



**Permanent Select Committee
on Intelligence
U.S. House of Representatives**

September 11, 2020

Mr. Joseph B. Maher
Principal Deputy General Counsel and Senior Official
Performing the Duties of the Under Secretary for Intelligence and Analysis
Office of Intelligence and Analysis
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Maher:

I appreciated the opportunity to meet on September 9, 2020, and to discuss your vision for the Department of Homeland Security's ("Department" or "DHS") Office of Intelligence and Analysis ("I&A"), as well as the House Permanent Select Committee on Intelligence's ("Committee") oversight and investigative priorities. As I clarified during the meeting, recent developments have obligated the Committee to expand the scope of its ongoing investigation.

The Committee is continuing to probe I&A's activities in Portland and in support of the Department's response to nationwide protests, as outlined in the Committee's August 3, 2020 letter to Mr. Chad Wolf immediately prior to the announcement of your appointment.¹ However, based on information that has recently come to light, the Committee's investigation must now encompass and review a wider range of reported abuses, deficiencies, and problems, including allegations of improper politicization of intelligence and political interference in I&A's mission and activities.

In particular, the Committee is investigating allegations contained in a whistleblower reprisal complaint submitted on September 8, 2020, to the Department's Office of Inspector General on behalf of your predecessor, former Acting Undersecretary for Intelligence and Analysis Brian Murphy. The misconduct and abuses detailed in the complaint occurred as early as 2018, continued through this year, and concern subjects of Committee oversight: intelligence reporting, analysis, and dissemination regarding foreign influence, interference, and threats regarding the 2020 U.S. elections, and any interference in this crucial mission; misuse of intelligence authorities and resources; and the suppression, manipulation, or misrepresentation of intelligence information for improper political ends.

¹ Letter from Chairman Adam B. Schiff to Mr. Chad Wolf and the Senior Official Performing the Duties of the Under Secretary for Intelligence and Analysis Horace Jen, August 3, 2020, available at: https://intelligence.house.gov/uploadedfiles/20200803_chm_letter_to_murphy_wolf_re_civil_liberties.pdf.

As a result, the Committee will need to address during its interviews and depositions of Department officials and other witnesses not only matters related to I&A's activities in Portland and in support of the Department's response to nationwide protests; but also the range of matters raised in Mr. Murphy's reprisal complaint and any other related matters that may arise in the course of the investigation and that fall within the jurisdiction of the Committee. I appreciated your pledge during our meeting, and since reaffirmed by Department personnel, that I&A will cooperate with the Committee's expanded investigative focus.

The Committee also appreciates the commitment made yesterday by a Department attorney that the Director of the Homeland Identities, Targeting, and Exploitation Center ("HITEC") will return, in a timely manner, for a follow-on transcribed interview to address matters in addition to those related to I&A's activities in Portland. The Committee also expects that the two transcribed interviews already scheduled by the Committee for next week—with Deputy General Counsel Ian Brekke and the current official serving as Director of the Counterterrorism Mission Center—will occur as planned and that the interviewees will answer questions within the expanded scope of the investigation.

In addition, the Committee requests that the following officials be made available for transcribed interviews. This list includes officials referenced in the Committee's August 3 and August 19 letters, as well other officials of interest to the investigation in light of new information.

- Mr. Horace Jen, the Senior Official Performing the Duties of the Principal Deputy Under Secretary for Intelligence and Analysis;
- Mr. Matthew Hanna, Chief of Staff, I&A;
- Mr. John Gountanis, Chief of Staff, DHS;
- Mr. Tyler Houlton, Deputy Chief of Staff, DHS;
- Senior Official Performing the Duties of the Deputy Under Secretary for Intelligence Enterprise Operations;
- Director of the Cyber Mission Center;
- Analytic Ombudsman;
- Director of the Field Operations Division;
- Regional Director and any other I&A officer principally responsible for I&A activities with respect to DHS operations in Portland;
- Director of the Current and Emerging Threats Center; and
- Associate General Counsel for Intelligence, Office of General Counsel.

Finally, with regard to Mr. Murphy, who is scheduled to be deposed by the Committee on September 21, 2020, consistent with the rules and procedures of the Committee and the House of Representatives, the Committee also asks that you expedite the request submitted on September 9, 2020, by his attorneys to receive appropriate security clearances in advance of his deposition. In light of some of the allegations in the complaint, the Committee will need to ask, and Mr. Murphy will need to answer, questions involving classified information.

As I underscored during our meeting, the Committee appreciates I&A's cooperation to date, including to produce and facilitate review of additional documents responsive to the Committee's requests, and we welcome your pledge to continue cooperation as the Committee exercises its lawful oversight responsibilities in investigating the full range of allegations and developments now under review.

Committee staff will follow up with your office to coordinate the witness interviews and ongoing document production.

Sincerely,



Adam B. Schiff
Chairman

CC The Honorable Devin Nunes, Ranking Member