

From:	(b)(6)
To:	Kronisch, Matthew </o=Exchange/abs/ou=Exchange Administrative Group (b)(6)>
CC:	
Subject:	Designating Organizations as FTOs
Date:	2020/06/08 18:47:49
Priority:	Normal
Type:	Note

Matt,

Adding

(b)(6)

Apologies for this coming a bit later than I'd hoped this afternoon, but attached please find a table discussing the three elements of the authority to designate organizations as foreign terrorist organizations, including a discussion of the standard based on the statute and case law, as well as an application of them to three groups or movements. I am happy to discuss tonight or tomorrow morning.

(b)(5)

(b)(5)

Thanks,

(b)(6)

Attorney Advisor, Intelligence Law Division
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6)

From: Kronisch, Matthew (b)(6)

Sent: Monday, June 8, 2020 9:08 AM

To: (b)(6)

Subject: RE: refs

(b)(6)

USIA has requested that the analysis be done in a spreadsheet format.
Work for you?
Matt

From: Kronisch, Matthew

Sent: Friday, June 5, 2020 3:40 PM

To: (b)(6)

Subject: refs

<https://www.state.gov/foreign-terrorist-organizations/>

219 of the Immigration and Nationality Act (INA), as amended

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1189&num=0&edition=prelim>

section 212 (a)(3)(B) of the INA (8 U.S.C. § 1182(a)(3)(B))

<https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1182&num=0&edition=prelim>

section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. § 2656f(d)(2)),

<https://uscode.house.gov/view.xhtml?path=/prelim@title22/chapter38&edition=prelim>

18 U.S.C. § 2339A

[https://uscode.house.gov/view.xhtml?req=\(title:18%20section:2339A%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:18%20section:2339A%20edition:prelim))

8 U.S.C. 1182(a)(3)(B)(i)(IV)-(V)

<https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1182&num=0&edition=prelim>

8 U.S.C. 1227(a)(1)(A)

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1227&num=0&edition=prelim>

Sender:	(b)(6)
Recipient:	Kronisch, Matthew </o=ExchangeLabs/ou=Exchange Administrative Group (b)(6)
Sent Date:	2020/06/08 18:47:33
Delivered Date:	2020/06/08 18:47:49

(b)(5)

(b)(5)

(b)(5)

From:	(b)(6)
To:	
CC:	
Subject:	Re: (U//FOUO) CORRECTION: 1700 12 June CETC SITREP - Potential Violence Across Multiple U.S. Cities
Date:	2020/06/12 18:06:13
Priority:	Normal
Type:	Note

Thank you and would welcome a discussion next week. Have a nice weekend.

(b)(6)

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From:

(b)(6)

Sent: Friday, June 12, 2020 5:48:46 PM

To:

(b)(6)

Cc:

(b)(6)

(b)(6)

Subject: FW: (U//FOUO) CORRECTION: 1700 12 June CETC SITREP - Potential Violence Across Multiple U.S. Cities

Hi, (b)(6) I wanted to flag something for you in the attached SITREP: "While I&A Field Personnel have no corroborated reporting on links to organized domestic violent extremist groups, local law enforcement has passed that in Seattle and San Francisco violent opportunists espousing ideas consistent with the "ANTIFA" movement are likely involved." As you will recall from my all-hands talk the other day – and I realize that (b)(6) and I still have outstanding questions from the Field we need to get to – (b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Let me know if you would like to discuss further.

Thanks,

(b)(6)

Attorney-Advisor (Intelligence)
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6)

From: DHS.INTEL.CETC.WATCH

(b)(6)

Sent: Friday, June 12, 2020 5:19 PM

To: DHS.INTEL.CETC.WATCH

(b)(6)

Subject: ~~(U//FOUO)~~ CORRECTION: 1700 12 June CETC SITREP - Potential Violence Across Multiple U.S. Cities

~~UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE~~

Good day,

~~(U//FOUO)~~ Attached is a revised version of the 1700 12 June CETC SITREP – how changed: the title was altered to: Potential Violence Across Multiple U.S. Cities.

~~(U)~~ If you have any concerns/questions, please contact CETC at

(b)(6)

or call

(b)(6)

V/r,
Current and Emerging Threats Center (CETC)
Office of Intelligence & Analysis (I&A)
Department of Homeland Security

(b)(6)



cid:image001.jpg@01CC2462.14916690

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(b)(6)

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Sender:	(b)(6)
Recipient:	
Sent Date:	2020/06/12 18:06:11
Delivered Date:	2020/06/12 18:06:13

From:	Sterling, Brian </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (b)(6)>
To:	Mathews, Scott </o=ExchangeLabs/ou=Exchange Administrative Group (b)(6)> (b)(6)
Subject:	RE: Immediate change of definitions for Portland
Date:	2020/07/27 12:14:59
Due Date:	2020/07/26 20:00:00
Priority:	Normal
Type:	Note

We very much appreciated the heads up and opportunity to discuss with ILD on Saturday. CRCL is opposed to the use of the term and definition. We prepared leadership-to-leadership communications to that effect, but have not engaged at that level because we understand VAAI will not be used as of right now. We are ready though to make our objections known should VAAI, or a problematic derivative, resurface.

Brian Sterling
DHS CRCL

(b)(6)

From: Mathews, Scott (b)(6)
Sent: Monday, July 27, 2020 11:16 AM
To: (b)(6) Sterling, Brian
(b)(6)

Subject: RE: Immediate change of definitions for Portland

No worries. These days it seems a lot of policies/procedures develop more quickly than in the past. You are probably aware that there has been a letter of inquiry from the House Permanent Select Committee on Intelligence regarding I&A's collecting activities (more specific to MMS).

