they don't know who set the fire or why they did it, and while some of the graffiti contains slogans consistent with some of the Occupy movement's protests, the police say it would be "unfair to blame any one group" for the incident, and the spokesperson for Occupy Eugene denounced the event and said it was not part of their tactics. Unless there is other intelligence that indicates that the vandalism can be attributed to the group, the product would have to be very careful not to attribute the incident to the movement.

If I&A believes the incident in Eugene merits nationwide reporting, it would be preferable for I&A to write up the incident in a manner that takes care not to attribute the action to Occupy (absent further information), rather than to write a general product about Occupy and add to that product a write-up of the incident (as the context of the product would make it difficult to convey that we have no information that the incident may be fairly attributed to Occupy, rather than someone merely sympathetic to their ideology). Generally, it would be difficult for DHS to justify a product on the Occupy movement at this time. As you note, the movement has been largely non-violent, and what criminal activity has taken place has mostly been of the civil disobedience variety (failure to secure/overstaying permits, non-violent resistance to arrest), with occasional violent resistance to being removed from a location/arrested, etc., and it is unclear what is appropriately attributable to the Occupy movement versus individuals who may later enter into a conflict with policy. Other concerns appear to be health and safety related (use of heating equipment, disposal of trash, etc). As these concerns generally are localized and not related to domestic terrorism, to our knowledge, it would be difficult for DHS to justify a product on what is largely First Amendment protected activity that doesn't appear to have a nexus to a DHS mission.

Please let us know if there's anything else we can do to help.

(b) (6)

From: (b) (6)
Sent: Monday, October 24, 2011 4:39 PM
To: (b) (6) (b) (6)

Cc: (b) (6)

Subject: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

(b) (6) and (b) (6)

Good afternoon. I'm (b) (6) a Domestic Terrorism analyst with the Homeland Counterterrorism Division. I ran across this today and was interested in a possible write up of the event for the state and locals. Before I spent the time writing on this, however, I'd like to know what objections CRCL might pose to such a product concerning the Occupy movement—which has thus far been nonviolent. Please take a look at below and let me know what you think.

Best,

(b) (6)

DHS Office of Intelligence and Analysis
Homeland Counterterrorism Division
Homegrown Violent Extremism Branch
Domestic Terrorism Analyst
Desk: (b) (6)

b

b

b

b

b

New post on **GREY COAST ANARCHIST NEWS**



Eugene: SUV covered in anti-oil, pro-occupation graffiti and set on fire

by greycoast4narchists

From RegisterGuard. October 14, 2011.

Perhaps the people responsible for torching a graffiti-covered Toyota 4-Runner in west Eugene on Wednesday night really did want to send a political message.

But at this point, police say they don't know who set the fire or why they did it — despite the fact that the burned sport utility vehicle was covered with miscellaneous graffiti that included an anarchist symbol and messages consistent with those of the nationwide "Occupy" movement protesting economic inequities.

Eugene police spokeswoman Melinda McLaughlin said it would be "unfair to blame any one group" for the arson.

“The graffiti is all over the map,” she said.

Eugene firefighters rushed to the corner of West 13th Avenue and Grant Street just after 9 p.m. Wednesday and found the red SUV engulfed in flames. Police arrived at the scene a short time later and determined that the blaze had been set intentionally. The damage was estimated at \$5,000.

Before lighting the vehicle on fire, someone had used white paint to scrawl onto the vehicle a number of messages that included “Occupy Eugene,” “99%,” “Oil is Bad” and “No Exxon” — along with an anarchist symbol and a profanity directed toward Eugene Mayor Kitty Piercy, police said.

Piercy said she spoke Thursday with police about the fire, and added that she hopes authorities track down the people behind the “dangerous” incident.

“Of course I don’t like to see hateful graffiti aimed at me or anyone else,” Piercy said. “Especially when it is linked to a violent act such as this one.”

Meanwhile, organizers with Occupy Eugene — an offshoot of the national movement that last month began staging demonstrations on Wall Street — were quick to distance their group from the arson.

Occupy Eugene spokeswoman Crystal Stanford said the group is part of “a peaceful movement” that does not condone violence or property destruction.

“My first thought (upon hearing of the SUV fire) was that people would think that we were on the fringe,” Stanford said. “We’re a populist movement, and our values are consistent with the values of the everyday, normal person.”

She added that group members “love the mayor. Kitty Piercy is on our team.”

While he said he had no idea who might be responsible for the fire, Eugene author and anarchist John Zerzan said he is certain anarchists are participating in “Occupy” events locally and elsewhere, and that their beliefs differ greatly from “peaceniks” who “never want to get off the sidewalk.”

“Some people want to take (the movement) in a militant direction, and some don’t,” Zerzan said.

Police continue to investigate the arson case.

McLaughlin said the 4-Runner’s most recent registered owner — who does not live in Eugene — sold it about a year ago.

She said investigators did not want to publicly identify the person to whom it was sold.

Police have not spoken with any witnesses who saw the fire being set.

Neighbors on Thursday said they did not recognize the vehicle as belonging to anyone in the area.

In 2000, a pair of self-proclaimed anarchists in Eugene set fire to three SUVs at the former Romania truck lot off Franklin Boulevard.

The two men, Jeffrey Luers and Craig Marshall, later pleaded guilty to arson charges and went to prison.

Thanks for flying with  WordPress.com

(b) (6)

From: (b) (6)
Sent: (b) (6) b 6
To: (b) (6)
Cc: (b) (6) (b) (6) (b) (6)
Subject: b b

Thanks (b) (6) I appreciate you taking the time to look at this. It is very helpful for me to learn exactly what your objections would be prior to starting on a product. As of right now, I'm not planning on writing a product on this incident, but I'll be sure to keep your comments in mind as the Occupy movement drags along and more incidents pop up. Have a good one!

Best,

(b) (6)
DHS Office of Intelligence and Analysis
Homeland Counterterrorism Division
Homegrown Violent Extremism Branch
Domestic Terrorism Analyst
Desk: 2 (b) (6)

b

b

b

b

b

From: (b) (6)
Sent: Monday, October 31, 2011 5:03 PM
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6)
Subject: RE: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

Dear (b) (6)

Thanks for inquiring with CRCL as to concerns that we would have with regard to a write up of the incident in Oregon where an SUV was vandalized and set on fire. Given that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity, we maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech.

As you note, the Occupy movement has thus far been largely non-violent. There have been some arrests, and any violence thus far seems to be limited to clashes between some individuals who are or may be associated with the movement (the order of events in Oakland doesn't seem to be clear) during attempts to remove protestors from certain locations or enforce curfews.

In a product on the incident in Eugene, we'd be particularly concerned about attribution of the incident. The article notes that the police say they don't know who set the fire or why they did it, and while some of the graffiti contains slogans consistent with some of the Occupy movement's protests, the police say it would be "unfair to blame any one group" for the incident, and the spokesperson for Occupy Eugene denounced the event

and said it was not part of their tactics. Unless there is other intelligence that indicates that the vandalism can be attributed to the group, the product would have to be very careful not to attribute the incident to the movement.

If I&A believes the incident in Eugene merits nationwide reporting, it would be preferable for I&A to write up the incident in a manner that takes care not to attribute the action to Occupy (absent further information), rather than to write a general product about Occupy and add to that product a write-up of the incident (as the context of the product would make it difficult to convey that we have no information that the incident may be fairly attributed to Occupy, rather than someone merely sympathetic to their ideology). Generally, it would be difficult for DHS to justify a product on the Occupy movement at this time. As you note, the movement has been largely non-violent, and what criminal activity has taken place has mostly been of the civil disobedience variety (failure to secure/overstaying permits, non-violent resistance to arrest), with occasional violent resistance to being removed from a location/arrested, etc., and it is unclear what is appropriately attributable to the Occupy movement versus individuals who may later enter into a conflict with policy. Other concerns appear to be health and safety related (use of heating equipment, disposal of trash, etc). As these concerns generally are localized and not related to domestic terrorism, to our knowledge, it would be difficult for DHS to justify a product on what is largely First Amendment protected activity that doesn't appear to have a nexus to a DHS mission.

