

Congress of the United States
Washington, DC 20515

July 17, 2020

Ms. Jill C. Tyson, Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Ms. Tyson,

Thank you for your response of July 1, 2020 to our letter of June 9, 2020, about the troubling government surveillance of protests and the chilling effect it has on peaceful protests. While we appreciate your response, the lack of any information in your letter is worrying. For that reason, we write this letter including specific questions about the recent actions of the Federal Bureau of Investigation (FBI).

As we stated in our letter, the First and Fourth Amendments protect protesters from government surveillance. The reason our Constitution has such critical protections is that government surveillance has a chilling effect on peaceful protests, and Americans should not have to take proactive measures to protect themselves from government surveillance before engaging in peaceful demonstration.

While your letter states it “would not be appropriate to disclose law enforcement sensitive information about specific operations, methods, and assets,” the total lack of information in your letter ignores the important role of congressional oversight of the Executive Branch, which is enshrined in the constitution. We believe the FBI can, and must, share some information about recent activities without jeopardizing specific law enforcement investigations.

In order to understand the scope of potential surveillance of protesters by the FBI, we respectfully request that you respond to the below questions by July 31, 2020:

- (1) Press reports indicate that the FBI flew an RC-26B aircraft during protests in Washington, D.C., and Las Vegas, Nevada, and that the aircraft may have been equipped with infrared sensors, electro-optical cameras, and ‘dirtboxes,’ which collect cell phone location data.¹ Are these press reports accurate? If not, please identify the inaccuracies with these press reports.
- (2) Other than the reported Washington, D.C. and Las Vegas, Nevada flights, did the FBI use any aircraft – or ask any other federal or state agency to use aircraft – to monitor or surveil protests since May 25th related to the murder of George Floyd,

¹ Joseph Cox, “The Military and FBI Are Flying Surveillance Planes Over Protests,” *Vice Motherboard*, June 3, 2020, https://www.vice.com/en_us/article/y3zvwj/military-fbi-flying-surveillance-planes-george-floyd-protesters.

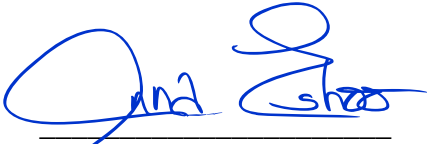
the killings of other Black Americans by law enforcement officials, or Black Lives Matter? If so, please also answer the following about any associated aerial surveillance:

- (a) For what purpose, and under what legal authority, did the FBI conduct such aerial surveillance?
 - (b) How many flights for aerial surveillance over protests has the FBI initiated since May 25th?
 - (c) How many law enforcement actions were investigated or initiated by the FBI based on data collected during aerial surveillance?
 - (d) Has the FBI transferred any data collected through aerial surveillance to other federal, state, local, or international agencies (including law enforcement agencies), to private corporations, or to any other organization? If so, please list what was shared and with which organization.
 - (e) Other than the FBI, which federal, state, or local government agencies, law enforcement or otherwise, participated in or conducted such surveillance that the FBI is aware of?
- (3) If the FBI did fly aircrafts over Washington, D.C., Las Vegas, Nevada, or other U.S. cities as described in question (2), what surveillance equipment did the aircraft have on-board?
- (a) Please identify whether or not each of following the types of equipment was on-board the aircraft and whether each was activated during the associated flights:
 - (i) fixed or mobile video surveillance systems.
 - (ii) rangefinders.
 - (iii) thermal imaging devices.
 - (iv) radar.
 - (v) ground sensors.
 - (vi) dirtboxes, stingrays, other cell site mimicking equipment, other radio frequency sensors, or other telecommunications interception equipment.
 - (vii) wide-area surveillance system.
 - (b) What is the maximum resolution of the camera system(s) attached to associated aircraft?

- (i) How many pixels does the imaging sensor possess?
- (ii) Can any camera system discern specific vehicles or individuals, even if it is not able to identify them on its own?
- (c) Did any equipment on-board the aircraft include any equipment that has associated software for facial recognition, other biometric identification, or automated license plate reading? Was such software used during or after the flight?
- (4) What policies, protocols, and procedures – including any Privacy Impact Assessments and System of Records Notices – does the FBI have regarding the use of aerial surveillance? Please provide a copy of any associated documentation for these policies, protocols, and procedures.

We would appreciate your prompt response to these highly important questions and requests, and we thank you in advance for your cooperation.

Most gratefully,



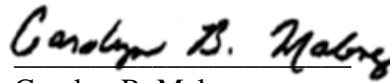
Anna G. Eshoo
Member of Congress



Bobby L. Rush
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Zoe Lofgren
Member of Congress



Carolyn B. Maloney
Member of Congress



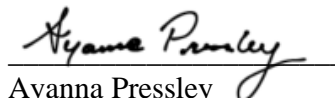
Jamie Raskin
Member of Congress



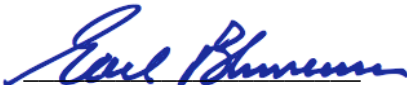
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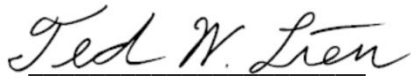
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