

-----Original Message-----

From: Weinsheimer, Bradley (ODAG) (b) (6)
Sent: Thursday, June 04, 2020 8:46 AM
To: Winn, Peter A. (OPCL) (b) (6)
Subject: Re: The DEA Has Been Given Permission To Investigate People Protesting George Floyd's Death

Correct. The language used is the same language that has been used more than 20 times when DEA has been given statutorily prescribed broader law enforcement authority (such as providing security around Super Bowls). It means they can use their traditional tools to provide security, not that they will be violating First Amendment rights and infiltrating those involved in peaceful protests.

On Jun 4, 2020, at 8:15 AM, Winn, Peter A. (OPCL) (b) (6) wrote:

Assume you saw this article. Seems pretty misleading to me, but it drew this email from Ben.

-----Original Message-----

From: (b)(3) per ODNI
Sent: Thursday, June 04, 2020 6:58 AM
To: Winn, Peter A. (OPCL) (b) (6)
Subject: The DEA Has Been Given Permission To Investigate People Protesting George Floyd's Death

?

<https://www.buzzfeednews.com/article/jasonleopold/george-floyd-police-brutality-protests-government>

From: [Blue, Matthew \(ODAG\)](#)
To: [Thiemann, Robyn L \(DEA\)](#)
Cc: [DuCharme, Seth \(ODAG\)](#); [Sofer, Gregg \(OAG\)](#)
Subject: RE: Federal law enforcement assets - Federal response support
Date: Sunday, May 31, 2020 2:55:23 PM

Please focus on DC first, then Miami.

Matthew F. Blue
Associate Deputy Attorney General
U.S. Department of Justice

(b) (6)

From: Thiemann, Robyn L (b)(7)(C) per DEA
Sent: Sunday, May 31, 2020 2:43 PM
To: Blue, Matthew (ODAG) (b) (6)
Cc: DuCharme, Seth (ODAG) (b) (6)
Subject: Re: Federal law enforcement assets - Federal response support

Hi guys - We were just directed by the AG to get assets to support DC, because of the movement of USMS and ATF. Do we still need Miami as well, or should we be focusing on DC first?

On May 31, 2020, at 2:09 PM, Blue, Matthew (ODAG) (JMD)

(b) (6) wrote:

We trying to provide some additional support to our state/local partners in Miami. To that end, we need some help with protecting federal facilities and state/local facilities in downtown Miami. We are currently working to send USMS and BOP personnel from DC and ATL to Miami. Do you guys have anything that is already in Florida, and readily available, to help? We want to start putting assets in place tonight.

Matthew F. Blue
Associate Deputy Attorney General
U.S. Department of Justice

(b) (6)

From: Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA
Sent: Sunday, May 31, 2020 2:03 PM
To: Blue, Matthew (ODAG) (b) (6)
Cc: DuCharme, Seth (ODAG) (b) (6)
Subject: Re: Federal law enforcement assets - Federal response support

Hi Matt -

Thanks for the discussion yesterday to clarify the information you needed. As requested, please find below the total number of DEA 1811s in each of the identified locations, as well as the number who are trained in special response. Note that our SRT is typically used for (b)(7)(E) per DEA scenarios, and SRT activities are a collateral duty for these agents. (In other words, (b)(7)(E) per DEA .)

Also, as we discussed, I have included an explanation from our Chief Counsel's Office relating to our jurisdiction; as you'll see from that explanation, as a general matter our jurisdiction is limited to Title 21 and other drug-related federal crimes. When we are engaged in activity permitted under our existing jurisdiction (including protecting our offices), we may respond to other federal offenses being committed in our presence. Additionally, the Attorney General can delegate to DEA the authority to investigate and enforce non-drug federal crimes under 21 USC 828(a)(5), as explained below. We have already begun the process of requesting AG delegated authority for these critical incidents, and will be pushing the paperwork through in the next day or so.

Please do not hesitate to reach out if you need additional information.
RT

DEA AGENTS — GENERAL AUTHORITY

The authority of DEA Special Agents (S/A) and deputized Task Force Officers (TFO) is spelled out in 28 C.F.R. § 0.100, wherein the Attorney General delegates to the Administrator of DEA his authority under Sections 1 and 2 of Reorganization Plan No. 1 of 1968, his authority under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (also known as the Controlled Substances Act), and his authority under Reorganization Plan No. 2 of 1973. These provisions, taken together, give DEA S/As and TFOs the authority to investigate potential violations of and to enforce the federal drug laws contained in Title 21 of the United States Code, as well as drug-related crimes contained in Title 18 and other federal criminal statutes.

Although DEA S/As and TFOs have no inherent authority to investigate non-drug related federal offenses, they do have authority to make arrests if, in the course of their drug-related work, they observe a federal offense being committed or develop probable cause that a federal felony has been committed. See 21 U.S.C. 878(a)(3).

ATTORNEY GENERAL AUTHORIZATION TO INVESTIGATE

NON-DRUG FEDERAL CRIMES

In addition, 21 U.S.C. § 878(a)(5) authorizes DEA S/As and TFOs to “perform such other law enforcement duties as the Attorney General may designate.” Under this provision, the Attorney General may authorize DEA S/As and TFOs to investigate and enforce non-drug related crimes. An important caveat is that the Attorney General may only delegate authority that he possesses, so this authority is limited to *federal* crimes. Nevertheless, on many occasions over the years Attorneys General have authorized DEA S/As and TFOs to assist in the investigation and enforcement of federal criminal statutes that are not related to drugs on an *ad hoc* basis. DEA and DOJ have developed processes by which DEA can seek and obtain this authority, but the statute prescribes no particular process. Thus, the Attorney General may authorize DEA to engage in the investigation and enforcement of other federal criminal provisions at his discretion. As noted above, we are working to secure that delegated authority for response to these critical incidents.

Importantly, so that DEA can respond in emergency circumstances, the Department and DEA have developed a process that allows the Administrator of the DEA (delegated to the Principal Deputy Administrator) the authority to invoke 21 U.S.C. § 878(a)(5) and authorize DEA S/As and TFOs to investigate and enforce non-drug related federal crimes. In order to do that, the Administrator (or Principal Deputy) must determine that the circumstances are truly emergent and that there is no time to seek DOJ approval. Further, this authority can only be invoked when DEA receives a request for assistance from another federal law enforcement agency. [Note that this requirement for a federal agency request does not exist when the Attorney General authorizes DEA to engage in non-drug related crimes. DOJ imposed this limitation on the delegated authority to ensure that DEA does not enter another agency’s enforcement jurisdiction on its own and without their request]. Finally, this authority can only be invoked for 72 hours. If DEA involvement in non-drug crimes is to continue beyond 72 hours, DOJ must authorize DEA to continue. In many circumstances, this will result in DEA “assisting state and locals,” but the assistance must be tethered to the enforcement of a *federal* criminal statute in some way.

DEA RESOURCES:

Washington, DC

- 17 SRT special agents (b)(7)(E) per DEA [REDACTED]
- 74 special agents who can deploy for evidence collection/surveillance

(includes personnel from Baltimore and Richmond)

- DEA is co-located with Veterans Affairs and HSI (non 1811s)

Minneapolis

- 5 SRT special agents
- 11 additional special agents
- All special agents are currently scheduled this weekend in support of Oakdale PD request for assistance
- 27 additional special agents in the division who can respond, but they would be require to travel to Minneapolis from significant distances
- No other government agencies are co-located in the Minneapolis District Office

Milwaukee

- No SRT special agents
- 18 special agents are available for evidence collection/surveillance
- The office is only occupied by DEA and there are no other tenants

Chicago

- 15 SRT special agents
- 20 additional agents available for evidence collection/surveillance
- 50 agents in total that could deploy to the Federal Building/Chicago DEA office
- The DEA Chicago office is located in one of two federal buildings (Klucynski Federal Building) across the street from the Dirksen Federal Building where the USAO and courts are housed. Both buildings are proximate to the outdoor Federal Plaza. The Dirksen Building was vacated earlier today before protests started.

Los Angeles

- 24 SRT special agents
- 80 special agents who could be deployed for evidence collection/surveillance
- Additional agents who could travel to support - [REDACTED] available in **(b)(7)(E) per DEA**.
- The Los Angeles Division office is in a federal building and is co-located with other federal agencies

San Francisco/Oakland

- 12 SRT special agents
- 75 special agents in Northern California who could be deployed for

evidence collection/surveillance

- The DEA office in San Francisco and Oakland are co-located with other Federal Agencies.

New York

- 12 SRT special agents
- 253 special agents who could be deployed for evidence collection/surveillance
- The main DEA Office is no co-located with other federal agencies, although the Strike Force occupies offices with other federal partners in the financial district.

Atlanta

- 16 SRT special agents
- 68 agents (including supervisors) who could be deployed for evidence collection/surveillance
- 100 agents in other offices within the division who would have to travel to Atlanta if needed
- DEA Atlanta is in a federal building with the USMS and several non-law enforcement agencies

On May 30, 2020, at 3:59 PM, DuCharme, Seth (ODAG) (JMD)

(b) (6) wrote:

And the mobility potential.

Sent from my iPhone

On May 30, 2020, at 3:50 PM, Blue, Matthew (ODAG)

(b) (6) wrote:

Thanks for these reference points. Let me know what the numbers and locations of your relevant groups look like. Again, this numbers call should include personnel who are available to help with state/local public safety efforts, federal building security and evidence collection.

Thanks,

Matt

From: (b)(6), (b)(7)(C) per BOP
Sent: Saturday, May 30, 2020 3:39 PM
To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI
(b)(6), (b)(7)(C), (b)(7)(F) per USMS Allen,
Joseph J. (b) (6); Blue, Matthew (ODAG)
(b) (6); Thiemann, Robyn L (DEA)
(b)(6), (b)(7)(C) per DEA
Cc: DuCharme, Seth (ODAG) (b) (6)
Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA
Subject: Re: Federal law enforcement assets - Federal
response support

For the good of the order, there was some work done by our components last year under LEAC.

Please see the attached link; may be useful in this discussion as well.

<https://www.justice.gov/dag/law-enforcement-affairs/overview-department-law-enforcement-resources-responding-critical-domestic-incidents>

>>> "Blue, Matthew (ODAG)" (b) (6)
5/30/2020 3:24 PM >>>

Good afternoon. I have been tasked by the AG with assembling a picture of all federal law enforcement assets available to support state and local efforts to stem the riots. For starters, it would be helpful to have a recap of the personnel picture that each of your principals provided on the 1230 call. In your response please identify the personnel numbers and the location of each group of assets.

Thank you,

Matt

Matthew F. Blue
Associate Deputy Attorney General
U.S. Department of Justice
(b) (6)

Congress of the United States
Washington, DC 20515

June 10, 2020

The Honorable William P. Barr
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Barr:

We write with great concern about law enforcement agencies targeting and surveilling protesters who are engaged in constitutionally protected expressions of free speech. Specifically, we request information about whether and how powerful surveillance technologies such as cell-site simulators (CSS) are being deployed against protesters, potentially chilling free speech. We are specifically troubled by a recent Justice Department memo authorizing the Drug Enforcement Administration (DEA) to “conduct covert surveillance” and “share intelligence with federal, state, local, and tribal counterparts” with regard to protests in the wake of George Floyd’s murder by Minneapolis police.

