

United States Senate

July 31, 2025

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, SE
Washington, DC 20528

Dear Secretary Noem,

In the face of peaceful protests against the Trump administration all across the country — through the public’s exercise of its constitutionally protected rights to assemble and express its views — the Department of Homeland Security (DHS) has responded with surveillance and intimidation. For example, DHS deployed at least two Predator drones over the recent protests in Los Angeles, published the collected footage online, and called for local officials to crack down on protestors. This Big Brotherism invades Americans’ privacy and chills the exercise of their constitutional rights. We are writing to request more information on DHS’s use of aerial surveillance at recent protests and to urge DHS to respect the public’s privacy and the First Amendment.

DHS has disclosed little about its use of Predator drones to surveil protests across the country. On June 8, 2025, flight watchers noticed aircraft without a callsign circling protests in Paramount, California, and downtown Los Angeles for hours. By listening to Air Traffic Control transmission, these observers determined that the aircraft were Predator drones.¹ DHS later confirmed that it had deployed the drones to support “federal law enforcement partners in the Greater Los Angeles area, including Immigration and Customs Enforcement,” but denied that it was “engaged in surveillance of First Amendment activities.”² But DHS has provided no explanation of who specifically requested the support of Predator drones in Paramount and Los Angeles, why that support was needed, what information was collected, or whether drones were deployed during other protests. In other words, DHS is keeping the public in the dark on the important question whether it is conducting aerial surveillance during protests and infringing on Americans’ First Amendment rights.

Although extraordinary circumstances could justify drone flights over protests, these flights also raise serious concerns about individual privacy and may be intended to intimidate the public and chill free speech rights. As was the case with the Predator drones in Los Angeles, unmanned aircraft are often equipped with high-resolution cameras that can capture images and video of individual protesters within a crowd. DHS could then attempt to use facial recognition technologies to identify those individuals. Facial recognition technologies have known

¹ Joseph Cox, *DHS Flew Predator Drones Over LA Protests, Audio Shows*, 404 Media (Jun. 10, 2025), <https://www.404media.co/dhs-flew-predator-drones-over-la-protests-audio-shows/>.

² Joseph Cox, *CBP Confirms It Is Flying Predator Drones Above Los Angeles To Support ICE*, 404 Media (Jun. 11, 2025), <https://www.404media.co/cbp-confirms-it-is-flying-predator-drones-above-los-angeles-to-support-ice/>.

limitations — including reduced accuracy when images are low quality, blurry, obscured, or taken from the side or in poor light³ — creating serious risks of false identification.

Even if the technology were perfectly accurate, this form of surveillance could have a chilling effect on constitutionally protected rights, particularly freedom of assembly and speech. Protesters may fear that showing up at a rally could result in DHS or other government entities logging their names into a government database, sharing records with law enforcement, or even subjecting them to reprisal. That fear is not theoretical. Authoritarian regimes already use facial recognition to track down dissidents.⁴ But even in democratic societies, such tools can disproportionately target and harm communities of color, intensifying existing biases in law enforcement and eroding trust in public institutions.

DHS’s own best practices recognize that the use of drones to monitor protests and the retention or publication of images of individuals who are engaged in protest can harm constitutionally protected rights.⁵ In particular, in 2013, DHS conducted a privacy impact assessment (PIA) covering the Predator B drone. In that PIA, the Department acknowledged that images and video taken from these drones potentially include images of individuals that can be associated with personally identifiable information.⁶ To address the privacy risks with unmanned aircraft, the PIA explained that “the video or other data collected from [Customs and Border Protection] aircraft may only be accessed by authorized personnel with an authorized need to know, and the CBP-held video or other data is controlled through chains of custody and stored in secure locations until it is destroyed.”⁷ While this data may be used to support “other DHS components” or “federal law enforcement agencies,” the PIA emphasizes that “each request for information follows a standard process and is reviewed and considered in terms of the requesting agencies’ authorities to receive the sought after information, CBP’s own authority to lend assistance, and CBP’s ability to integrate the information collection into its mission.”⁸ Although DHS updated this PIA in 2018 and 2024 to cover tethered and small unmanned aircraft systems, the relevant section and privacy analysis on the Predator drone has not changed.⁹

But DHS appears to have ignored these requirements in Los Angeles. On June 10, the Department posted a video to X — collected from a drone — overlaid with a dramatic soundtrack and a caption stating “WATCH: DHS drone footage of LA rioters. This is not calm.

³ National Institute of Standards and Technology, *Face Recognition Technology Evaluation (FRTE) Part 2: Identification* (Jan. 22, 2024), https://pages.nist.gov/frvt/reports/1N/frvt_1N_report.pdf.