Please let us know if there's anything else we can do to help.

(b) (6)

From: (b) (6)

Sent: Monday, October 24, 2011 4:39 PM

To: (b) (6) (b) (6)

Cc: (b) (6)

Subject: FW: Alert Update! Eugene, OR..Wednesday, October 14, 2011..Possilbe Eco-Terrorism Attack On SUV

(b) (6) and (b) (6)

Good afternoon. I'm (b) (6) a Domestic Terrorism analyst with the Homeland Counterterrorism Division. I ran across this today and was interested in a possible write up of the event for the state and locals. Before I spent the time writing on this, however, I'd like to know what objections CRCL might pose to such a product concerning the Occupy movement—which has thus far been nonviolent. Please take a look at below and let me know what you think.

Best,

(b) (6)

DHS Office of Intelligence and Analysis
Homeland Counterterrorism Division
Homegrown Violent Extremism Branch
Domestic Terrorism Analyst

Desk: (b) (6)

b

b

b

b

b



Eugene: SUV covered in anti-oil, pro-occupation graffiti and set on fire

by greycoast4narchists

From RegisterGuard. October 14, 2011.

Perhaps the people responsible for torching a graffiti-covered Toyota 4-Runner in west Eugene on Wednesday night really did want to send a political message.

But at this point, police say they don't know who set the fire or why they did it — despite the fact that the burned sport utility vehicle was covered with miscellaneous graffiti that included an anarchist symbol and messages consistent with those of the nationwide "Occupy" movement protesting economic inequities.

Eugene police spokeswoman Melinda McLaughlin said it would be "unfair to blame any one group" for the arson.

"The graffiti is all over the map," she said.

Eugene firefighters rushed to the corner of West 13th Avenue and Grant Street just after 9 p.m. Wednesday and found the red SUV engulfed in flames. Police arrived at the scene a short time later and determined that the blaze had been set intentionally. The damage was estimated at \$5,000.

Before lighting the vehicle on fire, someone had used white paint to scrawl onto the vehicle a number of messages that included "Occupy Eugene," "99%," "Oil is Bad" and "No Exxon" — along with an anarchist symbol and a profanity directed toward Eugene Mayor Kitty Piercy, police said.

Piercy said she spoke Thursday with police about the fire, and added that she hopes authorities track down the people behind the "dangerous" incident.

"Of course I don't like to see hateful graffiti aimed at me or anyone else," Piercy said. "Especially when it is linked to a violent act such as this one."

Meanwhile, organizers with Occupy Eugene — an offshoot of the national movement that last month began staging demonstrations on Wall Street — were quick to distance their group from the arson.

Occupy Eugene spokeswoman Crystal Stanford said the group is part of "a peaceful movement" that does not condone violence or property destruction.

"My first thought (upon hearing of the SUV fire) was that people would think that we were on the fringe," Stanford

said. “We’re a populist movement, and our values are consistent with the values of the everyday, normal person.”

She added that group members “love the mayor. Kitty Piercy is on our team.”

While he said he had no idea who might be responsible for the fire, Eugene author and anarchist John Zerzan said he is certain anarchists are participating in “Occupy” events locally and elsewhere, and that their beliefs differ greatly from “peaceniks” who “never want to get off the sidewalk.”

“Some people want to take (the movement) in a militant direction, and some don’t,” Zerzan said.

Police continue to investigate the arson case.

McLaughlin said the 4-Runner’s most recent registered owner — who does not live in Eugene — sold it about a year ago.

She said investigators did not want to publicly identify the person to whom it was sold.

Police have not spoken with any witnesses who saw the fire being set.

Neighbors on Thursday said they did not recognize the vehicle as belonging to anyone in the area.

In 2000, a pair of self-proclaimed anarchists in Eugene set fire to three SUVs at the former Romania truck lot off Franklin Boulevard.

The two men, Jeffrey Luers and Craig Marshall, later pleaded guilty to arson charges and went to prison.

(b) (6)

From: (b) (6)
Sent: (b) (6) b
To: (b) (6)
Subject: b

DELIBERATIVE

(b) (6)

As discussed, below is a draft email for your consideration. In light of the strategic decision to offer general guidance as a starting point, I inserted a sentence at the very end of the draft email below. The purpose of this additional sentence is to allow for a dialogue where we might offer more specific feedback, or respond to questions regarding the product in question. Absent specific questions, I don't believe we need to offer specific guidance on the product itself. Please let me know if you have any questions.

(b) (6)

(b) ()

b

(b) (6)

From: (b) (6)
Sent: (b) (6) b
To: (b) (6)
Subject:) b ()

DRAFT EMAIL BELOW:

(b) (6)

I think you make good points. I'd like to use the specific guidance you've drafted in a very strategic manner. I believe it is in the best interest of our office to develop a positive working relationship with the folks who requested our input. In light of this goal, I'd like to initiate a dialogue with them by providing a general response and opening the door for further discussion. The strategic approach I intend to take is as follows:

First, I will send an email that provides very high-level guidance and invites further dialogue. Out of this initial response I will ask the POC whether they have specific questions or concerns we have not fully addressed.

Second, I anticipate that the POC may seek specific guidance that is the same vein of what you've drafted. I'd like to use the verbiage you sent in your last email the basis for providing detailed guidance. I would like to use the specific guidance you've drafted during the course of a dialogue, rather than send them all of our thoughts at once.

I appreciate your write up of this and we'll re-engage on this topic once I hear back on my email to the POC.

Thanks,

From: (b) (6)
Sent: Friday, October 28, 2011 2:52 PM
To: (b) (6) (b) (6)
Subject: RE: U/FOUO) Occupy Pittsburgh Threat Assessment (DELIBERATIVE)

(b) (6)

I understand your discomfort with the level of detail in my first draft, as the Pittsburgh office has not asked us for advice. I do, however, think it would be helpful to give as detailed advice as possible without referencing a specific product, and in particular, to emphasize what I think is the major problem with this particular product (and has been an issue with other fusion centers): understanding the congruence concept as much as possible, and understanding that open source is not a license for reporting. With that in mind, I've taken another stab at a shorter and less specific but still fairly detailed version. What do you think?

(b) (6) Esq.
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)
Sent: Tuesday, October 25, 2011 1:30 PM

To: (b) (6) (b) (6)
Subject: RE: U/FOUO) Occupy Pittsburgh Threat Assessment (DELIBERATIVE)

Hi (b) (6)

(b) (6) and took a look at this while you were on vacation last week. You did a great job at laying out the analytic framework for considering when its permissible to research and report on 1st Amendment activity and a great job also at analyzing the actual product. However, I am not comfortable with us sending up that level of detail on the actual product given that the Fusion Center has not sought out assistance, and given our role, especially in (b) (6) absence, I think it best to try and engage them in a softer method, i.e., -by providing (b) (6) guidance that he can send to them along with our offer to open a dialogue with them where we can later provide direct feedback on their product. Attached is what I propose we send to (b) (6) but in the body of an email. Let me know what you think.

(b) (6)
Senior Policy Advisor
Intelligence, Security, and Information Sharing (ISIS) Section
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Blackberry: (b) (6)
Fax: (202) 357-8341
email: (b) (6)
JWICS: (b) (6)

From: (b) (6)
Sent: Tuesday, October 11, 2011 5:23 PM
To: (b) (6) (b) (6)
Subject: FW: U/FOUO) Occupy Pittsburgh Threat Assessment (DELIBERATIVE)

(b) (6) & (b) (6)

Attached please find my first crack at a response to the Pittsburgh threat assessment. Per the way (b) (6) has raised this issue to us, I'm focusing on general principles (with some digressions on how they would apply to the product in question), rather than redlining the actual report. I spoke with (b) (6) on Friday and got some additional detail about the fusion center in question and how this product came to be that I think will be helpful as you look at what I've written. Can we meet briefly tomorrow to discuss?