We know from House Oversight Committee investigations and the work of civil liberties organizations that the U.S. Government has historically used CSS to track suspects, obtaining massive amounts of data on innocent people in the process. CSS are capable of collecting geolocation information and even the content of SMS messages and phone calls without the knowledge of the cell phone owner. These CSS trick phones into thinking they are interacting with legitimate cell towers, but in reality are connecting to a third party’s device emitting strong broadcast signals. The D.C. Court of Appeals in 2017 ruled that such surveillance absent a warrant constitutes an illegal search in violation of the Fourth Amendment.

According to the *Wall Street Journal*, the Marshals Service – which the President deployed in Washington, D.C., on June 2 in response to protests – has outfitted Cessna planes with CSS known as “Dirtboxes” since at least 2014. The Dirtboxes are designed to pick up phone signals of anyone within range. According to *Wired* magazine, this “means that data on potentially tens of thousands of phones could be collected during a single flight.” More concerning is the fact that CSS technology has been loaned out to other agencies, including local police departments, with little to no oversight over their use, according to reports by WIRED magazine.

Given the lack of transparency and accountability regarding the transfer of this technology between and among agencies, we remain deeply concerned about its potential for surveillance abuse against innocent and vulnerable populations exercising their First Amendment rights. We request answers to the following questions about the Administration’s practices and legal posture with regard to surveillance policies by Friday, June 26 at the latest:

1. Why is the Drug Enforcement Agency involved in law enforcement related to protests protected by the First Amendment? What is the reason for activating the Attorney General's authority under 21 U.S.C. 878(a)(5) to authorize the DEA to enforce non-drug-related crimes?
2. To date, have any agencies within the Department of Justice (DOJ) used CSS, or related technologies, to intercept communications, intentionally disrupt communications to or from phones, track location information, or identify individuals participating in protests in the wake of George Floyd's murder? If yes, was the use of CSS authorized pursuant to a warrant?
3. In 2015, DOJ published a policy governing its use of CSS technology. Please confirm whether this policy is still in effect, and whether all uses of DOJ-owned CSS by government agencies related to the recent protests has complied with this policy.
4. If such technologies are deployed in the context of surveilling protesters, what measures are agencies taking to ensure that data from individuals is minimized and later purged if irrelevant from an investigatory standpoint?

Thank you for your attention to this matter.

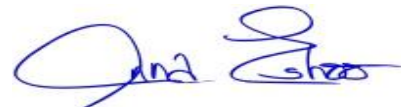
Sincerely,



Ted W. Lieu
Member of Congress



Ron Wyden
United States Senator



Anna G. Eshoo
Member of Congress

RICHARD C. SHELBY, ALABAMA, CHAIRMAN

MITCH McCONNELL, KENTUCKY
LAMAR ALEXANDER, TENNESSEE
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LISA MURKOWSKI, ALASKA
LINDSEY GRAHAM, SOUTH CAROLINA
ROY BLUNT, MISSOURI
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JOHN HOEVEN, NORTH DAKOTA
JOHN BOOZMAN, ARKANSAS
SHELLEY MOORE CAPITO, WEST VIRGINIA
JAMES LANKFORD, OKLAHOMA
STEVE DAINES, MONTANA
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JEANNE SHAHEEN, NEW HAMPSHIRE
JEFF MERKLEY, OREGON
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TAMMY BALDWIN, WISCONSIN
CHRISTOPHER S. MURPHY, CONNECTICUT
JOE MANCHIN, III, WEST VIRGINIA
CHRIS VAN HOLLEN, MARYLAND

SHANNON HUTCHERSON HINES, STAFF DIRECTOR
CHARLES E. KIEFFER, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

June 12, 2020

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Barr,

Across the country, Americans are peacefully demanding accountability and change, as well as justice for George Floyd's senseless murder. Those who would try to exploit the rightful outrage and lawful protests with looting and violence should be dealt with under the law. That is no excuse for the excessive use of force against peaceful protesters on June 1st that constituted an unnecessary provocation and an unacceptable violation of Americans' First Amendment rights for the President's photo op. We need de-escalation and a safe environment for peaceful protests.

At your direction, the Department of Justice (DOJ) has deployed federal law enforcement to maximize Federal presence in the District of Columbia and throughout the country. I appreciate your willingness to assist state and local partners maintain public safety. However, it is troubling to hear reports of an influx of DOJ law enforcement personnel who may not have had the proper training techniques in de-escalation with the public, have had an expansion of authority beyond their agencies' missions, and are not properly identified as DOJ officials. I am also concerned with tactics or usage of resources that may have impeded peaceful protestors' ability to exercise their First Amendment rights.

It is critically important to have trust between law enforcement and the public. We must ensure that this trust is not eroded and DOJ law enforcement carefully balances the protection of public safety while maintaining our civil liberties. To that end, DOJ must exercise the utmost transparency during and in the aftermath of the deployment of federal law enforcement in response to the recent and ongoing protests. Transparency means ensuring that law enforcement personnel are appropriately identified, having clear use of force and body camera policies in place, and releasing data on the number and type of officers deployed.

I'm also concerned that DOJ may not have entered into the appropriate Memoranda of Agreement, Memoranda of Understanding or other official agreements with its own law enforcement agencies and any other federal, state or local agencies. These agreements are necessary to ensure that any changes in agency authority are clearly established and the direct chain of command is understood across federal, state and local entities in an emergency situation.

Finally, it is critical that federal law enforcement responding to protest activity are thoroughly trained in the appropriate use of force, use of less than lethal force and de-escalation techniques. The violent response that the nation witnessed to peaceful protesters assembling in Lafayette Square was primarily a failure of leadership to respect the constitutional rights of those assembled and exercise common decency towards our fellow Americans. However, the more widespread use and aggressive implementation of proven de-escalation techniques and training could result in fewer violent engagements between law enforcement and the general public, including protesters, in the future. Training will help, but ultimately a fundamental change in the way we approach these confrontations requires leadership from you and others in the highest levels of our government.

I appreciate your consideration of these concerns.

Sincerely,



Jeanne Shaheen
Ranking Member
Subcommittee on Commerce, Justice,
Science and Related Agencies
Senate Committee on Appropriations

Congress of the United States

Washington, DC 20515

June 8, 2020

William Barr
Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Attorney General Barr,

We are concerned that the Drug Enforcement Administration (DEA) has recently received temporary approval for an expansion of their scope of enforcement priorities far beyond their designations under Title 21 pertaining to the Controlled Substance Act. We urge you to rescind this temporary authorization permitting the DEA to conduct covert surveillance on protesters, share intelligence with federal, state, local, and tribal counterparts, intervene as Federal law enforcement officers for non-drug related activity, and make arrests of protesters.

In a memo requesting this vast expansion, Acting DEA Administrator Timothy Shea wrote: “In order for DEA to assist to the maximum extent possible in the federal law enforcement response to protests which devolve into violations of federal law, DEA requests that it be designated to enforce **any federal crime** committed as a result of protests over the death of George Floyd.” [emphasis added]

It is our belief that this expansion of powers is inconsistent with the intents and purposes of the accessible temporary emergency powers that the agency was granted under [21 U.S.C. § 878\(a\)\(5\)](#).

Currently, tens-of-thousands, if not hundreds-of-thousands of Americans in all 50 states are exercising their rights granted under the First Amendment of the United States Constitution. At a minimum, it is inappropriate that the vast surveillance equipment the DEA has procured be utilized to discourage, monitor, and suppress those rights.

It is our concern that the use of these surveillance technologies and the tactical support of the DEA will at a minimum, further inflame the ongoing civil unrest and possibly lead to further infringements of Americans’ protected First Amendment rights by violating their Fourth Amendment rights.

Furthermore, this action makes it abundantly clear that Congress must reevaluate the policies of which the DEA is intended to enforce and the technologies that it has obtained to do so.

For example, under the Controlled Substances Act, the mere first offense related to possession of any amount of cannabis can result in a year of incarceration and a fine of \$1,000. This is

despite the fact that 25% of American citizens live in a jurisdiction that has legalized its adult-use and 33 states have implemented medical marijuana marketplaces. The conflict between these laws creates circumstances in which DEA may perform vast arrest sweeps for an activity that is legal under state law where protest activity is taking place. While marijuana use is illegal under federal law, there is no rational connection between violations of marijuana law and endangering the public through protest activity. Moreover, it is not lost on us that the enforcement of federal marijuana laws is rooted in racial discrimination. The Nixon Administration also used drug enforcement as a mechanism to criminalize and suppress the civil rights movement quell civil unrest including protests in favor of civil rights. The DOJ must not make the same mistake as Americans take to the streets demanding justice for Black communities and an end to unconstitutional policing.

Additionally, the scope of the memo is incredibly broad. The memo purports to limit the DEA's role to conduct related to protests over the death of George Floyd; however, there is nothing to prevent the DEA from making arrests for conduct not related to protest activity if they suspect "any violation of federal law." It should go without saying that 21 USC § 878(a)(5) was not passed by Congress to create an end-run around the Fourth Amendment for people expressing their First Amendment right to free speech and assembly. And yet, that is precisely what this memo does. Notably, the DOJ did not seek such broad surveillance power to investigate the protest activities of armed groups of mostly white protestors storming several state capitols earlier this year.

Furthermore, we caution against expanding the powers of the DEA. The DEA has a history of poor coordination with local enforcement and endangering the public in pursuit of violations of federal law. For example, the April 2, 2012, bungled raids upon businesses operating in compliance with California law in Oakland prevented local law enforcement from responding swiftly to the Oikos University shooting.

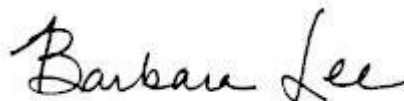
Now is a time that we reevaluate the policies, procedures, and limiting the scope of the mandate that Congress has assigned to the DEA. Instead, this memo gives the DEA a free pass to run roughshod over the fundamental protections of the Bill of Rights.

We strongly denounce these actions and urge you to rescind the temporary authorization permitting the DEA to conduct covert surveillance on protesters.

Respectfully,



Earl Blumenauer
Member of Congress



Barbara Lee
Member of Congress

cc: Timothy Shea, Acting Administrator of Drug Enforcement Administration

United States Senate
WASHINGTON, DC 20510

June 10, 2020

The Honorable William Barr
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

Dear Attorney General Barr and Acting Secretary Wolf:

On May 25, the world witnessed the killing of George Floyd by the Minneapolis Police Department. Since then, Americans in more than 350 cities across the nation have taken to the streets to protest this grave injustice.¹ But George Floyd's death is just the most recent provocation that the country has endured.

