

Congress of the United States

Washington, DC 20515

June 24, 2020

Donald W. Washington
Director
United States Marshals Service
Washington, DC 20530-0001

Dear Director Washington:

We write to request information about recent surveillance flights over Portland, reportedly by the U.S. Marshals Service (USMS).

According to media reports, an aircraft previously linked to the USMS circled over Portland for nearly three hours on June 13, 2020, a night in which thousands of Oregonians exercised their First Amendment right to protest. The aircraft that flew over Portland is registered to a company that journalists in 2017 identified as a front company for the USMS. Media reports have previously revealed that the USMS operates a fleet of surveillance aircraft equipped with cellphone surveillance technology capable of secretly gathering information from tens of thousands of phones below.

The cell phone spying technology, known as a cell site simulator, used by the USMS, was originally created for America's military and intelligence community to use overseas. This technology beams tracking signals, indiscriminately, into the homes of innocent Americans, to scoop up data from their phones. According to experts, cell site simulators can identify all the phones in an area, track particular phones, and even intercept calls and text messages. This is an invasive, dragnet surveillance tool, which intrudes into the homes and devices of thousands of innocent people each time it is used. While such large-scale invasions of privacy might be justified in order to protect the public from imminent harm, the decision as to when to conduct bulk surveillance using a technology that intrudes on the privacy of so many innocent people must be made by independent courts and not the government.

Oregonians, like Americans everywhere, are justifiably outraged by recent events, including the murder of George Floyd by the police, which have highlighted longstanding problems in our society and government, including systemic racism and police brutality. Many Oregonians who have protested are justifiably concerned that their participation in these lawful protests will be logged, recorded, and used against them later by the government. As such, Congress has a responsibility to investigate these reports and make sure that the government's powerful surveillance tools are under the close supervision of the courts and that Americans' rights are being protected. To that end, please provide us with answers to the following questions by July 17, 2020:

1. Does the USMS own or operate the Cessna Caravan airplane, tail number N1789M, that reportedly flew 30 loops over Portland on the night of June 13, 2020?

2. Who authorized the use of a front company to register these airplanes? Please provide us with a copy of this authorization.
3. Who authorized the June 13, 2020, flight over Portland? Please provide us with a copy of this authorization.
4. What surveillance equipment was used and what types of data were collected during this operation?
5. Has data collected during this operation been shared with other agencies or any other entity? If so please identify them.
6. If surveillance technology was used, was it authorized by a court? If yes, please provide us with a copy of the court order and the corresponding application.
7. Has data collected on this flight been minimized, destroying data on innocent people who are not the targets of an investigation? If yes, please explain how. If no, please explain why not.

We look forward to your timely response.

Sincerely,



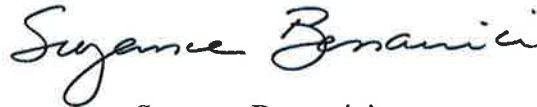
Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator



Earl Blumenauer
Member of Congress



Suzanne Bonamici
Member of Congress



Kurt Schrader
Member of Congress