(b)(5) PRIV

would be willing to support ILD, PIOB, and CRCL in resolving any issues related to using the definition. (b)(5)

(b)(5) Thanks,

Scott
John Scott Mathews
DHS/PRIV/IS3

(b)(6)

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From: (b)(6)

Sent: Monday, July 27, 2020 9:48 AM

To: (b)(6) Mathews, Scott (b)(6)

Sterling, Brian (b)(6)

(b)(6)

Subject: RE: Immediate change of definitions for Portland

Sorry, Scott, for not getting back to you earlier. There was heavy engagement on this issue by ILD on Saturday, which, in part, resulted also in the CR you all were involved with last night. ILD did not clear the batch of FIRs over the weekend that used the VAAI term and our leadership has been engaged with AUSIA about the use of the term. Happy to talk later this afternoon if necessary.

(b)(6)

Attorney-Advisor (Intelligence)
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6)

From: (b)(6)

Sent: Sunday, July 26, 2020 7:42 PM

To: Mathews, Scott (b)(6); Sterling, Brian (b)(6)

(b)(6)

Subject: Re: Immediate change of definitions for Portland

Yes, apparently Benjamin Wittes from Lawfareblog is aware of it as well. He was Tweeting about it this morning.

From: Mathews, Scott <(b)(6)>

Sent: Saturday, July 25, 2020 10:14:45 PM

To: Sterling, Brian <(b)(6)>

(b)(6)

(b)(6)

Subject: Re: Immediate change of definitions for Portland

Sorry I missed this conversation. We're any conclusions drawn? Have other LEAs accepted the definition? (b)(5)

(b)(5)

Scott

John Scott Mathews

Senior Director

DHS/PRIV/IS3

(b)(6)

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From: Sterling, Brian <(b)(6)>

Sent: Saturday, July 25, 2020 3:11:16 PM

To: (b)(6)

(b)(6)

(b)(6)

Mathews, Scott <(b)(6)>

(b)(6)

(b)(6)

(b)(6)

Subject: Re: Immediate change of definitions for Portland

Works for me. Talk to you then.

Brian Sterling

DHS CRCL

(b)(6)

From: (b)(6)

(b)(6)

Sent: Saturday, July 25, 2020 3:10:20 PM

To: (b)(6) Sterling, Brian
(b)(6) Mathews, Scott
(b)(6)
(b)(6)

Subject: RE: Immediate change of definitions for Portland

(b)(6)

(b)(6) and I are available now. Do you want to use this conference bridge at 3:15?

(b)(6)

Thanks,

(b)(6)

Attorney Advisor, Intelligence Law Division
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6)

From: (b)(6)

Sent: Saturday, July 25, 2020 2:57 PM

To: (b)(6) Sterling, Brian <(b)(6)>

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Subject: Re: Immediate change of definitions for Portland

(b)(6)

Thanks so much for letting us know what's up. Brian and I would love to talk with you and (b)(6) today if you have time. When are you free?

(b)(6)

Senior Policy Advisor

U.S. Dept of Homeland Security

Office for Civil Rights and Civil Liberties

(b)(6)

From: (b)(6)

Sent: Saturday, July 25, 2020 2:25:17 PM

To: Sterling, Brian <(b)(6)>

(b)(6); Mathews, Scott <(b)(6)>

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

(b)(6)

Subject: Fwd: Immediate change of definitions for Portland

All, Sorry to bother you over the weekend. Please see the below email from AUSIA re an immediate change in how violent actors at the Portland protests are to be described in I&A reporting. Given the nature of this change, I thought we should have a conversation about it. (b)(6) and I are available today to discuss, though I understand you might not be. We can also discuss first thing Monday. Let me know your preference.

(b)(6)

Attorney-Advisor (Intelligence)

Office of the General Counsel

U.S. Department of Homeland Security

(b)(6)

Please note I am teleworking presently, but can be reached by cell phone.

From: Murphy, Brian <(b)(6)>

Sent: Saturday, July 25, 2020 11:17:05 AM

To: (b)(6)

(b)(6)

(b)(6)

Subject: Immediate change of definitions for Portland

Team

Read the entire email and acknowledge receipt

Call my cell with questions or comments

Starting now for Portland replace the V.O. definition accompanying our FIRS and OSIRS to VIOLENT ANTIFA ANARCHISTS INSPIRED (VAAI). Why? Myself and I&A leaders have been reviewing the Portland FIRS, OSIRS, Baseball cards of the arrested and FINTEL as well as the Ops info. The individuals are violently attacking the Federal facilities based on those ideologies. We can't say any longer that this violent situation is opportunistic. Additionally, we have overwhelmingly intelligence regarding the ideologies driving individuals towards violence and why the violence has continued. A core set of Threat actors are organized, show up night after night, share common TTPs and drawing on like minded individuals to their cause. I recognize we may not be able to attribute every individual as VAAI however we need to look at the totality of the intelligence both current and previous and recognize the motivation for the violence and why people have shown up to commit violence for about 60 days. And why individuals are using social media to encourage the VAAI on the ground to carry out acts of violence.

Not every threat actor maybe be a VAAI. For example should we have the intel to show us something different we will obviously adjust.

The VAAI is specific to Portland and specific to the Federal State and Local facilitates under violent assault. If similar situations arise down the line the VAAI may apply.

Here is the VAAI definition which will be applied from now forward:

(b)(5); (b)(7)(E)

In close the team continues to do great work which is preventing injury, death, and destruction of property

Brian Murphy

Acting Undersecretary for Intelligence

(b)(6)

Sender:	Sterling, Brian </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
	(b)(6)
Recipient:	Mathews, Scott </o=ExchangeLabs/ou=Exchange Administrative Group
	(b)(6)
	(b)(6)
	(b)(6)
Sent Date:	2020/07/27 12:14:58
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