(b) (6)

(b) (6) Esq.
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b) (6) (o)
(b) (6) (c)

This message may contain attorney-client communications or agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of General Counsel before disclosing any information contained in this email.

From: (b) (6)
Sent: Friday, October 07, 2011 10:14 AM
To: (b) (6)
Cc: (b) (6) (b) (6)
Subject: FW: U/FOUO) Occupy Pittsburgh Threat Assessment

As we discussed.

From: (b) (6) [mailto:(b) (6)]
Sent: Friday, October 07, 2011 10:07 AM
To: (b) (6)
Subject: U/FOUO) Occupy Pittsburgh Threat Assessment

From: (b) (6)
Sent: Friday, October 07, 2011 10:04 AM
To: (b) (6) (b) (6)
Cc: (b) (6) (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) I left both of you voice mail messages in which I described this issue in greater detail. There is attached to this email a threat bulletin being disseminated by the Office of Emergency Management in Pittsburgh in which it discusses the threat posed by the Occupy Pittsburgh campaign and the hackers' group: Anonymous. Both myself and (b) (6) (IO deployed to the PACIC Center in Harrisburg) are somewhat concerned that several items contained in this Intel Bulletin might be advocating surveillance and other countermeasures to be employed against activities protected under the 1st Amendment. Would either one or both of you be able to see what could be developed from this document that (b) (6) could take back to the Intel staff that produced this so that in the future they have a greater awareness of how to develop intelligence assessments that don't undermine Constitutionally protected speech and assembly rights?
Thanks in advanced, really appreciate all your help.

From: (b) (6)
Sent: Friday, October 07, 2011 9:52 AM
To: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

(b) (6) As discussed. Pittsburgh published and distributed this assessment yesterday. I'm just looking for some help in guiding their personnel on what should and shouldn't be said concerning planned, legal demonstrations. Thanks for your help. (b) (6)

From: (b) (6) [mailto:(b) (6)]
Sent: Thursday, October 06, 2011 3:06 PM
To: (b) (6)
Cc: (b) (6)
Subject: FW: (U/FOUO) Occupy Pittsburgh Threat Assessment

FYI,
(b) (6)

(b) (6)
Field Intelligence Officer
Transportation Security Administration
Western Pennsylvania and West Virginia
(b) (6) o
(b) (6) c

From: (b) (6)
Sent: Thursday, October 06, 2011 2:51 PM
To: (b) (6)
Subject: (U/FOUO) Occupy Pittsburgh Threat Assessment

Attached is a product concerning the Occupy Pittsburgh event planned for October 15, 2011 and Feedback Form. As always, your feedback is appreciated.

Please disseminate as appropriate.

(b) (6)

b

b

(b) (6)

66

(b) (6)

b

b

b

(b) (6)

From: (b) (6)
Sent: b
To:
Cc: (b) (6)
Subject:
Attachments: () ()

(b) (6)

I received a request for input on an FPS product. Can we talk about this tomorrow? I'd like you input as you and I collaborated on a similar response that was coordinated with the Privacy Office.

CC'ing the Product Review Box for recordkeeping purposes.

(b) (6)

Office: (b) (6)
Cell: (b) (6)

From: (b) (6) (b) () () [mailto:\(b\) \(6\) \(b\) \(\) \(\)](mailto:(b) (6) (b) () ())
Sent: Tuesday, November 01, 2011 2:02 PM
To: (b) (6)
Subject: Occupy Guidance

Good afternoon,

I was advised by Scott Mathews that you are the point person for CRCL regarding the Occupy protests. FPS was notified of the guidance to the I&A representatives to restrict production of all Occupy products absent criminal activity and/or life safety issues. FPS has followed this guidance and restricted and/or rescinded all products (both internal and pass-through). FPS has been asked by GSA to provide a briefing on Occupy at the senior executive level. We are looking for additional guidance on the briefing. Would the attached document be acceptable to provide to GSA and other FPS stakeholders regarding Occupy or does it need to be limited any further?

I appreciate any guidance you can offer.

Thank you,

(b)(6) (b)() ()
Department of Homeland Security
Federal Protective Service
HQ Threat Management Division
(b)(6) (b)() ()
(F) 202-732-8059

(b) (6)

From:

Sent:

b

To:

Cc:

Wessel, Ann C; (b) (6) (b) (6) (b) (6)

Subject:

First Amendment Rights Guidance

All,

As “Occupy” products continue to be disseminated by various non-DHS parties, we urge you to review the following CRCL guidance that they have thoughtfully crafted for our use. If you ever feel you are put in a situation where first amendment rights could be potentially violated, please refer to the below guidance, which was created after we received a number of questions from around the nation in reaction to the Occupy protests. Also, please feel free to share this with analysts who will find this helpful when crafting products for their Fusion Centers.

Activities such as speech and assembly (both of which are implicated in the planned “occupy” protests) are protected by the First Amendment and generally DHS would not collect information or report on these types of activities unless we had a compelling interest to do so. Below is some general guidance that we hope you find helpful.

- **The government may never collect or disseminate information based solely on First Amendment protected activities, or conduct investigations on that basis.**
- **Generally, reporting should be about the violence or criminality of a particular individual or group. Reporting on activities without a nexus to violence or criminality often raises First Amendment concerns.**
 - **To justify research into and creation of a product containing First Amendment-protected activity, personnel should consider whether they have a lawful predicate (e.g. a lawful purpose to perform their authorized law enforcement functions or other activities, that is not based on the protected activity itself).**
 - **Once a lawful predicate has been established, personnel should ensure the scope of the research and reporting on First Amendment-protected activity is limited to the threat posed. This is often referred to as congruence.**
- **The treatment of groups that may be involved in the First Amendment protected activity or related events should be even-handed and free of bias (e.g., not reporting more extensively or negatively on one group based on their viewpoint alone).**

Please let us know if you have any other questions, or if you require CRCL support in any other way. The CRCL office has been extremely helpful and responsive on this issue and they stand ready to assist.

Best,

Shala Byers

(b) (6)

From: (b) (6)
Sent: Friday, November ,
To: (b) (6)
Cc: (b) (6) ; ec er, ar ; (b) (6)
Subject: FW F

(b) (6)

I received an email from (b) (6) at FPS regarding our phone conversation yesterday afternoon. He provided the email below for our review and consideration. The drafted email is a summary of our conversation and recommended way ahead that he intends to send to senior leadership. I have reviewed the email and recommend we concur with his email draft. Please advise on whether you agree with my recommendation.

Thank you,

(b) (6)

(b) (6)
Office: (b) (6)
Cell: (b) (6)

-----Original Message-----
From: (b)(6), (b)() (C)
Sent: Friday, November 04, 2011 8:35 AM
To: (b) (6)
Subject: FPS

(b)(6), (b)() (C)

Good morning. Thank you for your assistance late yesterday. Below is a message that I have drafted and intend to send to my senior leadership regarding what we discussed yesterday. I would appreciate your quick review to make sure I am not unfairly characterizing our conversation and to make sure I'm leaving out any salient points.