We must acknowledge the long history of injustices that have contributed to the demonstrations in the streets today. We must remember Trayvon Martin, Eric Garner, Michael Brown, Tamir Rice, Walter Scott, Philando Castile, Breona Taylor, and all the victims of lethal police force.² We must recognize the 400 years of inequality that Black and minority communities have suffered in this country.

Advances in facial recognition technologies should not be weaponized to victimize Americans across the nation who are standing up for change. It is no secret that Clearview AI's controversial facial recognition tool³ is used by law enforcement throughout your departments⁴ despite the numerous legal challenges it faces.⁵ However, scientific studies have repeatedly shown that facial recognition algorithms are significantly less accurate for people with non-white skin tones.⁶

The federal government's use of technology to identify each individual at a demonstration en masse has a chilling effect on all of our protected First Amendment activities. Identifying Americans who are peacefully demonstrating using existing facial recognition technology is particularly dangerous because this information would be of dubious accuracy and could be stolen or otherwise leaked. The Black Lives Matter movement was unjustly surveilled by law

¹ <https://www.nbcnews.com/news/us-news/map-protests-rallies-george-floyd-spread-across-country-n1220976>

² <https://www.bbc.com/news/world-us-canada-52905408>

³ <https://www.nytimes.com/2020/01/18/technology/clearview-privacy-facial-recognition.html>

⁴ <https://www.buzzfeednews.com/article/ryanmac/clearview-ai-fbi-ice-global-law-enforcement>

⁵ <https://www.theverge.com/2020/5/7/21251387/clearview-ai-law-enforcement-police-facial-recognition-illinois-privacy-law>

⁶ <https://www.wired.com/story/amazon-facial-recognition-congress-bias-law-enforcement/>;
<https://www.nist.gov/news-events/news/2019/12/nist-study-evaluates-effects-race-age-sex-face-recognition-software>

enforcement in 2014⁷ and additional actions against those protesting systemic racism would infringe on their First Amendment rights and further divide the country.

We are disturbed by numerous reports that the Department of Justice and Department of Homeland Security agencies are participating in the technological surveillance of protests across the country, well beyond the scope of their authorities. The Drug Enforcement Administration has been explicitly instructed to “conduct covert surveillance” that is unrelated to its mission of enforcing controlled substance laws.⁸ A U.S. Customs and Border Protection predator drone was flown over the Minneapolis protests to “provide live video” for local law enforcement,⁹ potentially infringing on the rights of the same Americans it is supposed to protect.¹⁰ Therefore, we ask that you respond to the following questions by June 19, 2020.

1. Have any agencies in your department collected personally identifiable information of Americans who have gathered in response to George Floyd’s death? If so, for each instance please specify the agency and—
 - a. Cite the authority under which you have gathered this information; and
 - b. Detail the policies and processes that apply to the access and retention of this data.

2. Have any agencies in your department utilized facial recognition technology during the daily, nationwide demonstrations that began May 25, 2020? If so, for each instance please specify the agency and—
 - a. The date(s) and location(s) of activities where facial recognition technology was deployed;
 - b. Which facial recognition systems were utilized;
 - c. Whether your facial recognition technology is combined with cameras of any kind to produce real-time or near real-time feedback;
 - d. If any of your facial recognition tools have been independently tested for accuracy or discriminatory bias, who conducted said tests, the testing process and the results;
 - e. The oversight processes in place to prevent infringement on First Amendment freedoms; and
 - f. The processes to ensure compliance with applicable privacy laws.

3. Have any agencies in your department accumulated photo or video footage of the daily, nationwide demonstrations that began May 25, 2020? If so, for each instance please specify the agency and—
 - a. The sources from which the photos and videos were obtained;

⁷ <https://www.cnn.com/2019/01/18/us/nypd-black-lives-matter-surveillance/index.html>

⁸ <https://www.buzzfeednews.com/article/jasonleopold/george-floyd-police-brutality-protests-government>

⁹ <https://www.govtech.com/security/Predator-Drone-over-Minneapolis-Stokes-Surveillance-Fears.html>

¹⁰ <https://www.cbp.gov/about>

- b. The days and locations of demonstrations covered by the photos or videos; and
- c. Which agency policies and processes apply to the curation and retention of the photos and videos?

Thank you for your prompt attention to this matter.

Sincerely,



United States Senator
Sherrod Brown



United States Senator
Ron Wyden



United States Senator
Cory A. Booker

CC: Timothy Shea, Acting Administrator, Drug Enforcement Administration;
Mark A. Morgan, Acting Commissioner, Customs and Border Protection;
Matthew Albence, Acting Director, Immigration and Customs Enforcement

From: "Levi, William (OAG)" <(b) (6)>

To: Theresa Watson <(b) (6)>

Subject: 6-8-20 Letter to Mayor-AG 1730.docx

Date: Mon, 8 Jun 2020 18:38:07 -0400

Importance: Normal

Attachments: 6-8-20_Letter_to_Mayor-AG_1730.docx

For the AG to take home

From: "Lawder, David (Reuters)" <(b) (6)>

To: (b)(6) Kerri Kupec (PAO)

Subject: FW: Nadler, Thompson & Maloney Call for IG Investigation Into Trump Administration Use of Force Against Protestors

Date: Sun, 19 Jul 2020 19:58:34 +0000

Importance: Normal

Hi Kerri, I'm the Reuters reporter on duty today in Washington. Wondering if DOJ has a comment regarding this request from two key House Democrats for IG investigations into the use of force in dealing with recent protests.

Many thanks, and stay well,

Dave

.....
David Lawder
Correspondent
Reuters News
Thomson Reuters

Phone: (b) (6)

Mobile: (b) (6)

(b) (6)

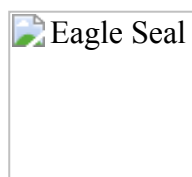
Twitter: @davelawder

From: House Judiciary Democratic Press <(b) (6)>

Sent: Sunday, July 19, 2020 3:32:29 PM

To: Lynch, Sarah N. (Reuters) <(b) (6)>

Subject: Nadler, Thompson & Maloney Call for IG Investigation Into Trump Administration Use of Force Against Protestors



Nadler, Thompson & Maloney Call for IG Investigation Into Trump Administration Use of Force Against Protestors

FOR IMMEDIATE RELEASE: July 19, 2020

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Washington, D.C. – Today, House Judiciary Committee Chairman Jerrold Nadler (D-NY), Homeland Security Committee Chairman Bennie G. Thompson (D-MS), and Oversight and Reform Committee Chairwoman Carolyn B. Maloney (D-NY) condemned the Trump Administration's use of violent tactics against peaceful protestors in Washington D.C., Portland, Oregon, and elsewhere around the country, and demanded that the Inspectors General of the Department of Justice (DOJ) and Department of Homeland Security (DHS) open an

immediate investigation into these actions.

In a letter to DOJ IG Michael E. Horowitz and DHS IG Joseph V. Cuffari, the Members wrote, "**The legal basis for this use of force has never been explained—and, frankly, it is not at all clear that the Attorney General and the Acting Secretary are authorized to deploy federal law enforcement officers in this manner. The Attorney General of the United States does *not* have unfettered authority to direct thousands of federal law enforcement personnel to arrest and detain American citizens exercising their First Amendment rights. The Acting Secretary appears to be relying on an ill-conceived executive order meant to protect historic statues and monuments as justification for arresting American citizens in the dead of night. The Administration's insistence on deploying these forces over the objections of state and local authorities suggest that these tactics have little to do with public safety, but more to do with political gamesmanship.**"

Full text of the letter can be found below and [here](#).

July 19, 2020

The Honorable Michael E. Horowitz
Inspector General
Department of Justice, Office of the Inspector General
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Joseph V. Cuffari
Inspector General
Department of Homeland Security, Office of Inspector General
245 Murray Lane SW
Washington, DC 20528

Dear Mr. Horowitz and Mr. Cuffari:

As we continue to stand with our fellow citizens protesting systemic racism and police brutality throughout the country, we are increasingly alarmed at the Trump Administration's use of federal law enforcement to violate the civil rights of our constituents. The Department of Justice (DOJ) and the Department of Homeland Security (DHS) appear to have increasingly abused emergency authorities to justify the use of force against Americans exercising their right to peaceful assembly.

Reports from Oregon this week make clear that this misuse of resources and personnel remains a growing threat. Accordingly, we write to request an investigation by your offices into the use of federal law enforcement agencies by the Attorney General and the Acting Secretary of Homeland Security to suppress First Amendment protected activities in Washington, D.C., Portland, and other communities across the United States.

To understand the gravity of the government's actions, it is important to recognize the scope of the problem. Shortly after the death of George Floyd, protestors flocked to major cities, including the nation's capital, to advocate for police reform. On June 1, 2020, horse-mounted federal authorities in riot gear used chemical agents, smoke, and rubber bullets to violently remove protestors from Lafayette Square—so that the President could have a photo-op in front of the historic St. John's Church.[1] As part of his strategy to take control of the city, Attorney General William Barr directed various federal law enforcement personnel to "flood the zone" and assert control over the region.[2] Bureau of Prisons Crisis Management Teams, including Special Operations Response Teams (SORT), and Department of Homeland Security personnel from Customs and Border Protection (CBP), Immigration & Customs Enforcement (ICE), and the Transportation Security Administration (TSA) were all given special deputation to detain and arrest individuals. This special deputation was meant to last only thirty days. Drug Enforcement Administration (DEA) agents were also granted authority that allowed them to enforce federal law, as necessary, in response to the protests,[3] which was meant to last only 14 days.

The news from Oregon this week is equally alarming. “Federal law enforcement officers have been using unmarked vehicles to drive around downtown Portland and detain protesters since at least July 14.”[4] In some cases, citizens could not tell the difference between law enforcement and far-right extremists in the region who wore similar military gear. CBP officials have been reported as grabbing Americans in the dark; not providing any form of identification; arresting, searching, and detaining individuals in cells before even properly reading their Miranda Rights[5] Not only is this irresponsible and dangerous, but it is a violation of Constitutional rights.

Although the scale of this response to the social movement spurred by George Floyd’s murder is disturbing, this is not the first time the Trump Administration has used force to suppress dissent. For example, in 2017, federal officials assisted local law enforcement officers[6] in deploying cold water cannons, pepper spray, and tear gas on Americans protesting the construction of the Dakota Access Pipeline across the Standing Rock Reservation. [7]

We support the U.S. Attorney for the District of Oregon’s request for a DHS IG investigation into the incidents in Portland[8] and the referral to the DOJ IG of the U.S. Marshals Service use of less-lethal munitions.[9] However, a broader concern must be addressed.

