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SUITE SD-255
DIRKSEN BUILDING
WASHINGTON, DC 20510-2107
202-224-2742

975 JFK FEDERAL BUILDING
15 NEW SUDSBURY STREET
BOSTON, MA 02203
617-565-8519

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01103
413-785-4610

United States Senate

February 3, 2026

Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, SW
Washington, DC 20536

Dear Acting Director Lyons,

U.S. Immigration and Customs Enforcement (ICE) officers and senior Trump administration officials have repeatedly suggested that the Department of Homeland Security (DHS) is building a “domestic terrorists” database comprising information on U.S. citizens protesting ICE’s actions in recent weeks. If such a database exists, it would constitute a grave and unacceptable constitutional violation. I urge you to immediately confirm or deny the existence of such a database, and if it exists, immediately shut it down and delete it.

In recent weeks, DHS personnel and senior officials have repeatedly stated that the agency is engaged in efforts to monitor, catalog, and intimidate individuals engaged in peaceful protests. For example, earlier this month, President Trump’s appointed “Border Czar” stated that he was “pushing for” a database of individuals arrested at protests, adding that the government would “make them famous” by publicizing their identities to employers, neighbors, and schools.¹ This comment was especially alarming given the numerous incidents in which DHS appears to have concluded that protesting ICE itself constitutes grounds for arrest.² Additionally, last week in Portland, Maine, a masked ICE agent warned a woman that her personal information would be entered into a “nice little database” labeling her a domestic terrorist.³ Her only action appeared to be peacefully filming ICE activity on a public street. Finally, an internal memo circulated to ICE

¹ Jeff Winter and Priscilla Alvarez, *Alex Petti broke rib in confrontation with federal agents a week before death, sources say*, CNN (Jan. 27, 2026), <https://www.cnn.com/2026/01/27/us/alex-petti-protesters-minneapolis-invs/>.

² David J. Bier, *The Government Unconstitutionally Labels ICE Observers as Domestic Terrorists*, Cato Institute (Dec. 15, 2025), <https://www.cato.org/blog/dhs-policy-threatening-arresting-ice-observers-violates-their-rights>; Matthew Cunningham-Cook, *DHS Says Making and Posting Videos of ICE Agents is “Violence”*, The Center for Media and Democracy (Sept. 9, 2025), <https://www.exposedbycmd.org/2025/09/09/dhs-says-making-and-posting-videos-of-ice-agents-is-violence/>.

³ Nathan Bernard (@nathanTbernard), X (Jan. 23, 2026 10:11 AM), <https://x.com/nathanTbernard/status/2014717658323665399>.

personnel temporarily deployed to Minneapolis instructed agents to “capture all images, license plates, identifications, and general information on hotels, agitators, protestors, etc., so we can capture it all in one consolidated form.”⁴ This directive appears to encourage the broad collection of personal information about individuals engaged in protest activity, without any indication of criminal wrongdoing or any other legal justification.

ICE’s establishing a database identifying individuals who have peacefully protested the Trump administration would constitute a shocking violation of the First Amendment and abuse of power. Such a program would chill lawful speech, deter civic participation, and undermine public trust in law enforcement. These are the kinds of tactics the United States rightly condemns in authoritarian governments such as China and Russia; they have no place in a constitutional democracy.

Congress and the American people deserve to know whether DHS is engaging in this conduct. Please provide answers to the following questions in writing by February 24, 2026:

1. Does DHS, ICE, or any component agency maintain, plan to maintain, or contribute to any database, list, or record of individuals engaged in protest activity, including those who have not been accused of any crime? If so, please describe the database, its purpose, the legal authority for its creation, and all categories of information collected.
2. Please provide a copy of the internal memo circulated to ICE personnel, as well as any related directives instructing agents to collect personal information about protesters, bystanders, or individuals filming ICE activity.
3. What guidance has DHS issued to ICE personnel regarding interactions with individuals who record or observe ICE operations in public spaces?
 - a. Has DHS investigated the reported threat made by an ICE agent in Portland, Maine?
 - b. Will the agent involved face disciplinary action?
4. What steps is DHS taking to ensure that its agents do not intimidate or retaliate against individuals engaged in First Amendment-protected activity, including protests?

⁴ Jeff Winter and Priscilla Alvarez, *Alex Pretti broke rib in confrontation with federal agents a week before death, sources say*, CNN (Jan. 27, 2026), <https://www.cnn.com/2026/01/27/us/alex-pretti-protesters-minneapolis-invs>. In response to reporting on these incidents, Assistant Secretary Tricia McLaughlin said: “There is NO database of ‘domestic terrorists’ run by DHS.” *Id.* McLaughlin is a notoriously unreliable spokesperson for the Department. See, e.g., C.J. Ciaramella, *Homeland Security Won’t Stop Lying About Who Immigration Enforcers Are Arresting*, Reason (Oct. 22, 2025), <https://reason.com/2025/10/22/homeland-security-wont-stop-lying-about-who-immigration-enforcers-are-arresting/>. Given the serious dangers posed by a DHS or ICE database of protesters, you should directly respond to the comments by DHS officials.

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5. Have any DHS officials, including political appointees, directed or encouraged the creation of a database or list of protesters? If so, please identify those officials and provide all related communications.

Thank you for your prompt attention to this important matter.

Sincerely,



Edward J. Markey
United States Senator