⁴ See, e.g., Paul Mozur et al., *How China’s Police Used Phones and Faces to Track Protesters*, N.Y. Times (Dec. 2, 2022), <https://www.nytimes.com/2022/12/02/business/china-protests-surveillance.html#:~:text=The%20police%20have%20used%20faces,ethnic%20minorities%20and%20migrant%20workers.>

⁵ See U.S. Department of Homeland Security, *Best Practices for Protecting Privacy, Civil Rights & Civil Liberties In Unmanned Aircraft Systems Programs* (Dec. 18, 2015), <https://www.dhs.gov/sites/default/files/publications/UAS%20Best%20Practices.pdf>.

⁶ See U.S. Department of Homeland Security, *Privacy Impact Assessment for the Aircraft Systems*, DHS/CBP/PIA-018, 8 (Sept. 9, 2013), <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp-aircraft-systems-20130926.pdf>.

⁷ *Id.* at 11.

⁸ *Id.* at 5.

⁹ See U.S. Department of Homeland Security, *Privacy Impact Assessment for the Aircraft Systems*, DHS/CBP/PIA-018(a)(b) (May 9, 2024), <https://www.dhs.gov/publication/aircraft-systems>.

This is not peaceful. California politicians must call off their rioting mob.”⁸⁸ The publication of these videos appears to be a violation of the Department’s own requirement limiting the disclosure of video collected on an aircraft to authorized personnel with an authorized purpose. Americans could easily understand the publication of this video as an implicit threat to reveal the identities of protesters, instilling fear in any members of the public who seek to exercise their constitutionally protected rights to speech and assembly.

Given the serious dangers to individual privacy and free expression from the aerial surveillance of protesters, we request written responses to the following questions by August 21, 2025.

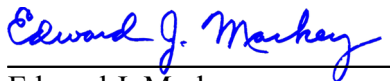
1. What cameras, radar, or other surveillance equipment were equipped on the Predator drones that flew over Paramount and Los Angeles during the June protests?
 - a. Did the drones collect any information on individual protesters?
 - b. If so, what information did the drones collect?
 - c. What has DHS done with this information?
2. Did DHS officials identify any individuals based on information collected by the unmanned aircraft that surveilled the California protests, including in combination with other information or with the assistance of facial recognition technology?
 - a. If so, how many individuals were identified at the California protests?
 - b. Why did DHS seek to identify individual protesters?
 - c. Did DHS provide records of the identities of individual protesters to any other agencies or third parties?
 - d. How long does DHS intend to maintain records of the identities of individuals at these protests?
 - e. Is DHS creating a database of individuals identified at these protests?
3. Which agencies and officials requested support from the Predator drones, when was the request made, and when and by whom were they approved? Please provide all documents related to the request and approval of these flights.
4. What data privacy protocols are currently used to govern information captured by aerial surveillance at U.S. protests?
 - a. Does DHS still follow the 2013 privacy impact assessment?
 - b. If so, how does the aerial surveillance of the Paramount and Los Angeles protests comport with it? If not, why not?
5. How are DHS staff with access to aerial surveillance data trained on data management protocols?

⁸⁸ Homeland Security (@DHSgov), Twitter (Jun. 10, 2025), https://x.com/DHSgov/status/1932554361840022016?ref_src=twsrc%5Etfw%7Ctwcamp%5E%5b%E2%80%A6%5dmag.com%2Fnews%2Fdhs-confirms-predator-drones-fly-over-la-protests.

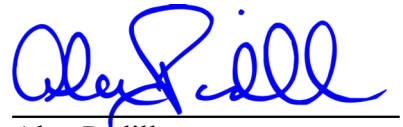
6. What was the approval process for publishing videos taken by the Predator drones of the protests in Los Angeles on X? Please provide all documents related to the decision to publish this video.
7. Has DHS deployed manned or unmanned aircraft systems to photograph, record, or otherwise monitor other protests since January 20, 2025? If so, for each such deployment, please provide:
 - a. the date and location of the deployment;
 - b. the original request from the state, local, or national agency for this support;
 - c. all approval documentation;
 - d. the kinds of manned or unmanned aircraft used;
 - e. all monitoring equipment on the flights; and
 - f. whether any individuals were identifiable, and if so, (i) how many were identified, (ii) for what purposes, (iii) whether that data was provided to any other agencies or third parties, (iv) how long DHS intends to maintain the identities of individual protesters, and (v) whether DHS is creating a database of protesters identified at these protests.

Thank you for your attention to this important issue.

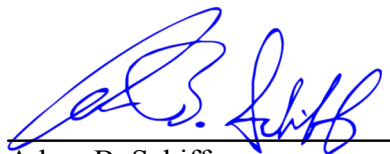
Sincerely,



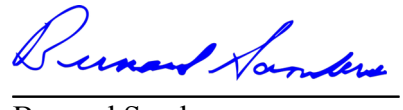
Edward J. Markey
United States Senator



Alex Padilla
United States Senator



Adam B. Schiff
United States Senator



Bernard Sanders
United States Senator



Chris Van Hollen
United States Senator