The legal basis for this use of force has never been explained—and, frankly, it is not at all clear that the Attorney General and the Acting Secretary are authorized to deploy federal law enforcement officers in this manner. The Attorney General of the United States does *not* have unfettered authority to direct thousands of federal law enforcement personnel to arrest and detain American citizens exercising their First Amendment rights. The Acting Secretary appears to be relying on an ill-conceived executive order meant to protect historic statues and monuments as justification for arresting American citizens in the dead of night.[10] The Administration’s insistence on deploying these forces over the objections of state and local authorities suggest that these tactics have little to do with public safety, but more to do with political gamesmanship.[11]

In connection with this requested review, we also ask that your offices investigate the events highlighted above; the existing statutory authorities; and the extent special deputations are used in response to First Amendment protected activity, including the Floyd protests. We ask that any final report include a description of the length, breadth, number, and location of federal law enforcement authorized by these special deputations to arrest and detain individuals. Finally, we ask that you also review the use of force, crowd-control, and civil rights training these forces received prior to their deployments.[12]

This is a matter of utmost urgency. Citizens are concerned that the Administration has deployed a secret police force, not to investigate crimes but to intimidate individuals it views as political adversaries, and that the use of these tactics will proliferate throughout the country. Therefore, we ask that you commence your review of these issues immediately.

Sincerely,

Jerrold Nadler
Thompson
Chairman
House Committee on the Judiciary
Homeland Security

Bennie G.

Chairman
House Committee on

Carolyn B. Maloney
Chairwoman

House Committee on Oversight and Reform

cc: The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary
The Honorable Mike Rogers, Ranking Member, House Committee on Homeland Security
The Honorable James Comer, Ranking Member, House Committee on Oversight and Reform

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- [1] See e.g., Phillip Bump, *Timeline: The clearing of Lafayette Square*, Wash. Post, June 5, 2020; Aaron Davis et. al, *Officials familiar with Lafayette Square confrontation challenge Trump administration claim of what drove aggressive expulsion of protesters*, Wash. Post, June 14, 2020.
- [2] See Devlin Barrett, *Barr seeks to subdue D.C. protests by 'flooding the zone' with federal firepower*, Wash. Post, June 3, 2020; Ryan Lucas, *Attorney General Steps Up Federal Law Enforcement Response to Protests*, NPR, June 1, 2020.
- [3] See 21 U.S.C. § 878.
- [4] Jonathan Levinson & Conrad Wilson, *Federal Law Enforcement Use Unmarked Vehicles to Grab Protesters Off Portland Streets*, Oregon Public Broadcasting, July 16, 2020.
- [5] Katie Shepherd & Mark Berman, *'It was like being preyed upon': Portland protesters say federal officers in unmarked vans are detaining them*, Wash Post, July 17, 2020.
- [6] See Alleen Brown, Will Parrish, & Alice Speri, *The Battle of Treaty Camp Law Enforcement Descended On Standing Rock A Year Ago And Changed the DAPL Fight Forever*, The Intercept, Oct. 27, 2017; Alleen Brown, Will Parrish, & Alice Speri, *Standing Rock Documents Expose Inner Workings of "Surveillance-Industrial Complex,"* The Intercept, June 3, 2017.
- [7] See e.g., Alan Taylor, *Water Cannons and Tear Gas Used Against Dakota Access Pipeline Protesters*, The Atlantic, Nov. 21, 2016; Julie Carrie Wong, *Dakota Access pipeline: 300 protesters injured after police use water cannons*, The Guardian, Nov. 21, 2016.
- [8] Ryan Haas & Conrad Wilson, *US Attorney for Oregon Calls for Investigation into Portland Protester Arrests*, Oregon Public Broadcasting, July 17, 2020; Amir Vera, Konstantin Toropin, & Josh Campbell, *US attorney requests DHS investigation after video shows masked, camouflaged federal authorities arresting protestors in Portland*, CNN, July 18, 2020.
- [9] U.S. Attorney for the District of Oregon, Press Release, U.S. Marshals Service Investigation Referred to Department of Justice Office of the Inspector General, July 13, 2020.
- [10] Dep't of Homeland Security, Press Release, DHS Announces New Task Force to Protect American Monuments, Memorials, and Statues, July 1, 2020; Marty Johnson, *DHS head knocks 'failed response' to 'rampant' violence in Portland*, The Hill, July 16, 2020.
- [11] See e.g., Greg Sargent & Paul Waldman, *The Oregon governor wants federal officers out of Portland. Trump officials won't listen. Why?*, Wash. Post, July 17, 2020.
- [12] Sergio Olmos, Mike Baker, & Zolan Kanno-Youngs, *Federal Officers Deployed in Portland Didn't Have Proper Training*, D.H.S. Memo Said, N.Y. Times, July 18, 2020.

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CSPAN – Attorney General William Barr News Conference

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ATTORNEY GENERAL WILLIAM BARR: good afternoon, everybody. thank you for joining us at this remote press conference. over the constitution avenue entrance to this building is a latin inscription that translates, everything is created by law and order. that ancient principal still holds true. our free society depends on the rule of law, the assurance ordinary citizens can go about their lives without being subject to arbitrary violence or fear. when the rule of law breaks down, the promise of america does also. our nation is confronting two serious challenges to the rule of law. the first is a long-standing one that was recently crystallized and driven home by the killing of george floyd in minneapolis. the video of the police conduct in this episode, as i said before, is harrowing. when you watch it, and imagine that one of your own loved ones was being treated this way, and begging for their livfe, it is impossible for any normal human being not to be struck to the heart with horror. this matter is being pursued both the state and the federal government. the state has filed already second-degree murder charges against one of the officers and aiding and abetting charges against the other three officers. as we typically do in cases such as this, the department of justice and the fbi is conducting a parallel and independent investigation into possible violations of federal civil rights laws. the president has directed me to spare no effort. we are coordinating our work with the attorney general of minnesota and as a matter of comedy, the department of justice typically let's the state go forward with its proceedings first. this afternoon, our united states attorney in minnesota and the fbi special agent in charge of our minneapolis field office will attend a memorial service for mr. floyd. today is a day of mourning. and the day is coming soon, i am confident, when justice will be served. george floyd's death was not the first of its kind and exposes concerns that reach far beyond this particular case. while a vast majority of police officers do their job bravely and righteously, it is undeniable that many african-americans lack confidence in the american criminal justice system. this must change. our constitution mandates equal protections of the laws and nothing less is acceptable.

As the nation's leading federal law enforcement agency, the department of justice will do its part. i believe police chiefs and law enforcement officials and leaders around the country are committed to ensuring that racism plays no part in law enforcement and that everyone receives equal protection of the laws. in october of 2019, the president established the first commission on law enforcement since the 1960's, and i am meeting with him later this month -- with them later this month and i've been talking with law enforcement leaders around the country. in the weeks and months ahead, we will be working with community leaders to find constructive solutions so that mr. floyd's death will not have been in vain. we will work hard to bring good out of bad. unfortunately, the aftermath of george floyd's death has produced a second challenge to the rule of law. while many have peacefully expressed their anger and grief, others have hijacked protests to engage in lawlessness, violent rioting, arson, looting of businesses, and public property, assaults on law enforcement officers and innocent people, and even the murder of a federal agent. such senseless acts of anarchy are not exercises of first amendment rights. they are crimes designed to terrify fellow citizens and intimidate communities. the large preponderance of those who are protesting our peaceful demonstrators who are exercising their first amendment rights. at some demonstrations, however, there are groups that exploit the opportunity to engage in such crimes as looting. finally, at some demonstrations, there are extremist agitators who are hijacking the protests to pursue their own separate and violent agenda. we have evidence that antifa and other similar extremist groups as well as actors of a variety of different political persuasions have been involved in instigating and participating in the violent activity. we are also seeing foreign actors playing all sides to exacerbate the violence. the department of justice is working to restore order in the district of columbia and around the nation.

Here in washington, we are working with the local police, the citizen soldiers of the national guard, and other federal agencies to provide safety and justice. we have deployed all the major law enforcement components of the department on this mission, including the fbi, atf, dea, bureau of prisons, and the u.s. marshals service -- u.s. marshals service. their leaders

are here with me today and we will be talking shortly. i am pleased to say especially over the last two nights, the demonstrations, while large, have been peaceful. the justice department is also working closely with our state and local partners to address violent riots around the country. our federal law enforcement efforts are focused on the violent instigators. u.s. attorneys offices, fbi, component field offices and state and local enforcement, we are receiving real-time intelligence and we have deployed resources to quell outbreaks of violence in several places. i urge governors and mayors and other state and local leaders to work closely with the national guard and with us. the federal government has thus far made 51 arrests for federal crimes in connection with violent rioting. we will continue to investigate, to make arrests, and to prosecute when warranted. when i was attorney general in 1995 -- 1992, riots broke out in los angeles following the acquittal by the state of police officers accused of beating rodney king. ultimately, the department of justice at my direction filed federal civil rights charges against those officers. as president bush assured the nation at that time, quote, "the violence will and, justice will be served, hope will return." the same is true today. the rule of law will prevail. i would like to traduce my colleague, chris wray, the director of -- introduce my colleague, chris wray, the director of the fbi. the fbi that i know and love that it really stood up here and performed magnificently, not only here in d.c. but around the country and in all their field offices. there enforcement functions, the enforcement functions, intelligence functions are in full gear and with the fbi's leadership, we are going to deal effectively with criminals involved in extremist violence. chris.

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FBI DIRECTOR CHRISTOPHER WRAY: thank you, general, for your leadership. good morning, this is an incredibly challenging time for our country and for all the citizens we serve. i want to begin by expressing my deepest sympathies for george floyd and his family. like most of you, i was appalled and profoundly troubled by the video images of the incident that ended with mr. floyd's tragic death. within hours of his death on may 25, the fbi had opened a criminal investigation to determine whether the actions by the former minneapolis police department officers involved violated federal law. we are moving quickly in that investigation and we will follow the facts wherever they may lead in our pursuit of justice. mr. floyd's family, like a lot of families who have lost loved ones in recent weeks, are suffering right now and trying to find a way forward. in fact, our entire country is trying to find a way forward. that is because this is not just about george floyd. this is about all of those over the years who have been unjustifiably killed or had their rights violated by people entrusted with their protection. when law enforcement fails to fulfill its most basic duty to protect and serve its citizens, particularly members of minority community, it not only tarnishes the badge we all wear but erodes the trust that so many of us in law enforcement have worked so hard to build. when people feel that we have not lived up to the trust they place in us, it is understandable they want to speak out and protest. the fbi holds sacred the rights of individuals to peacefully exercise their first amendment freedoms. nonviolent protests are signs of a healthy democracy, not an ailing one. the fbi's mission is to protect the american people and uphold the constitution. that mission is dual and simultaneous. it is not contradictory. in engaging with our communities during these protests, we in law enforcement must balance the safety and security of our communities with our citizens' constitutional rights. in recent days, the violence, destruction of property, threats to life that we have seen in some parts of the country jeopardizes the rights and safety of all citizens, including peaceful demonstrators. and it has to stop.