Thanks,
(b)(6), (b)() (C)
Division Director
Threat Management Division
Federal Protective Service

(b)(6), (b)() (C)

(b) () ()



(b) (6)

From: ri re ie
Sent: nda , ct ber ,
To: ers, hala; CRC r duct Re ie ; ri re ie
Cc: u rt; (b) (6) (b) (6)
Subject: R Guidance Re uested ccu Wall treet

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN: (b) (6)
Page: HTSN: (b) (6)



(b) (6) Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview

Cc: SL_Support; (b) (6) (b) (6)

Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

hala ers
ntelligence C rdinati n ranch
tate and cal r gram ice
ntelligence and Anal sis irect rate
e artment meland ecurit
ice
mail (b) (6)

- America's Thanksgiving Day Parade (Detroit, MI) - November 24, 2011 - Sear Level 3
- Country Club Plaza Christmas Lighting Ceremony (Kansas City, MO) - November 24, 2011 - Sear Level 3
- Macy's Thanksgiving Day Parade (NYC, NY) - November 24, 2011 - Sear Level 3
- Mall of America Holiday Shopping (Bloomington, MN) - November 25, 2011- January 2, 2012 - Sear Level 3

NICC DAILY SECTOR PULSE REPORT:

This information is provided as a service of the National Infrastructure Coordinating Center (NICC), Homeland Security Operations Center and the Infrastructure Coordination Division (ICD), Information Analysis and Infrastructure Protection Directorate of the U.S. Department of Homeland Security (DHS). This report may be distributed or copied for approved Homeland Security purposes. Please address questions/comments to the NICC by phone (b) (6) or email

(b) (6)

Friday, October 14, 2011

Public Services

Emergency Services: Emergency Management

Alameda County, CA –Alameda County Sheriff's Office, with the support of the Bay Area Urban Area Security Initiative, launched a Homeland Security training exercise today to test the newest life saving technology for first responders. The exercise known as Urban Shield 2011, incorporates principles of the National Response Framework to assist tactical first response teams, both local and international. Participating agencies will be able to evaluate their level of preparedness and ability to perform intricate first responder operations while training with Law Enforcement, EMS, Fire, and EOD to identify their ability to cope with large scale events. Urban Shield 2011 is designed to strengthen each agency's preparedness to respond to threats and domestic terrorist attacks, major disasters, and other emergencies. The exercise will conclude on 17 October.

Source: Alameda County Urban Shield

Public Assembly

Nationwide – As of 14 October, the "Occupy Wall Street" movement continues nationwide with protests occurring in the cities of San Diego, New York, Washington D.C., Atlanta, Detroit, Denver, and Seattle. Clean-up efforts were postponed today at Zucotti Park in Manhattan after demonstrators cleaned the park themselves to prevent from being removed. The protest campaign began last July with the launch of a campaign website calling for a march and a sit-in at the New York Stock Exchange.

Source: CNN



Homeland Security

Office of Intelligence and Analysis



~~(U//FOUO)~~ NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER BULLETIN Details On "Anonymous" Upcoming US Operations: 17 September 2011: Occupy Wall Street; "US Day of Rage"

~~(U)~~ Anonymous has come out publicly supporting a 17 September 2011 protest on Wall Street, originally announced by the group "Adbusters" on 13 July 2011. According to the Adbusters Web site, it hopes to motivate 20,000 Americans to congregate on Wall Street. Similar acts are emerging targeting financial districts in Madrid, Milan, London, Paris, and San Francisco during the same time frame. The Adbusters are coordinating logistical activities and news distribution for Occupy Wall Street using their public facing Web site, OccupyWallSt.org.

~~(X)~~ The Anonymous YouTube^{USPER} video uses information from the Adbusters' "Tactical Briefing," calling for protestors to adopt a nonviolent "Tahrir-acampadas model." The call is for members to "flood into lower Manhattan, set up tents, kitchens, peaceful barricades and occupy Wall Street for a few months... Once there, we shall incessantly repeat one simple demand in a plurality of voices."

~~(U)~~ According to their public Web site, Adbusters publicly stated its intent to conduct nonviolent protests to "demand that America's resources be invested in human needs and environmental protection instead of war and exploitation."

~~(U)~~ Adbusters is also scheduling an upcoming peaceful protest targeting the Washington, DC National Mall in October 2011, which is motivated by the 10th anniversary of the invasion of Afghanistan and the beginning of the 2012 federal austerity budget.

(U) Comments

~~(U//FOUO)~~ The ideologies set forth by Adbusters seem to align at a basic level with the stated intent of Anonymous' newly adopted Hacktivist agenda. The protests are likely to occur due to the high level of media attention garnered by the partnership between Adbusters and Anonymous. Though the protests will likely be peaceful in nature, like any protest, malicious individuals may use the large crowds as cover to conduct illegal activity such as vandalism. Judging based on past behaviors by the group, Anonymous' participation in these protests may include malicious cyber activity, likely in the form of distributed denial of service attacks targeting the computers of financial institutions and government agencies.



~~(U)~~ Poster for "US Day of Rage" protest.



Homeland Security

Office of Intelligence and Analysis

~~(U//FOUO)~~ "ANONYMOUS" Upcoming US Operations, Impact, and Likelihood

~~(U)~~ The loosely organized hacking collective known as "Anonymous" has announced through several mediums that they plan on conducting cyber attacks, peaceful protests, and other unspecified activity targeting a variety of organizations.

~~(U//FOUO)~~ Occupy Wall Street: NCCIC assesses that it is likely peaceful protests will occur on Wall Street on 17 September 2011. These protests may be accompanied by malicious cyber activity conducted by Anonymous.

~~(U//FOUO)~~ Operation Facebook^{USER}: NCCIC assesses that it is unlikely that a coordinated or sophisticated cyber attack will be conducted by Anonymous (at large) targeting Facebook.com on 5 November 2011. However, there remains the possibility that low-level or lone-wolf attempts may occur.

~~(U//FOUO)~~ Project Mayhem: NCCIC assesses that a combination of inconsequential physical mischief and potentially disruptive malicious cyber activities will be conducted leading up to the culmination date of 21 December 2012. At this point, specific tactics, techniques, and procedures (TTP) are unknown.

~~(U//FOUO)~~ Operation Halliburton: Little is known about this potential upcoming operation. NCCIC assesses that targeting US corporations is consistent with past Anonymous targets.

(U) Comments

~~(U//FOUO)~~ The NCCIC continues to monitor open source reporting regarding Anonymous and its plans targeting organizations and will report to the broader cybersecurity community if new information becomes available. The NCCIC is coordinating with individuals and organizations in the cybersecurity, intelligence, and law enforcement communities to monitor and report on the development of new tools and TTP by Anonymous and other organizations. The NCCIC is coordinating with the financial sector and other critical sectors to monitor threat activity and will provide further updates in the form of alerts, advisories and bulletins, as appropriate.

UNCLASSIFIED//~~FOUO~~

NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER BULLETIN

140904Z-SEP-2011

INFORMATION REPORT ON THE PROBABLY IMMINENT FOR THE OPERATIONAL, CRITICAL INFORMATION AND/ OR THE SECURITY OF THE UNITED STATES

(U//FOUO) "ANONYMOUS" UPCOMING US OPERATIONS, IMPACT, AND LIKELIHOOD

1. BACKGROUND

(U) The loosely organized hacking collective known as "Anonymous" has announced through several mediums that they plan on conducting cyber attacks, peaceful protests, and other unspecified activity targeting a variety of organizations.

2. OPERATIONAL IMPACT

(U) NCCIC assesses that it is likely peaceful protests will occur on Wall Street on 17 September 2011. These protests may be accompanied by malicious cyber activity conducted by Anonymous (at large) targeting Facebook.com on 5 November 2011. However, there remains the possibility that low-level or lone-wolf attempts may occur.

3. SECURITY OF THE UNITED STATES

(U) NCCIC assesses that a combination of inconsequential physical mischief and potentially disruptive malicious cyber activities will be conducted leading up to the culmination date of 21 December 2012. At this point, specific tactics, techniques, and procedures (TTP) are unknown.

