

POLITICO

INSURRECTION FALLOUT

Capitol Police’s new vetting practices raise ‘First Amendment concerns,’ whistleblowers’ lawyer says

An attorney for Capitol Police employees wrote that intelligence analysts were “directed” to search the social media pages of congressional staff, event attendees and hosts.



Capitol police officers gather on the east front plaza of the Capitol on February 28, 2022 in Washington, D.C. | Justin Sullivan/Getty Images

By BETSY WOODRUFF SWAN and DANIEL LIPPMAN

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After a year of intense scrutiny following the Jan. 6, 2021, insurrection, the Capitol Police is facing fresh criticism of its intelligence-gathering tactics from some of its own former analysts.

An employment lawyer, who represents five people who worked in the department's intelligence division in January of 2021, says his clients believe Capitol Police conduct veered beyond protecting members to raising First Amendment concerns.

Dan Gebhardt, of Solomon Law Firm, PLLC, says his clients have long harbored grave concerns about the Capitol Police intelligence division's practices. In a lengthy statement to POLITICO, Gebhardt laid out some of those concerns, underscoring tensions that have quietly plagued the department.

Among the allegations from Gebhardt's clients: Capitol Police intelligence analysts were directed to scrutinize a religious leader who officiated a funeral that a member of Congress attended. Analysts were also directed to "conduct research" on the relatives of members of Congress as part of their security work, according to his statement. And they didn't like it.

"Analysts' complaints were filed with the USCP chain of command, Office of Professional Responsibility (OPR) and Inspector General (IG), as well as Congressional committees," he said.

Since President Donald Trump's supporters attacked the Capitol, the Hill's police department has gotten a new chief and two new directors of its intelligence division. And the department staunchly defends its efforts to track and mitigate threats to members of Congress.

Specifically at issue is the way employees in the Capitol Police's Intelligence and Interagency Coordination Division assess threats related to lawmakers' meetings and events away from Capitol Hill.

As part of a longstanding practice, members of Congress often share information with Capitol Police and the Sergeant at Arms regarding those gatherings. Lawmakers' offices typically send over dates, times, locations and expected attendees for events that can range from large fundraisers to small dinners at supporters' homes.

Last spring, after the attack on the Capitol, Gebhardt said this process was expanded. According to Gebhardt, the analysts were directed to start looking through the social media pages of people attending these events with members of Congress — including, at times, congressional staff.

Gebhardt said his clients grew so worried about the expansion to the department's intelligence gathering that they filed complaints with a variety of oversight bodies. This is

Gebhardt's first detailed on-the-record discussion of this issue on behalf of Capitol Police employees who worked for the department's intelligence division on Jan. 6. POLITICO is not publishing the names of the employees, and Gebhardt [has previously said](#) his clients have faced retaliation.