We are seeing people who are exploiting the situation to pursue violent extremist agendas. these individuals have set out to sew discord and a people rather than pursue the righteous pursuit of righteous -- pursuit of justice. our community and religious leaders, elected officials, law enforcement, and citizens alike. many have suffered from the violence instigated to these radicals and extremists, including members of our own law enforcement family. officers killed or gravely injured while just doing their jobs, fulfilling their duty to the public by trying to keep everyone safe. to be clear, we are not in any way trying to discourage peaceful protesters. to those citizens who are out there making your voices heard, through peaceful lawful protests, let me say this -- we in law enforcement hear you. we are also committed to identifying, investigating, and stopping individuals who are inciting violence and engaging in criminal activity. at the fbi, we are focusing our efforts on supporting law enforcement partners maintaining public safety in the communities we are all sworn to protect. we are making sure we are tightly latched up with our state and local law enforcement partners across the country by standing up -- setting up 24 hour command posts. we have directed our 200 joint terrorism task forces to assist law enforcement with opera handing and charging violent agitators who are hijacking peaceful protests. on a national level, we are soliciting tips, leads, and video evidence of criminal activity through our national threat operations center. over the past few days, i've been speaking with law enforcement leaders in various parts of the country to ensure that we are providing the support they need to let them know that in every community, the fbi stands ready to assist wherever we can. the relationships we have built with our law enforcement and community partners are more important now than ever. the reality is, we cannot do our jobs without the

trust of the american people. i want to close by reiterating the fbi will remain steadfast in its mission to protect the american people and uphold the constitution. protecting civil liberties and civil rights has been part of our mission since the days of the civil rights movement. those investigations are at the heart of what we do for the simple reason that civil liberties and civil rights are at the very heart of who we are as americans. before the civil rights act of 1964, the federal government largely led protection of civil rights two-state -- civil rights to state governments. since then, we have been working hard to identify and prevent hate crimes and investigate abuses of power and authority. our civil rights cases are among the most important work we do and that will never change. i will repeat today what i have long believed about the men and women of law enforcement. it takes an incredibly special person to willingly put his or her life on the line for a complete stranger. to get up day after day after day and do that and it is extraordinary. in these turbulent times, we won't forget the bravery of our law enforcement members who have risked life and safety to protect the public and keep the peace. but the difficulty of that job does not diminish the role we play in society, which is to protect and serve all citizens no matter their race, creed, orientation, or station in life. when we lose sight of those solemn obligations to the citizens we serve, the protectors can quickly become the oppressors, particularly for communities of color. we are bound by a note to serve all members -- by an oath to serve all members of our community with compassion, dignity, and respect. the american people should expect nothing less from us. thank you.

DONALD WASHINGTON: good morning. i am donald washington, director of the united states marshals service. thank you, attorney general. let me begin by noting that today marks the first of three days in which the family, friends, and loved ones will host memorials to honor the life of george floyd in minnesota, north carolina, and texas. on behalf of the men and women of the u.s. marshals service, i extend my deepest sympathy and my heartfelt condolences to the family of george floyd. what started as peaceful protests in minnesota after the death of mr. floyd has morphed into a national emergency, resulting in many injuries to many people, thousands of arrests, along with arson, theft, and vandalism to property in many cities. as of last night, u.s. marshals report damage and vandalism to 21 federal courthouses located in 15 states and the district of columbia. there has been damage and vandalism. the u.s. marshals service is assisting other agencies and efforts to address violent disturbances that have occurred in the district of columbia and in other cities around the united states. peaceful protests are good for our country. this right should be respected by all persons in this right absolutely deserves the full protection of officers of the law. among our basic functions is the absolute duty to protect people who are exercising constitutional rights. however, rioters, arsonists, thieves, looters, and their protagonists are criminals. they have undermined peaceful and lawful demonstrations and protests.

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These criminals threaten our basic constitutional rights to life, liberty, and the pursuit of happiness, and they must be brought to justice. since the earliest days just after our nation's birth, u.s. marshals have worked to ensure the rule of law by making sure that the federal today sherry -- federal judiciary process operate unfettered. we have worked tirelessly over the years to bring thousands and thousands of fugitives to justice and today, one of our primary missions is to find and protect endangered children. in the last week, u.s. marshals have coordinated with u.s. attorneys and state and local partners to protect protesters and to address the criminal acts of others. deputy u.s. marshals are conducting criminal investigations required by the criminal act of persons instigating and causing violence against persons and property. working with our local law enforcement partners, we are also securing federal properties threatened by criminal acts and protecting persons from the violent acts of others. i believe strongly that this special mission is important to our democracy. we will protect those who are engaged in lawful protests but we will arrest those who commit felonies in our presence. we are working violent crime warrants and investigating gang activities that incite riots or terrorism. we are assisting in partnering with federalist, state, and local authorities consistent with our broad federal jurisdiction. to our local governments and private sector leaders, we know we are stronger, much stronger, when we were together. we will achieve our collective goals of protecting lawful protesters and lawful protests while also enforcing the law. i do not pretend even for a moment to speak for the other leaders here but i am certain that we are -- we all want local leaders to have the confidence and the conviction to request and utilize all available resources to fight violence and to protect our communities. the u.s. marshals service is your partner, too. in summary, the u.s. marshals service will continue to perform our many day-to-day missions and we will also assist our federal, state, and local partners during this emergency. we will work urgently to keep citizens and law enforcement safe. i think are concerned -- i think are concerned citizens for their patience and continuing

REGINA LOMBARDO: good afternoon prayed my name is regina lombardo, the acting director of atf parted for many special agent's, one of the proudest moments is when you raise your right hand to take the oath of office to support and defend the united states constitution. we take that oath seriously. however, in the moment, we don't know exactly what will be faced with. what challenges we will have to overcome in order to uphold the oath we took. in this moment today, we express our warmest sympathies to the family of george floyd and acknowledge the pain and suffering of his family. we also have sympathy for those who are suffering across the country. unfortunately, our constitutionally protected right to peacefully assemble has resulted in criminal acts. the resulting violence -- you like responding to shootings, burglaries, arsons, bombings, especially destructive devices such as a molotov cocktail. at the request of the attorney general, atf has provided every available resource. we have deployed a large number of special agents, our special response team here in our nation's capital. we have supported the washington much apology police department, the united states secret service, and the united states park police to protect the public, property, and the national landmarks that belong to each and everyone of you. our national response teams are here in washington dc in order to quickly respond to the emerging arson incidents. we are working with the d.c. fire to investigate the seven incendiary fires in the d.c. erik caused by criminals, including the arson at st. john's church, the afl-cio, the national park service building, and the d.c. fire district four police department. the individual we believe was responsible for that fire at the district has been arrested and charged. our certified fire investigators , chemists, and engineers and specialists are working around the clock to support the ongoing safety of operations.

Across the country, atf special agents, industry operation special investigators from all divisions are responding to shootings, arsons, bombings, and theft of federal firearms license dealers. we are providing investigative support and assistance to all of our local and state partners. atf has responded to numerous shooting scenes at the disturbances of cities and is actively working with law enforcement and we are entering those shell casings into our national integrated ballistic information network. our national tracing center is running tracing on the firearms and we are collecting dna from shell casings and ballistic evidence. our crimes and intelligence centers are collecting valuable intelligence and sharing all of that information in a joint environment. att a -- atf representatives are working with the fbi in multiple cities as well as our department of justice partners, the u.s. marshals service, the dea, and the bureau of prisons. allstate and local federal law enforcement working in partnership. our special agents and certified fire investigators are tracking and assisting in 847 arsons. over 76 explosive incidents, and providing valuable technical expertise and intelligence support. two of our national response teams, the and rt, have been activated and responding to minneapolis and st. paul, minnesota. we have developed a efficient and effective strategies to triage and quickly assess the scenes even in an unstable environment. atf has also responded to 73 federal firearms licensed dealers. we have identified many suspects and made arrests and recovered many firearms already. we have responded to assaults and murders of our law enforcement partners. our team of atf professionals at our national correlation center, laboratories, and tracing center are working day and night to make those arrests. we are on the street making cases and protecting the american public from violent criminals. you do not have to be in law enforcement to know that this is dangerous work. atf has answered the call. as the attorney general stated, the most basic function of government is to provide security for the people who live their lives and exercise their rights. we will meet that responsibility. this is our mission and we deeply are committed to that mission to protect and serve. thank you.

MICHAEL CARVAJAL: good morning. i am the director of the federal bureau of prisons. the bureau of prisons staff, our law enforcement officers who are often called upon to assist during crisis situations within our communities. the attorney general asked the d.o.b. to assist -- bop to assist in giving peace in the district of columbia. we are highly trained to deal with emergency situations including crowd control. they are experienced in confrontational avoidance and conflict resolution. in the aftermath of the tragic death of george floyd, it is unfortunate that the services are necessary. on behalf of the bop and his, i extend arson for these to the family for the loss. we respect the rights of the public to express their frustration and grief. we want to make sure what happened during his death will not happen again. it is a shame that the voices of those who speak out or drowned out by those inciting violence. i am proud of our staff every day and i am honored that they were called upon to assist our communities. thank you.

TIMOTHY SHEA: i am the acting administrator of the drug enforcement administration and i am honored to represent the brave men and women of the dea and to share with you the important work our special agents have been performing the last few days. first, i would like to join the attorney general and take a moment to express my sincere condolences on behalf of myself and the men and women of the dea to the family and friends of george floyd. as well as to all those who mourn his passing. it was a tragedy for us in law enforcement. the dea's mission is to protect the american people. everyone of our special agents takes an oath to uphold the constitution and the rule of law. that is exactly what they are doing this week. as is the case with other significant events, our agents have been authorized to respond as needed to violations of federal law. i

am proud of what our agency has done to assist our state and local partners. to ensure that those who wish to peacefully protest may do so in a safety and without fear of violence. while these events have been largely peaceful, agitators continue to attempt to sow chaos. we have recovered weapons, we have had rocks thrown at our vehicles, our agents along with other law enforcement partners have endured the continued verbal assaults. during that time, our agents have acted professionally and admirably under these difficult conditions. dea special agents are providing security, conducting threat assessments, sharing that information on potential violations of federal law in real-time. in addition, the dea continues to investigate drug related crimes including the theft of controlled substances from loaded pharmacies which is happening here in the district of columbia and around the country. approximately or over 150 dea special agents have partnered with the metropolitan police department at the request and the national guard to enforce security posts and maintain a secure perimeter and designated areas. the dea has provided over 11 mobile response teams who are prepared to respond to high risk situations and other request for assistance including medical services. dea owes much of its success in enforcing our drug laws to the assistance provided by the very federal, state, and local partners that need our help now. every dea agent on the street helps to free up one of our local law enforcement counterparts to carry out their policing functions and protect the public. the dea is committed to providing that support as long as it is needed, requested, and authorized. our country was founded upon basic principles and rights. chief among them is the right of free speech and the right to assemble peacefully. we are supporting those rights and the peaceful demonstrators by enduring -- by ensuring their voices can be heard and that those seeking to exploit this situation are held to account.

AG BARR: thank you. with that, i will open it up to questions.

REPORTER: mr. attorney general, washington, d c has experience in dealing with large events and dealing with protests. why did you think it was necessary for you to take command of this and where to set authority come from?