4. OPERATIONAL AND SECURITY OF THE UNITED STATES

(U) NCCIC assesses that targeting US corporations is consistent with past Anonymous targets.

5. CONCLUSIONS

(U) The NCCIC continues to monitor open source reporting regarding Anonymous and its plans targeting organizations and will report to the broader cybersecurity community if new information becomes available. The NCCIC is coordinating with individuals and organizations in the cybersecurity, intelligence, and law enforcement communities to monitor and report on the development of new tools and TTP by Anonymous and other organizations. The NCCIC is coordinating with the financial sector and other critical sectors to monitor threat activity and will provide further updates in the form of alerts, advisories and bulletins, as appropriate.

6. REFERENCES

(U) NCCIC

7. CONTACT INFORMATION

(U) NCCIC

8. UNCLASSIFIED//~~FOUO~~



~~(U)~~ **Hacker Group Anonymous Threatens New York Stock Exchange**

~~(U)~~ In a 2 October 2011 video message posted on a YouTube^{USER} channel associated with the hacker group, Anonymous declared "war" and threatened to "erase" the New York Stock Exchange (NYSE)^{USER} from the Internet on 10 October 2011. The threat was not explained.

~~(U)~~ It is likely the group is referring to a distributed denial-of-service (DDoS) attack on the public-facing NYSE.com Web site.

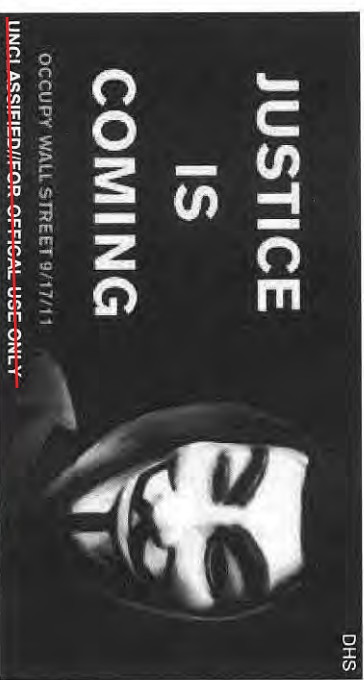
~~(U)~~ This type of activity would be similar to DDoS attacks the group has used to take down Web sites in the past and would not cause significant or lasting damage to the NYSE or its ability to operate. Others speculate that Anonymous may go beyond a DDoS attack on the NYSE.com and may attempt to disable actual trading on the exchange.

~~(U)~~ On 4 October, some Anonymous members expressed on Web forums that the 10 October threat is fake and planted by law enforcement to step up action against the hacker group and turn public opinion against their cause.

~~(U)~~ The Anonymous-associated YouTube channel has been used to post several "Occupy Wall Street"-related video messages, including some from Anonymous, since the protest against lax regulation of the financial sector and growing economic inequality began on 17 September 2011.

~~(U)~~ **Comments**

~~(U//FOUO)~~ *The US Computer Emergency Readiness Team (US-CERT) has notified the FBI, Treasury, and Financial Services Information Sharing and Analysis Center of the threat and remains in contact with law enforcement and private sector partners to ensure any additional threat information is disseminated in a prompt manner. To date, US-CERT has not received additional information concerning this threat from law enforcement channels.*



~~(U)~~ Anonymous banner on the "Occupy Wall Street" Web site.

(b)(6), (b)() (C), (b)() ()

From: NOC Media Monitoring (b)() (C), (b)() ()
Sent: Thursday, October 27, 2011 5:53 PM
To: Undisclosed recipients
Subject: Anonymous Threatens To Hack Fox News Over Occupy Wall Street Coverage--MMC IOI # 5969-11

Location: Global

Anonymous, a group of hackers that has previously attacked Sony and Bay Area Rapid Transit, said it will shut down the Fox News website on November 5. The group announced its intentions in a video on YouTube, citing Fox News' propaganda against the Occupy Wall Street movement as a reason.

"Anonymous introduces Occupation Fox Hunt," the video's disembodied voice said. "It intends on destroying the Fox News website because their continued right-wing conservative propaganda can no longer be tolerated."

The group, which is affiliated with fellow hacker group LulzSec, specifically mentions a primetime host for attacking the "character and credentials" of the occupiers.

A spokesperson for Fox News said that they pay a great deal of attention to security every day. Though precautionary measures will be taken, this is no different from an average day.

Traditional Media Sources (some page content may change or not be available over time):

- Reuters

-- <http://www.reuters.com/article/2011/10/27/us-fox-hackers-idUSTRE79Q6L520111027>

(b)(6), (b)() (C)

Operations Analyst

DHS NOC Media Monitoring

Phone: (b)(6), (b)() (C)

Cell: (b)(6), (b)() (C)

(b)(6), (b)() (C)

From: Battle Creek Megacenter (b)() (C), (b)() ()
Sent: Sunday, October 30, 2011 5:24 PM
Subject: Demonstration: Peaceful/Unplanned-Spot Report-Region 6-11B034011

Spot Report 11B034011
Battle Creek Megacenter
Event ID 11034011
Operator 365

(b)(6), (b)() (C)

1. Crime/Incident:

Demonstration: Peaceful/Unplanned

2. Summary:

PSO (b)(6), (b)() (C) advised that an "Occupy Wall Street" demonstration is taking place in Ilus W. Davis Park, across from 901 E. Locust Street.

Approximately 300 people are currently participating. FPS Inspectors are on site and monitoring the situation (Insp (b)(6), (b)() (C) Insp.

(b)(6), (b)() (C) Insp. (b)(6), (b)() (C) Insp. (b)(6), (b)() (C). Status: Open, pending further actions.

3. Date/Time of Incident:

10/30/2011 @ 13:42

4. City/State:

Kansas City, MO

5. Point of Contact:

PSO (b)(6), (b)() (C)

6. Case Control Number:

Not Yet Issued

7. Incident Activity Code:

Not Yet Issued

8. Building Name:

Dept of Transportation

9. Address:

901 Locust Street

10. Agent/Officer Assigned:

Not Yet Assigned

11. Prepared By:

Operator 163

(b)(6), (b)() (C)

12. Megacenter Notification:

10/30/2011 @ 16:33 Eastern

13. Authorized By:

SOP

14. Transmitted:

10/30/2011 @ 17:06 Eastern

15. Spot Report #:

11B034011

Battle Creek MegaCenter

877-4FPS-411

Direct: (b)(6)

(b)(6)

Protect it from unauthorized disclosure in compliance with applicable orders, statutes, and regulations. DHS 11042-1 (03/05)

This message (including any attachments) may contain confidential and or ~~law enforcement sensitive (LES)~~ information intended for a specific individual and purpose, and should be considered for official use only.
~~(FOUO)~~ DHS 11042.1 (03/05)



Homeland Security

Support Request Form

WARNING: To be assessed suitable for support, (1) the request must be made in furtherance of a lawful governmental function, and (2) reasonable belief¹ must exist that the request relates to an actual or potential terrorist or Homeland security threat.²

¹ A reasonable belief arises when the facts and circumstances are such that a reasonable person would hold the belief. Reasonable belief must rest on facts and circumstances that can be articulated; "hunches" or intuitions are not sufficient. Reasonable belief may be based upon experience, training, and knowledge in intelligence or a related field, applied to the facts and circumstances at hand.

² Threats to Homeland Security include all threats or hazards, regardless of origin, that relate to critical infrastructure or key resources; a significant public safety, public health, or environmental impact; economic, political, and societal infrastructure; border security; proliferation or use of weapons of mass destruction; or other potential catastrophic events, including man-made and natural disasters.



1. REQUESTOR INFORMATION

a. Name:

b. Agency/Organization:

c. Contact Information: Primary Telephone Number:

Alternate Telephone Number:

Primary Email Address:

Alternate Email Address:

2. REQUEST DESCRIPTION

a. Identify the specific information (or support) being requested.

