

United States Senate

WASHINGTON, DC 20510

June 7, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

I write to request the U.S. Department of Homeland Security (DHS) issue public guidance to state and local law enforcement partners regarding designations of “Domestic Violent Extremist” or “DVE.” I further request that DHS share any existing guidance on how federal, state, and local law enforcement officials should interpret such a designation in a manner consistent with First Amendment-protected activity.

In recent months, individuals in Georgia have been arrested by state and local law enforcement as part of an “ongoing investigation of individuals responsible for numerous criminal acts at the future site of the Atlanta Public Safety Training Center and other metro Atlanta locations,” according to the Georgia Bureau of Investigation (GBI).¹ On May 31, 2023, the GBI and Atlanta Police Department arrested three organizers of an Atlanta bail fund.²

The arrest warrants allege that these individuals took steps to “fund the actions in part of . . . a group classified by the United States Department of Homeland Security as Domestic Violent Extremists.”³ This alleged DHS classification has appeared on prior arrest warrants related to the investigation, including as early as December 2022.⁴

According to recently reported statements by a DHS spokesperson, however, DHS “does not classify or designate any *groups* as domestic violent extremists” (emphasis added).⁵ Given this reported policy, I am seeking clarification about whether DHS has designated any group in

¹ Press Release, Georgia Bureau of Investigation, Three Arrested for Money Laundering and Charity Fraud in Atlanta (May 31, 2023), <https://gbi.georgia.gov/press-releases/2023-05-31/three-arrested-money-laundering-and-charity-fraud-atlanta>.

² *Id.*

³ Jozsef Papp, *GBI: Three Charged with Financial Crimes Connected to Public Safety Training Site*, Atlanta J.-Const. (May 31, 2023), <https://www.ajc.com/news/crime/gbi-3-arrested-charged-with-crimes-connected-to-planned-police-training-site/QATFJH2ZPJZTLX6PAPGY4TIO4>.

⁴ Alleen Brown, *Documents Show How Nineteen ‘Cop City’ Activists Got Charged with Terrorism*, Grist (Jan. 27, 2023), <https://grist.org/protest/atlanta-cop-city-terrorism> (linking to previous arrest warrants).

⁵ Kate Brumback, *Bond Granted for Three Activists Whose Fund Bailed Out People Protesting Atlanta ‘Cop City’ Project*, Associated Press (Jun. 2, 2023), <https://apnews.com/article/police-training-center-arrests-cop-city-1468a138ed4b17ed394e4b1e4fe202fe>; see also Tim Craig, *In Atlanta, a Deadly Forest Protest Sparks Debate over ‘Domestic Terrorism’*, Wash. Post (Jan. 26, 2023), <https://www.washingtonpost.com/nation/2023/01/26/atlanta-forest-protester-police-riot> (reflecting same).

Georgia as a DVE, and if not, I request that DHS share this policy clarification with any relevant state and local law enforcement partners.⁶

The First Amendment protects the freedom of speech and the freedom of peaceful association. Consistent with these principles, I am concerned by any misunderstandings regarding a federal DVE designation and seek clarification for the public and our valued law enforcement partners.

Peaceful protest is a quintessentially American activity—and a fundamental Constitutional right. As someone who has long engaged in justice work, I am personally aware of the importance of nonviolent protest movements through American history and their role in driving our country forward to a more perfect and more just union.

To protect these rights going forward and to clarify any potential confusion regarding DHS policy, I respectfully request:

1. DHS publicly clarifies whether it has designated any *groups* in Georgia as a DVE, and if not, to share this policy clarification with relevant state and local law enforcement partners; and
2. DHS publicly shares with state and local law enforcement partners any existing guidance on how to interpret a DVE designation in a manner consistent with peaceful, First Amendment-protected activity, including what types of inferences may violate such rights. If such guidance does not currently exist, I request that DHS develop and share such guidance as soon as practicable.

I appreciate your shared commitment to upholding Americans' Constitutional protections, and I look forward to your response by June 21, 2023.

Sincerely,



Reverend Raphael Warnock
United States Senator

⁶ I also call your attention to a National Terrorism Advisory System Bulletin issued by DHS on May 24, 2023 that alerted law enforcement officials to “alleged DVEs” in Georgia who may have engaged in “criminal activity in opposition to a planned public safety training facility in Atlanta.” I request that DHS clarify the allegations described here and the extent to which they reflect, if at all, a DHS designation. *See* National Terrorism Advisory System Bulletin, U.S. Department of Homeland Security (May 24, 2023), <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-may-24-2023>.