AG BARR: i think the writing -- rioting got going on friday, may 29 and got worse and worse over the weekend. it culminated or came to a crescendo over the weekend on sunday evening around the white house on h street on the north side of lafayette park. it was very serious rioting. the treasury annex, treasury department annex was broken into. a historical building on lafayette park which is federal property was burned down. there was a fire set at the historical st. john's church across from the white house. a church that goes back to the 18th century and is referred to as the church of presidents. the rioters used crowbars to dig out the papers -- pavers at lafayette park and use them as reject aisles throwing them at secret service and other federal agents. there were numerous head injuries among the federal personnel whose responsibility is to protect the white house. just to give you an indication, from saturday until today and the lion's share of these injuries came over the weekend, there were 114 injuries to law enforcement. most of those to federal agents and most of those inflicted around the white house. there were 22 hospitalizations, and most of those were serious head injuries or concussions that required monitoring and treatment. on monday, the president asked me to coordinate the various federal law enforcement agencies, not only the multiple department of justice agencies, but also other agencies such as the department of homeland security. we had a coordinated response and worked with the national guard and also with the washington, d.c. police.

That morning, we decided that we needed more of a buffer to protect the white house and to protect our agents and secret service personnel who could be reached by project out from h street. i made the decision that we would try to move our perimeter northward by one block to provide this additional protection. later at 2:00 on monday, i met with the various law enforcement agencies and we set our tactical plan and that plan involved moving our perimeter one block north to i street. it was our hope to do that relatively quickly, before many demonstrators appeared that day. unfortunately, because of the difficulty in getting appropriate forces and units into place, by the time they were able to move our perimeter of two -- up to i street, a number of demonstrators were on h street. projectiles were thrown and the group was becoming increasingly unruly. the operation, they were asked three times if they would move back one block. they refused. we proceeded to move our printer out to i street. it is true that the metropolitan police have a lot of experience in dealing with demonstrations. we have a lot of -- this is a federal city. it is the seat of the federal government. many of the buildings, as you know, and facilities here and the monuments are the responsibility of the federal government. the proceedings and processes of the federal government take place here. when you have a large-scale civil disturbance that is damaging federal property, threatening federal property, threatening federal law enforcement officers threatening the officials for the government and their offices and our great monuments, it is the responsibility of the federal government to render that protection and we do so in close coordination with a metropolitan police department.

Fortunately, later that evening on monday, after we established a buffer zone, we were able to finish that date without further significant violence from the demonstrators. then, in the following two days they were peaceful. the assemblies and the protests were peaceful. we are pleased with that. we are working closely with the metropolitan police to plan out the remainder of the week. next question.

REPORTER: good afternoon, attorney general. a couple of questions for you. yesterday, the department charged three members of the group or associated with the group but the loop, -- far-right extremists. is it important in your remarks and thoughts to point out all of the different groups that are involved in this type of violent activity? the second question is, do you have any concerns that law enforcement could have been more surgical and how they operated on monday? many of the people who were moved forcefully were peaceful protesters.

AG BARR: i think it's important to point out the witches brew that we have of extremist individuals and groups that are involved. that is why in my prepared statement, i specifically said in addition to antifa and other groups like them, there were a variety of groups and a variety of ideological persuasions. i did make that point. i am not going to get too specific. the intelligence being collected by our u.s. attorney's office particularly integrated by the fbi from multiple different sources is building up. there are specific cases against individuals, some are antifa related. some of the extremist are involved in egging on violence and participating in violence, providing the means of violence. we are pursuing those cases. at the same time, there is a lot of disinformation out there. people posing as members of different groups. you sometimes have to dig deeper to determine what exactly is going on. there are some groups that don't have a particular ideology other than anarchy. there are some groups that want to bring about a civil war. one group has been on the margin of this as well trying to exacerbate the violence. we are dealing with a witches brew of organizations. maybe chris would have something to add to that.

DIRECTOR WRAY: as i have said for quite some time, including my first few months, the fbi has had a number of ongoing investigations of violent anarchist extremists including those motivated by antifa ideology. where actively pursuing them through our joint terrorism task forces. with regard to the current unrest, while the majority of the protesters are peaceful, there are certainly instigators, agitators, and opportunist seeking to exploit these demonstrations to commit violence or writing. -- rioting. who they are, what tactics they use varies widely from city to city and night tonight. we are working with all of our law enforcement partners together as much information as we can about that topic and to bring federal charges where appropriate. we are about the violence, not the ideology. it doesn't matter what your ideology is. if you commit violence or rioting or ask that we would consider terrorism, we are going to pursue it.

AG BARR: the second part of your question, one of the difficulties is that while there are peaceful demonstrators and participants in these protests, the instigators, those committed to violence basically shield themselves by going among them and carrying out acts of violence. i saw the projectiles on monday when i went to lafayette park to look at the situation. as one of the officials said, he pointed out various groups of people where the projectiles were coming from and there was a lot of demonstrators. it is hard to know exactly where they are coming from. frequently, these things are thrown from the rear of the demonstration. we could not continue to protect federal property involved and protect the safety of our agents with such a tight perimeter. so our object was to move it out by one block. next question please.

REPORTER: hello. yesterday, your colleague at the department of defense, secretary esper, expressed regret in the way things were handled at lafayette park, lafayette square, posing in a richer with president trump. he wants to stay -- posing in a picture with president. he wants to stay out of things. you saw this during the rodney king riots. what do you think about politics? do you think you are being too political by standing with the president in front of the church? what do you think about what secretary esper said?

AG BARR: i don't know what he was conveying their. --there. i am interested in carrying out the law enforcement functions of the federal government and to protect federal facilities and federal personnel and also to address the rioting that was interfering with the governments function. that was what we were doing. i think the president is the head of the executive branch and the chief executive of the nation and should be able to walk outside the white house and walk across the street to the church of presidents. i don't necessarily view that as a political act. i think it was entirely appropriate for him to do. i did not know that he was going to do that until later in the day after our plans were well underway to move the perimeter. there

was no correlation between our tactical plan of moving the perimeter out by one block and the president going over to the church. the president asked members of his cabinet to go over there with him. i think it was appropriate for us to go over with him. next question.

REPORTER: can you expand on your comments before and after -- working to exploit [indiscernible] as you identified which countries are identified -- responsible for that?

AG BARR: may i ask if he cares to provide more detail? i'm not sure how much we want to get into. people might think that countries that are hostile to the united states, that there efforts to influence or weaken the u.s. or so discord in the u.s. comes and goes with the election cycle. it is constant. they are constantly trying to sow discord among our people. there is a lot of disinformation that circulates that way. i believe that we have evidence that some of the foreign hackers and groups that are associated with foreign governments are focusing in on this particular situation we have here and trying to exacerbate it in every way they can. unless chris has something to add.

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DIRECTOR WRAY: not a whole lot i can say here other than to say that it is unfortunately not unusual for foreign actors to choose to try to amplify events and this country to sow divisiveness and discord. particularly through the use of state associated media from some of those countries. also, social media provides an amplifier to gin up more controversy where controversy may exist. and to try to generate a people in that regard. those foreign actors should know that we are watching it extremely closely and are prepared to act if necessary.

REPORTER: can you address some concerns about the bop, specifically that some around washington d c were told not to tell people they work for the federal government. let's not, we learned that an inmate had died after officers used pepper spray on him after he barricaded himself. do you hold concern there that force resulted in someone's death?

CARVAJAL: thank you for the question. let me clarify this. i am not aware of any specific bureau of prisons personnel being told not to identify themselves. what i attribute that to is the fact that we normally operate within the confines of our institution and we don't need to identify ourselves. most of our identification is institution specific and probably would not mean a whole lot to people and washington, d.c. i probably should have done a better job of marking them as the agency. the point is well taken. i assure you that no one was told to my knowledge not to identify themselves. as to your, about the facility in brooklyn, we did a press release with the information. it was an incident involving a destructive individual in his cell. the officers did utilize pepper spray. afterward, the individual died unfortunately. what i will tell you is that we immediately referred the case to the fbi and the office of the inspector general. i was notified this morning that the office of the inspector general is going to take the case. that is about all i can, and, because the matter is under investigation.

AG BARR: let me add that the bureau of prisons teams are used frequently for emergency response and emergency situations for either a civil disturbances or hurricanes or things like that. they are highly trained units. in the department of justice, we do not have large numbers of units that are trained to deal with civil disturbances. i know a lot of people may be looking back on history thinking we can call on hundreds of u.s. marshals and that is simply not the case. our marshals response force is approximately 100 u.s. marshals. historically, when there have been emergencies were we have to respond with people who do have experience in these types of emergencies, they are highly trained people, we used response teams from the bureau of prisons. in the federal system, we don't wear badges with their names and stuff like that which many nonfederal police agencies do. i could understand why some of these individuals simply would not want to talk to people about who they are. if that in fact was the case. i will take the next question.

REPORTER: can you hear me? i am hoping you can understand how we coordinate the national guard to plummet and movement in and around washington with those of various federal law enforcement agencies. is it you who communicates the orders to them? how does that work?

AG BARR: it largely pence you they are supporting at that time. -- it depends on who they are supporting. many of them were supporting the metropolitan police department. they were beyond the white house permit desperate better working with the expos implicit apartment. they would be tactically attached their. --there. we asked the national guard to protect federal

national monuments so a lot of the units were dispersed around the city to protect federal monuments or particular federal facilities. those that were within the white house area and were part of protecting the white house and lafayette park area were under the direction of the tactical commanders in that area. in terms of requesting the resources and asking for their assistance, that was ultimately my responsibility of ensuring that the national guard that we needed to support law enforcement and the district were brought to bear. next question.

REPORTER: thank you so much for doing this press conference. i have two questions. i would like to ask you about your thoughts on police abuse of power. last year, you said that such abuse reflected bad apples more than systemic breakdowns. today, you said george floyd's death is not the first of its kind while it is undeniable that many african-americans lack confidence in the justice system. what is your thinking about if we're looking at a systemic issue are not shifted over time?

AG BARR: my views have not shifted and what you quoted is consistent. you are addressing the use of excess force? is that correct?

REPORTER: yes.

AG BARR: i do think that those who engage in excessive force that involves, remember federal civil rights laws address willful use of excessive force. those that engage in that kind of activity i think are a distinct minority. i think the overwhelming minority -- majority of police officers try conscientiously to use appropriate and reasonable force.

REPORTER: my second question was, it seems that we are ratcheting up in the district the tools and the power of the federal response, giving the dea and the lp power to make arrests. -- giving the bop the power to make arrests. there is no curfew tonight because there is confidence that we have returned to order.

AG BARR: after assessing the situation last night toward the end of the evening or early in the morning, i felt that we could afford to collapse our printer and eliminate -- collapse our perimeter and eliminate and take a more low-profile footprint for a couple of reasons. number one, we have seen a sharp reduction in violent episodes and peaceful demonstrations. our hope and expectation is that this will continue. also, because we have on hand sufficient resources to deal with that contingency if the violence increases. i do think that over the weekend and the beginning of this week, we had a phenomenon around the country with a number of cities getting extremely violent. a lot of officers have been hurt around the country. a lot of victims, a lot of property damage.