Any DHS products identifying and/or describing criminal activities and/or potential civil disobedience associated with the Occupy Wall Street protests nationwide.
 How many arrests have been made, type and number of weapons confiscated, communication used to plan these crimes, etc?

b. What date is the information/support needed by and what is the last date the information/support will be of any value?

Elaborate on any time-sensitive requests. Additional justification is required for responses needed within 24 hours.

Desired Response Date:

No Longer of Value Date:

3. INTELLIGENCE AND LAW ENFORCEMENT INFORMATION REQUESTS

- a. Does your request contain U.S. Person (USPER) information? NO
- b. Does your request contain Law Enforcement Sensitive (LES) information? YES
- c. Who are the intended recipients of the information being requested (please list specific agencies/organizations)?

A federal partner of the Fusion Center at LA.

- d. Identify the specific resources (to include database names, analytical exchanges, message searches, and local outreach efforts) already researched or queried.

N/A

- e. To assist in the identification of potential resources, please provide some background information (i.e. context) as to why this request is being submitted to Headquarters DHS for action.

To share with a federal partner of the Fusion Center at LA.

- f. What is the desired level of classification (including caveats)?

Unclassified

- g. What is the highest acceptable level of classification (including caveats) the response can be at?

Unclassified//LES

4. DECLASSIFICATION/DOWNGRADE/TEARLINE/ADDITIONAL DISSEMINATION REQUESTS

a. What is the (1) name of the source document/report, (2) the associated reference number of the source document/report, and (3) the producer of the source document/report?

N/A

b. Where was this information originally obtained (i.e. how did you discover the information was available)?

N/A

c. What specific information within the source document should be declassified, downgraded, or authorized for additional dissemination?

N/A



State, Local, Tribal, and Territorial Customers
SUBMIT UNCLASSIFIED FORM



IC, DHS Component or Federal Customers
SUBMIT UNCLASSIFIED FORM

5. INTERNAL USE ONLY- DHS SPS ACTIONS TAKEN

SLSR-0022-12

20111017

[Berry] 1. After reviewing the nature and scope of this request, we have determined this request does not fall within the scope of I&A mission and authorities based on the validation criteria described below.

[Berry] 2. The following validation actions were taken by the I&A Support Branch:

a. Contacted, and coordinated through both the SLPO and spoke to the requestor over the phone. It was deemed that the request was not within the authorities of I&A and the request was closed.

[Berry] 3. AUTHORITIES: The requested information does not fall within the scope of I&A's below authorities:

a. The information being requested does not fall within the scope of I&A's authorities. Arrests being made at these protests are a criminal matter and the protesters are engaged in constitutionally protected activity.

[Berry] 4. POTENTIAL VIOLATIONS

a. This requested information does violate existing policies governing information sharing or the dissemination of controlled information. DHS should not report on activities where the basis for reporting is political speech.

[Berry] 5. USPER: This request does not contain U.S. Persons information.

[Berry] 6. Regional Analytic Advisor Plan (RAAP) Coordination: The RAAP (cc'd) for the request is:

N/A

DHS Support Request Form Instructions

DHS Form #10058 (04-10)



Proper completion of this form will enhance the timelines of your response.

Classification of the overall document should be displayed on the header and footer of the submission form.

Proper CAPCO portion markings are to be incorporated into each section.

Attach any source documents relating to the request to the email sent to SPS.

1. REQUESTOR INFORMATION

a. This section describes the person requesting the information. Annotate the individual that SPS can contact when a response is received from the action agency.

b. This section describes the entity submitting the request. List the Agency, Office, and, if applicable, branch requesting the information.

2. REQUEST DESCRIPTION

a. This section describes what is being requested. A detailed description of the precise information requested must be provided. This will ensure your request is answered as accurately as possible by the organization most capable of responding. Assume that the responding organization is unfamiliar with the nature and scope when detailing the request. If your request is for imagery please include dates and coordinates (available from Google Earth) or at a minimum, dates and place names, with the request.

b. This section describes the desired response date and the date in which the information is no longer of value. It is important to note that DHS does not have tasking authority with outside organizations or DHS Components to respond to a request. Requests involving multiple agencies will require additional coordination time. The minimum processing time for requests to Intelligence Community members is typically 15 to 20 working days.

c. This section annotates additional justification for requests with a suspense date of one business day. It is important to note that requests processed by the Intelligence Community within 2 to 4 hours require justification involving an imminent and identifiable threat. Requests processed by the Intelligence Community within 8 to 24 hours require a justification with critical actionable information.

3. INTELLIGENCE AND LAW ENFORCEMENT INFORMATION REQUESTS

a. Select YES from the dropdown menu if the request contains USPER information.

This information is required to ensure the request is properly handled and stored in accordance with Executive Order 12333.

b. Select YES from the dropdown menu if the request contains LES information.

This information is required as LES information requires a request to the originator prior to additional dissemination.

c. This section describes the proposed use of the requested information as well as why the information is of value to the intended recipient(s). When detailing the proposed use, it is important to be as specific as possible when identifying the intended recipients of the information. If possible; list the division(s), branch(s), or individual(s) intended to receive the information. This is extremely important when releasing UNCLASSIFIED/LES/SBU/FOUO information, especially if the possibility exists that the information may be released to the general public.

d. This section identifies the actions taken by the requester prior to submitting a request for information. Requestors are responsible for determining whether the request can be supported or completed at their level prior to submitting a request to query DHS systems, databases, and programs. The identification of prior research and database queries (to include database searches, analytical exchanges, message searches, and local outreach efforts) is crucial to prevent a duplication of effort. If circumstances limit access to DHS systems or databases, please annotate this here. For IC members, please state the larger Intelligence Problem being researched. If applicable, provide the originator, the reference number, and subject of the source document(s) related to this request.

e. This section describes the justification of the request. Outside organizations prioritize requests based in the justification provided. In order to enable requirements and collection managers to develop a detailed response plan, requestors must clearly state the context associated with the request. Taking the time and effort to explain the context not only enables requirements and collection managers to understand the "larger picture," but it also ensures all possible resources are considered.

f. This section will determine what information can be released by the requested organization. The ability of an organization to release information at a specific classification level is contingent upon the sources and methods used to gather the requested information.

g. This section will determine if the information can be provided at a classification (to include caveats) that is useful to the requester. If an organization cannot downgrade the requested information to this level, the requester will receive a negative response.

4. DECLASSIFICATION/DOWNGRADE/TEARLINE/ADDITIONAL DISSEMINATION REQUESTS

* The below sections are only applicable to requests for downgrading the original classification or control marking(s) of a document.

a. This section identifies the document to be downgraded. Provide all available identifying information of the report. Include, if available, the originator, the reference number, and subject of the document to be downgraded. When submitting a downgrade/tearline request, it is important to distinguish raw intelligence (such as an IIR or HIR) from a finished intelligence product (such as an intelligence assessment or intelligence summary), especially if the request is to have a source document (i.e. IIR) within a finished intelligence product downgraded. All downgrade/tearline requests will be forwarded to the producing agency, where a decision will be made as to whether the information can be downgraded.

b. Identify how the information or intelligence product was obtained. Given the proliferation of information sharing systems, organizations responding to a downgrade/tearline request must be able to access the document in its original location.

c. To prevent unnecessary delays, provide a summary of the information extracted from the original source document. Requests to have entire documents or products declassified are much less likely to be approved and will take significantly longer to process than a specific request for a line or paragraph. Mark the paragraphs with the requested classification and control marking.

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6)
Subject: Guidance Requested: Occupy Wall Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Scott primary

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security

(b) (6)

From: Coates, Toby
Sent: Monday, October 17, 2011 10:45 AM
To: SL_Support
Cc: SL_Field
Subject: Intelligence Products

A federal partner has submitted a RFI on any DHS products identifying and/or describing criminal activities and/or potential civil disobedience associated with the Occupy Wall Street protests nationwide, if any.

How many arrests have been made, type and number of weapons confiscated, communication used to plan these crimes, etc.

The response is requested at the U//LES level by Friday 21, 2011.
Respectfully,

Toby Coates
Office of Intelligence & Analysis
U.S. Department of Homeland Security
Baton Rouge, LA

Sent using Verizon BlackBerry

From: Robinson, Charles
Sent: Wednesday, November 02, 2011 4:16 PM
To: Mathews, Scott
Subject: RE: IIR Advisory group meeting documents

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Intel Review

Scott,
Shala works for Ron Athman and Anne Wessel. Both are great people and would love to hear the kudos on Shala.

Chuck

Charles B. Robinson

Executive Director
Collection Requirements Division (CR)
Intelligence Analysis (A)
Department of Homeland Security

(b) (6)

From: Mathews, Scott
Sent: Wednesday, November 02, 2011 3:30 PM
To: Robinson, Charles
Subject: RE: IIR Advisory group meeting documents

The person I mentioned from SLPO who brought up the issue of “Occupy Wall Street” and handled it so well is Shala Byers (Intelligence Coordination Branch, State and Local Program Office). She has been great to work with overall, but on this issue in particular she did a great job.

Scott



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN
Page: (b) (6) HTSN

From: Robinson, Charles
Sent: Wednesday, November 02, 2011 2:33 PM
To: Mathews, Scott
Subject: RE: IIR Advisory group meeting documents

Scott
Just added you to the distro for the IIR AG.

Chuck

Charles B. Robinson

Executive
Collection Requirements Division (CR)
Intelligence Analysis (A)
Department of Homeland Security

(b) (6)

From: Mathews, Scott
Sent: Wednesday, November 02, 2011 10:35 AM
To: Robinson, Charles
Subject: IIR Advisory group meeting documents

I contacted the POC for the meeting, but she suggested I contact you directly. I have not received the documents intended for discussion today. Were they sent out on C-LAN. I commented on an earlier draft of the CONOPS, but without the final draft in hand it is difficult to evaluate the final draft CONOPS and other documents.

I have replaced Ken Hunt as representing Mary Ellen or this and future IIR Advisory Group meetings.

Scott



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: HSDN
Page HTSN

From: Athmann, Ronald
Sent: Tuesday, November 08, 2011 9:42 AM
To: Mathews, Scott
Cc: Button, Christopher; Athmann, Ronald; Wessel, Ann C
Subject: RE: Work well done

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Intel Review

It is a pleasure to hear from you regarding the time that you have spent with us such as the site feedback on our interactions with Shala Als, the true appreciation of the reports that coordinate solutions with the site and the ability to coordinate with the Regional Directors and Intelligence Officers in making a more appropriate action during sensitive situations. This example of coordination and collaboration in a timely manner between our offices and the field is a site where we are pleased to have handled the security scenarios that have resulted from our partnership and the site feedback on Shala's excellent performance.

Re:

From: Mathews, Scott
Sent: Tuesday, November 08, 2011 9:32 AM
To: Athmann, Ronald; Wessel, Ann C
Subject: Work well done

Mr. Athmann and Ms. Wessel:

I would like to commend to you the work of Shala Byers in coordinating and expediting intelligence products.

I have been responsible for the Privacy Office's intelligence review activities for almost a year now, so I have had a little bit of time to work with different I&A staff in the oversight and clearance process. During this time I often noted how smoothly the process worked with Shala's involvement. Shala is quick to follow-up and (most importantly) follow-through with Privacy's comments and requests, coordinating solutions with the various participants in the process.

Most recently, Shala brought to Privacy and CRCL's attention some incoming requests for information regarding the ongoing Occupy Wall Street-type protests. She recognized the potential hazards and brought the requests to our attention at a very early stage. Upon Shala's request, Privacy and CRCL quickly drafted and coordinated guidance which was apparently disseminated shortly thereafter. As a result of the guidance, other components have reached out to Privacy and CRCL to better understand upon what to report concerning the protests.

I believe this was an excellent example of a coordinated effort by the offices involved to identify a potential problem, and takes steps to keep the problem from developing. I understand we have already received some FOIA requests regarding our possible reporting of the "Occupy..." protests. I think should the FOIA experts find it appropriate to release information about the manner in which this issue was

managed within DHS, it could only be perceived as a positive by those in the public who closely observe the Department..

Scott



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, U.S. Department of Homeland Security

Tel: (b) (6) Fax: (703) 235-0442

BB: (b) (6) E-mail: (b) (6)

This email is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Mathews, Scott
Sent: Tuesday, November 08, 2011 9:32 AM
To: Athmann, Ronald; Wessel, Ann C
Subject: Work well done

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Intel Review

Mr. Athmann and Ms. Wessel:

I would like to commend to you the work of Shala Byers in coordinating and expediting intelligence products.

I have been responsible for the Privacy Office's intelligence review activities for almost a year now, so I have had a little bit of time to work with different I&A staff in the oversight and clearance process. During this time I often noted how smoothly the process worked with Shala's involvement. Shala is quick to follow-up and (most importantly) follow-through with Privacy's comments and requests, coordinating solutions with the various participants in the process.

Most recently, Shala brought to Privacy and CRCL's attention some incoming requests for information regarding the ongoing Occupy Wall Street-type protests. She recognized the potential hazards and brought the requests to our attention at a very early stage. Upon Shala's request, Privacy and CRCL quickly drafted and coordinated guidance which was apparently disseminated shortly thereafter. As a result of the guidance, other components have reached out to Privacy and CRCL to better understand upon what to report concerning the protests.

I believe this was an excellent example of a coordinated effort by the offices involved to identify a potential problem, and takes steps to keep the problem from developing. I understand we have already received some FOIA requests regarding our possible reporting of the "Occupy..." protests. I think should the FOIA experts find it appropriate to release information about the manner in which this issue was managed within DHS, it could only be perceived as a positive by those in the public who closely observe the Department..

Scott



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, U.S. Department of Homeland Security
Tel: (b) (6) Fax: (703) 235-0442
BB: (b) (6) E-mail: (b) (6)

This email is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

From: Privreview
Sent: Monday, October 17, 2011 12:37 PM
To: (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Intel Review

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged protected activity. We would also be loath to pass requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with "Occupy Wall Street" like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to consider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Inevitably, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence

Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN: (b) (6)
Page: (b) (6) HTSN: (b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6) (b) (6)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office: (b) (6)
E-mail: (b) (6)

From: (b) (6)
Sent: Monday, October 17, 2011 2:51 PM
To: Privreview
Cc: (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Scott primary

Scott, this looks great. Thank you for putting this well-written response together. We fully support this position. I've added a few extra nuggets for your consideration. I've used **bold and underline** to annotate the proposed changes. If you agree with this, please feel free to send forward. I've added my signature block to show my agreement.