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As i said, on sunday it was the peak of violence in washington, d.c. on monday, we were still facing very large and instructions that were belligerent and throwing projectiles although the evening ultimately ended more peaceably. as i told the governors on monday, it is very important to use sufficient forces of law enforcement to establish law and order in a city when you have rights running. if you use insufficient resources, it is dangerous for everybody. it is dangerous for the officers. it is dangerous for the protesters. it is dangerous for the population, because things can get out of control and you lose control of events. that's what rights are. -- that's what riots are. it is important to make sure the resources are there and understand the resources are there to deal with the kind of violence. once that occurred, it provided an environment where things could quiet down and they did quiet down and hopefully they will stay quiet down. i think that was it. i appreciate everyone's attendance. again, i want to appreciate the hard work done by all of the men and women in the department of justice and the justice department components and their leaders. thank you.

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From: "Kupec, Kerri (OPA)" <(b) (6)>

To: "Ahern, Bill (OAG)" (b)(6) Former Attorney General William Barr, "Levi, William (OAG)" <(b) (6)>

Subject: - "Barr seeks to squelch D.C. protests by 'flooding the zone' with federal firepower"

Date: Wed, 03 Jun 2020 23:28:58 -0000

Importance: Normal

Barr seeks to squelch D.C. protests by 'flooding the zone' with federal firepower

By
Devlin Barrett
June 3, 2020 at 6:03 p.m. EDT

From an FBI command center in Washington's Chinatown neighborhood, Attorney General William P. Barr has orchestrated an stunning show of force on the streets of the nation's capital — a battalion of federal agents, troops, and police designed to restore order, but one that critics say carries grim parallels to heavy-handed foreign regimes.

Barr was tapped by President Trump to direct the national response to protests and riots over police misconduct since the police-custody death of George Floyd in Minneapolis.

The attorney general has focused much of his attention on Washington, D.C., where unrest and arrests swelled over the weekend before a jarring clash Monday to clear peaceful protesters from outside the White House — an order Barr issued personally. By Tuesday night, as he sat in the FBI command center until nearly midnight, the city's mood seemed to have calmed.

Barr personally ordered removal of protesters near White House, leading to use of force against largely peaceful crowd

The strategy, said one Justice Department official, is to put "the maximum amount of law enforcement on the street, and people comply just because they are there ... The idea is to flood the zone, that's what we've done, and the city has significantly quieted down."

While large protests Tuesday night included thousands of people breaking the city's curfew, Barr and his advisers reason that as long as such activities are peaceful, they are not going to be challenged by federal enforcers.

"The peacefulness is in large part due to the large law enforcement presence," said the Justice Department official, who like others spoke on the condition of anonymity to describe internal deliberations.

The display of federal might — in D.C. and other restive cities where protests have turned destructive — includes military vehicles at many intersections, helicopters, federal law enforcement agents assigned to patrol and investigate possible crimes, street closures and frequent checkpoints. Troubling to some has been the presence of personnel, some heavily armed, clad in tactical attire bearing no identifiable insignia. On the night he took charge of the effort, Barr walked the streets to see for himself how personnel were deployed.

Some law enforcement experts contend the dramatic scenes are counterproductive in the long run, affirming the very criticism leveled by protesters — that police and government officials treat citizens unjustly.

“The heavy hand is a smack in the face, and the danger is that it may make things worse,” said Dennis Kenney, a professor at John Jay College in New York with expertise in police response to protests. “It really does communicate something about where those who are in charge think our society sits right now. We’re in the process of demonstrating to the people who are out in the streets that they are right to be there.”

Kenney said he was struck by the president’s walk Monday to a church near the White House, under a phalanx of armed guards. It reminded him of when he advised a government minister in Yemen that he should use a soft touch on protests. The minister refused and, in six months, could not safely travel anywhere beyond his home and his office.

Police turn aggressive against protesters and bystanders, adding to disorder

The Justice Department official said such criticism was unwarranted.

“What would be the alternative, letting people burn down the city?” the official asked. “The force is necessary to restore order and civility so people can go ahead with their lives because, prior to this, things were really getting out of hand. This only benefits everyone.”

Barr has said the government must “dominate” the streets to restore order and put an end to the looting, rioting, and vandalism that has marred Washington, New York, Minneapolis and elsewhere.

From the FBI command center, the attorney general coordinates with the Pentagon and a variety of federal agencies fanned out across the capitol. Tennessee and Florida announced Wednesday they were sending National Guard troops to the city to further beef up those efforts. Barr has also ordered agents with the FBI, Drug Enforcement Administration, U.S. Marshals and the Bureau of Prisons to help protect the city.

Justice Department officials took the sharp drop in arrests Tuesday night as a sign that the strategy is working. While the crowds of protesters were as large or larger than previous nights, there was far less property destruction or violence compared to previous evenings.

A second Justice Department official said Wednesday that there has been “a tremendous amount of restraint” shown by D.C.’s Metropolitan Police Department and the other law enforcement agencies. The official said that so far, none of those arrested have been accused of being part of extremist groups, but investigators are still examining the backgrounds of some and scrutinizing social media posts to for evidence of anyone who may be organizing, orchestrating or encouraging violence amid the protests.

“We can exploit phones, data communications to see if there is a coordinated command and control, that’s what we’re looking for,” the official said.

Cities increasingly turn to curfews to quell protests

A central focus in Barr’s effort is steering criminal cases into the federal system, where suspects are likely to face stiffer prison sentences. As part of that push, two Minnesota men were charged Tuesday with firebombing a local court office building.

According to a criminal complaint, Garrett Patrick Ziegler, 24, and Fornandous Cortez Henderson, 32, were charged with arson and possession of molotov cocktails after detectives in Apple Valley, Minn., found a set of car keys near the crime scene that led them to the suspects.

The case was turned over to federal prosecutors and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

As in the Minnesota case, ATF is helping local police departments with arson investigations related to the unrest, while other agents are helping patrol public spaces. Other federal agencies are also taking up cases involving violence or vandalism related to the protests. So far, about a dozen people have been charged federally in such cases, and scores more are under investigation, according to officials.

In New York, acrimony and finger pointing as NYPD struggles to stop looting and violence

The Drug Enforcement Administration has received special permission to go beyond its standard legal mandate of investigating drug-related crimes to also investigate crimes related to the protests, according to an internal document first reported by BuzzFeed News.

The Justice Department authorization, which lasts for 14 days, allows the DEA to conduct “covert surveillance” and share intelligence with state and local officials, as well as patrol public places and make arrests for non-drug crimes as officials see fit. A DEA spokeswoman declined to comment.

It is unusual for federal agents to engage in such duties, but they have been pressed into service by Barr, who has called the public vandalism and violence surrounding the protests “domestic terrorism.”

Some of the federal agents deployed around Washington have been wearing military-style tactical gear with no markings to indicate their names or the agencies for which they work. Six years ago, the Justice Department criticized the Ferguson, Mo., police department for allowing its officers work without wearing nameplates.

“Officers wearing name plates while in uniform is a basic component of transparency and accountability,” the Justice Department’s civil rights division wrote at the time. “It is a near-universal requirement of sound policing practices. ... Allowing officers to remain anonymous when they interact with the public contributes to mistrust and undermines accountability.”

FBI charges Illinois man with rioting, handing out ‘bombs’ in Minneapolis

Kenney, the policing expert, said federal law enforcement agents are a poor fit for what should be the twin goals of government: using National Guard troops to protect the protesters, and using police in reserve to pursue any lawbreakers.

“What the DEA and all the other federal law enforcement agencies are going to contribute is totally beyond me,” said Kenney. “They’re of little value and should be cleared out.”

Democrats have also criticized Barr’s handling of the crisis, particularly the decision to clear Lafayette Square of protesters just before the president’s walk to get his photo taken outside a church. On Wednesday, four senior House Democrats wrote to Barr seeking answers about that decision and declaring “the use of federal personnel to prevent American citizens from exercising their Constitutional right to peaceably assemble represents a direct threat to our democracy.”

The FBI’s Washington Field Office, which holds the command center where Barr oversees the government response, issued a statement saying it “respects the rights of individuals to peacefully exercise their First Amendment rights. We are working actively and closely with our local, state, and federal law enforcement partners and are committed to apprehending violent instigators who are exploiting legitimate, peaceful protests and engaging in violations of federal law.”

The attorney general has also instructed the FBI’s joint terrorism task forces to assist in the efforts. Officials said agents in the JTTFs have been assigned to gather video and photo evidence of possible lawbreakers, as well as take tips from local police departments about particular suspects or cases. One official, speaking on the condition of anonymity to discuss law enforcement practices, said the JTTFs’ work on identifying criminal activity related to the protests does not mean the agency has changed its rules for how it uses surveillance powers toward Americans — the legal limitations around national security intelligence authorities still apply, the official said.

The government’s show of force has not been welcome or necessary everywhere. As part of the Justice Department effort, Barr ordered special riot control teams from the Bureau of Prisons to deploy in Washington and Miami, where

the situation has been relatively calm. Another law enforcement official said the team had not been needed there and would depart.

Kerri Kupec
Director of Communications & Public Affairs
U.S. Department of Justice

(b) (6)

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From: The Washington Post <email@washingtonpost.com>

To: (b)(6) Bradley Weinsheimer (ODAG)

Subject: The Daily 202: Law enforcement and national security veterans rebuke militarized response to protests

Date: Wed, 3 Jun 2020 16:03:48 +0000

Importance: Normal



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The Daily 202

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By **James Hohmann**
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Law enforcement and national security veterans rebuke militarized response to protests

Defense Secretary Mark Esper urged governors to “[dominate the battlespace](#)” surrounding protesters, describing American cities like foreign war zones. Attorney General Bill Barr personally gave the order to clear the area around Lafayette Square, which led to peaceful protesters being hit with rubber bullets and chemical gas, ahead of President Trump’s photo op at St. John’s Episcopal Church. Gen. Mark Milley, the chairman of the Joint Chiefs of Staff, toured the streets of Washington in his combat fatigues.

The nation's capital feels like a war zone, even after protests remained largely peaceful on Tuesday night. Downtown streets continue to be packed with Army trucks and federal agents in riot gear. Military helicopters hovered at treetop level on Monday night and used the downward rush of air from their rotors to scatter civilians on the ground, a technique designed to incite fear in enemy forces. White House officials were rebuffed by the mayor after inquiring about a federal takeover of the D.C. police department.

Eager to get as many boots on the ground as possible, the Pentagon has diverted members of the National Guard from across the country. Guard troops from Utah and New Jersey arrived in the capital on Monday. Additional reinforcements from Indiana, South Carolina and Tennessee arrived Tuesday. Maryland sent 116 National Guards members across the border on Tuesday, and Ohio dispatched 100 troops.

A contingent of 715 soldiers from the Army's 82nd Airborne Division, armed with bayonets, have advanced from Fort Bragg to bases just outside the city to protect the White House if the situation deteriorates, according to [the Associated Press](#), and another 1,300 are on standby in North Carolina. The plan is named Operation Themis.