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged **constitutionally** protected activity. **We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech.** We would also be loath to pass **DHS** requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, **where the health and safety concern relates to the DHS mission.**

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with "Occupy Wall Street" like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and **intelligence** products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to **reconsider** issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Inevitably, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence

Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN: (b) (6)
Page: (b) (6) HTSN: (b) (6)



(b) (6)
Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support;(b) (6) (b) (6)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office: (b) (6)
E-mail: (b) (6)

From: Privreview
Sent: Monday, October 17, 2011 4:02 PM
To: Byers, Shala; CRCL Product Review; Privreview
Cc: SL_Support; (b) (6) (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Scott primary

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN: (b) (6)
Page: (b) (6) HTSN: (b) (6)



(b) (6) Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

Office: (b) (6)
Cell: (b) (6)

Fax: (202) 357-8298

(b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6) (b) (6)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office: (b) (6)
E-mail: (b) (6)

From: Privreview
Sent: Monday, October 17, 2011 4:02 PM
To: Byers, Shala; CRCL Product Review; Privreview
Cc: SL_Support; (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Intel Review

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN (b) (6)
Page: (b) (6) HTSN (b) (6)



(b) (6) Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

Office: (b) (6)
Cell: (b) (6)

Fax: (202) 357-8298

(b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6) (CTR)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office (b) (6)
E-mail (b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 5:28 PM
To: Privreview; CRCL Product Review
Cc: SL_Support; (b) (6); (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Scott primary

Scott,

Many thanks for the thoughtful and detailed guidance. We appreciate you taking the time to present Privacy's perspective on the myriad possibilities and outcomes posed by RFIs relating to this topic.

SL Support,

Would you mind sending them a compilation of the requests you have received regarding this topic? If that isn't possible I can cull through what has come in from our various IOs when I get back on Monday. Per Scott, I believe that context would be helpful for both Privacy and CRCL colleagues alike as I imagine we will continue to receive inquiries.

Best,

Shala

From: Privreview
Sent: Monday, October 17, 2011 4:02 PM
To: Byers, Shala; CRCL Product Review; Privreview
Cc: SL_Support; (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN: (b) (6)
Page: (b) (6) HTSN: (b) (6)



(b) (6), Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

Office: (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298

(b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM
To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6) (b) (6)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

Shala Byers
Intelligence Coordination Branch
State and Local Program Office
Intelligence and Analysis Directorate
Department of Homeland Security
Office: (b) (6)
E-mail: (b) (6)

From: SL_Support
Sent: Tuesday, October 18, 2011 8:31 AM
To: Privreview; CRCL Product Review
Cc: Byers, Shala; (b) (6) Coates, Toby; SL_Support
Subject: RE: Guidance Requested: Occupy Wall Street
Attachments: SLSR-0022-12 (2).pdf; Intelligence Products

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Scott primary

Privacy/CRCL,

Attached is the only Occupy Wall Street related RFI that the I&A Support Branch has received. It came in yesterday from Toby Coates, DHS I&A Intelligence Officer in Louisiana. Our actions are documented on section 5 of the attached Support Request Form. We spoke to the Mr. Coates and closed out the request. He asked us to pass along the following questions that ATF submitted to the Fusion Centers so you will have a better idea of what they are looking for.

The detailed concerns are listed below, as submitted by ATF:

- Has there been any violence perpetrated against Law Enforcement?
- Has Law Enforcement been mentioned as a potential target of protestors?
- Instances of violent rhetoric directed toward others?
- Have any conventional (firearms, knives) or unconventional (Molotov cocktails, bricks, stakes, chains) weapons been used and or confiscated from OWS protestors?
- If there have been weapons such as firearms or incendiary used or confiscated have the possessors been identified by Law Enforcement?

Please let me know if you have any questions.

Respectfully,

Chris

Christopher Martin

(b) (6)

Analytic Coordination Team Lead
I&A Support Branch
Office of Intelligence and Analysis
External Operations Division
U.S. Department of Homeland Security

IC and DHS Component Team Lead

T.K. Lawson (b) (6)

From: Coates, Toby
Sent: Tuesday, October 18, 2011 7:55 AM
To: SL_Support
Cc: Byers, Shala; (b) (6)
Subject: Re: Guidance Requested: Occupy Wall Street

Absolutely. Thank you for the heads up.

It may be more beneficial to also provide the actual questions that ATF submitted to all FCs after we closed this request to get a true idea of what they needed.

My request was simply do we have any finished products, yes or no.

The detailed concerns are listed below, as submitted by ATF.

- Has there been any violence perpetrated against Law Enforcement?
- Has Law Enforcement been mentioned as a potential target of protestors?
- Instances of violent rhetoric directed toward others?
- Have any conventional (firearms, knives) or unconventional (Molotov cocktails, bricks, stakes, chains) weapons been used and or confiscated from OWS protestors?
- If there have been weapons such as firearms or incendiary used or confiscated have the possessors been identified by Law Enforcement?

Respectfully,

Toby Coates
Office of Intelligence & Analysis
U.S. Department of Homeland Security
Baton Rouge, LA

Sent using Verizon BlackBerry

From: SL_Support
Sent: Tuesday, October 18, 2011 07:27 AM
To: Coates, Toby
Cc: Byers, Shala; (b) (6); SL_Support; (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Toby,

I just wanted to give you a heads up that per the below email, Privacy wants to get an idea of the types of RFIs that we're receiving related to Occupy Wall Street. Once they see the requests, they may be able to issue more formal guidance on how to proceed. Thus far, SL Support has only received your request, SLSR-0022-12. I will be passing this on to Privacy along with any future requests that we receive. Hopefully they'll be able to compile all the questions that are being asked and provide formal guidance

to everyone in the field. Please let me know if you have any questions. A completed request form for SLSR-0022-12 is attached along with your original email.

Respectfully,

Chris

Christopher Martin

(b) (6)

Analytic Coordination Team Lead
I&A Support Branch
Office of Intelligence and Analysis
External Operations Division
U.S. Department of Homeland Security

IC and DHS Component Team Lead

T.K. Lawson (b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 5:28 PM
To: Privreview; CRCL Product Review
Cc: SL_Support; (b) (6); (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

Scott,

Many thanks for the thoughtful and detailed guidance. We appreciate you taking the time to present Privacy's perspective on the myriad possibilities and outcomes posed by RFIs relating to this topic.

SL Support,

Would you mind sending them a compilation of the requests you have received regarding this topic? If that isn't possible I can cull through what has come in from our various IOs when I get back on Monday. Per Scott, I believe that context would be helpful for both Privacy and CRCL colleagues alike as I imagine we will continue to receive inquiries.

Best,

Shala

From: Privreview
Sent: Monday, October 17, 2011 4:02 PM
To: Byers, Shala; CRCL Product Review; Privreview

Cc: SL_Support; (b) (6); (b) (6)
Subject: RE: Guidance Requested: Occupy Wall Street

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

It would be helpful to see some of the RFIs received from the field to get a better idea of exactly what type of information is being requested, if we were to reconsider issuing more formal guidance.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.



J. Scott Mathews, CIPP, Senior Privacy Analyst for Intelligence
Privacy Office, Department of Homeland Security

Tel: (b) (6) Email: (b) (6)
BB: (b) (6) HSDN: (b) (6)
Page: (b) (6) HTSN: (b) (6)



(b) (6), Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security

Office (b) (6)
Cell: (b) (6)
Fax: (202) 357-8298
(b) (6)

From: Byers, Shala
Sent: Monday, October 17, 2011 11:30 AM

To: CRCL Product Review; Privreview
Cc: SL_Support; (b) (6); (b) (6)
Subject: Guidance Requested: Occupy Wall Street

All,

We have received a number of questions and requests for information regarding Occupy Wall Street from a number of component partners and intelligence officers. Recognizing that this is a first amendment-protected activity, we have recommended (on an ad hoc basis when we received requests) that our Intelligence Officers refer inquiries to Fusion Centers and avoid the topic altogether. That being said, given the number of requests that have appeared, we would like to equip the field with formal guidance as they will likely continue to receive requests like this from Fusion Center partners. We would greatly appreciate formal guidance from CRCL and/or Privacy (whatever you all would prefer to do) sooner rather than later to make sure the all in the field are acting in accordance with CRCL and Privacy policies. Thank you for your help!

Also, if you could, please cc SL Support on the response as they are the intake point for requests and it would be helpful for them to have this on hand to provide in case someone misses our e-mail.

Best,

(b) (6)