The Drug Enforcement Administration has received special permission from the Justice Department to go beyond its standard legal mandate so agents can investigate potential crimes related to the protests. The DOJ authorization, which lasts 14 days, allows the DEA to conduct "covert surveillance" and share intelligence with state and local officials, as well as make arrests for non-drug crimes as officials see fit, according to a directive leaked to [BuzzFeed News](#).

Each of these developments, to varying degrees, has distressed current and former members of the law enforcement and national security communities, from the Pentagon and National Security Council to the

Secret Service and CIA. Many who have remained relatively quiet throughout the Trump era are speaking out.

Members of the D.C. National Guard line up at the Lincoln Memorial amid protests on Tuesday. (Win McNamee/Getty Images)

Members of the D.C. National Guard line up at the Lincoln Memorial amid protests on Tuesday. (Win McNamee/Getty Images)

James Miller resigned in protest on Tuesday from the Defense Science Board, a seat he's held since he finished a tour as the undersecretary of defense for policy in 2014. He provided The

Washington Post with a copy of [his resignation letter](#) to Esper: "If last night's blatant violations do not cross the line for you, what will?

Unfortunately, it appears there may be few if any lines that President Trump is not willing to cross, so you will probably be faced with this terrible question again in the coming days. You may be asked to take, or to direct the men and women serving in the U.S. military to take, actions that further undermine the Constitution and harm Americans. ... I cannot believe that you see the United States as a 'battlespace,' or that you believe our citizens must be 'dominated.' Such language sends an extremely dangerous signal."

Esper is trying to distance himself from the Lafayette Square mess. The defense secretary said he had no advance notice that he and Milley were going with the president to St. John's for the photo op, and that he had "no idea" about the plans to forcibly disperse the peaceful protesters. "I didn't know where I was going," he told [NBC News](#).

Speaking to reporters on Wednesday, Esper said he does not support the use of active-duty military forces to quell unrest.

Trump has threatened to deploy troops to city streets if governors and mayors don't restore order, which would require him to invoke the Insurrection Act of 1807. "The option to use active-duty forces in a law enforcement role should only be used as a matter of last resort and only in

the most urgent and dire of situations,” Esper [said](#). “We are not in one of those situations now.”

“I cannot remain silent,” said retired Navy Adm. Mike Mullen, the former chairman of the Joint Chiefs of Staff under George W. Bush and Barack Obama. “Our fellow citizens are not the enemy, and must never become so.” Mullen writes in [the Atlantic](#) that he was “sickened” to watch security personnel clear a path for a presidential photo op: “I have to date been reticent to speak out on issues surrounding President Trump's leadership, but we are at an inflection point ... Whatever Trump's goal in conducting his visit, he laid bare his disdain for the rights of peaceful protest in this country, gave succor to the leaders of other countries who take comfort in our domestic strife, and risked further politicizing the men and women of our armed forces. ... Too many foreign and domestic policy choices have become militarized; too many military missions have become politicized.”

Bush himself released a rare statement to not just commend Americans demonstrating against racial injustice but criticize those who try to silence them. “There is a better way — the way of empathy, and shared commitment, and bold action, and a peace rooted in justice,” said the former president, not mentioning Trump by name. No stranger to protests during his two terms, Bush said he’s “anguished” by George Floyd’s death in police custody in Minneapolis. And he urged white Americans to seek ways to support, listen and understand black Americans who still face “disturbing” bigotry.

“The only way to see ourselves in a true light is to listen to the voices of so many who are hurting and grieving,” said Bush. “Those who set out to silence those voices do not understand the meaning of America — or how it becomes a better place. ... It is a strength when protesters, protected by responsible law enforcement, march for a better future.”

Most senior military leaders have remained silent on Floyd’s death because, at least twice in the last week, senior Trump administration officials in the Defense Department have directed service chiefs to kept quiet on the issue, even though some expressed an interest in responding to a painful moment. “I think there is a question about how and when, and at what level, the department should weigh into what has become a highly charged emotional and political issue,” a senior defense official [told Dan Lamothe](#). (An unnamed military official told the New York Times that Trump is creating his own “[palace guard](#).”)



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Current and former U.S. intelligence officials express dismay at the parallels between events at home and the signs of decline or democratic regression they were trained to detect in other nations. “The scenes have been disturbingly familiar to CIA analysts accustomed to monitoring scenes of societal unraveling abroad — the massing of protesters, the ensuing crackdowns and the awkwardly staged displays of strength by a leader determined to project authority,” [Greg Miller reports](#). “Former intelligence officials said the unrest and the administration’s militaristic response are among many measures of decay they would flag if writing assessments about the United States for another country’s intelligence service. They cited the country’s struggle to contain

the novel coronavirus, the president's attempt to pressure Ukraine for political favors, his attacks on the news media and the increasingly polarized political climate as other signs of dysfunction.”

- “I’ve seen this kind of violence,” said Gail Helt, a former CIA analyst responsible for tracking developments in China, Malaysia and across Southeast Asia. “This is what autocrats do. This is what happens in countries before a collapse. It really does unnerve me.”
- Marc Polymeropoulos, who formerly ran CIA operations in Europe and Asia, said the clearing of Lafayette Square reminded him of what he reported on for decades from the third world: “Saddam. Bashar. Qaddafi. They all did this.”

Justice Department officials acknowledged that Barr personally issued the order to law enforcement officials to clear the streets around Lafayette Square before Trump visited the church. “On Tuesday, the administration offered conflicting explanations for the forcible removal of the protesters,” [Carol Leonnig](#), [Matt Zapotosky](#), [Josh Dawsey](#) and [Rebecca Tan](#) report. “The White House asserted that the crowd was dispersed to help enforce the city’s 7 p.m. curfew, although District police had not requested such assistance. The Park Police said that its officers responded after protesters began throwing projectiles. Other administration officials said the move to clear the crowd was part of a previously planned effort to extend the perimeter around Lafayette Square. ... Black-clad officers and agents of the Secret Service’s civil disturbance unit stood by during the tense confrontation with protesters and then helped secure the emptied-out streets. Trump told an ally Monday after the visit that the Secret Service was not ‘thrilled’ about the idea of him visiting the church. ...

“The use of such aggressive force startled some veteran former officers of the Secret Service and other federal agencies, because it appeared to be rushed and unprovoked by protesters. The line of officers rushing protesters, many of whom were standing still with their

arms in the air, violated the normal protocol for clearing protesters, something the Secret Service accomplishes dozens of times a year in Lafayette Square without ever tossing smoke canisters or using riot shields. ‘Usually officers hold a line and don’t move forward unless there is provocation,’ said one former Secret Service agent who spoke on the condition of anonymity to describe operational procedures. ‘The officers give constant warnings and communicate clearly with the crowd. But here it seems like there is some time pressure; they were acting like a bomb is about to go off.’

“Another veteran former Secret Service agent who reviewed video of the treatment of protesters said he feared that the order from Barr signaled a worrisome shift in who calls the shots about deploying use of force. ‘We protect the president,’ he said of the Secret Service. ‘We don’t report to the president. It feels like that line has now been blurred.’”

Trump’s reelection campaign demanded journalists correct reports that tear gas was used against protesters outside the White House. But the truth boils down to an exercise in semantics, [Abigail Hauslohner reports](#). According to the Centers for Disease Control and Prevention, several chemical compounds fit the definition of tear gas, including those more commonly referred to as "mace," or pepper sprays. The Park Police acknowledged that it used pepper spray projectiles and “smoke canisters” in the square even as it said no “tear gas” was used.

White House chief of staff Mark Meadows credited Ivanka Trump, the president’s daughter, for coming up with the idea for the church photo op. Her husband, Jared Kushner, and presidential adviser Hope Hicks crafted what became an optical disaster and didn’t fully think through what they’d do when they got to the church, [the Times reports](#). Ivanka, who converted to Judaism when she married, gave her

father the Bible he briefly posed with. She pulled it out of a handbag that sells for \$1,540.

FBI agents, U.S. Marshals, Department of Homeland Security officers and the U.S. Park Police continue to patrol the streets of Washington. “It is unusual for federal agents to engage in street patrol-like duties, but they have been pressed into service by Barr, who has called the public vandalism and violence surrounding the protests ‘domestic terrorism,’” [Devlin Barrett reports](#). “The attorney general has also instructed the FBI’s joint terrorism task forces to assist in the efforts. Officials said agents in the JTTFs have been assigned to gather video and photo evidence of possible lawbreakers, as well as take tips from local police departments about particular suspects or cases. ... Barr ordered special riot control teams from the Bureau of Prisons to deploy in Washington and Miami.”



The commander of the D.C. National Guard, Maj. Gen. William Walker, has directed an investigation into the use of military helicopters over the city. “Numerous videos on social media showed an unarmed Lakota medevac helicopter hovering over demonstrators,” [Alex Horton reports](#). “The use of a helicopter with Red Cross markings was an abuse of global norms that could help erode its neutral symbolism, military justice experts said. ‘This was a foolish move,’ said Geoffrey Corn, a former Army lawyer and professor at the South Texas College of Law in Houston. ... ‘Misuse of the Red Cross symbol is prohibited even during peacetime by the First Geneva Convention, to which the U.S. is a party,’ said Rachel E. VanLandingham, a former Air Force attorney and professor at the Southwestern Law School in Los Angeles. ...

“The use of a helicopter’s rotor wash, the downward rush of air from its rotors, is a common military tactic to incite fear, disperse crowds and warn of other capabilities, like rockets and

guns, said Kyleanne Hunter, a former Marine Corps pilot who flew Cobra attack helicopters in Iraq and Afghanistan. Hunter, now a senior adjunct fellow at the Center for a New American Security in Washington, said she flew low over civilian vehicles to disperse them ahead of convoys in Iraq. And after reviewing videos of the helicopter, she concluded that it flew far too low to be on a surveillance mission. ... ‘It’s to provoke and incite rather to protect and serve,’ she said. ... Flying low in urban areas presents numerous risks to the pilots, crew, aircraft and people on the ground, Hunter said, factors that are typically considered before flying such a mission.”

D.C. Mayor Muriel Bowser (D) revealed Tuesday that she rejected an effort by the White House to take control of her police force. At a news conference, Bowser said she has not requested any help from outside the city and said she’s still trying to fend off Trump’s attempts to deploy active-duty military forces throughout the city.

“The unprecedented request sent District leaders scrambling to head off what they regarded as tantamount to a government overthrow, and to the legal books to come up with a way to push back,” [Peter Hermann, Fenit Nirappil and Josh Dawsey report](#). “The District of Columbia is a federal enclave governed by a mayor and city council, but the federal law granting self-governance allows the president to take control of local police officers in certain emergency situations. A takeover of one of the largest and most high-profile police agencies in the nation would have been yet another blow to a city fighting for statehood, forcing it to surrender control of all or part of a 4,000-member armed force to federal officials who do not answer to District residents and whose policies and practices differ from those of local leaders.

“D.C. Police Chief Peter Newsham, a nearly 30-year veteran of the force, declined to say what he would have done had he been forced to answer to Trump. ‘We are living in unprecedented times,’ the

chief said. ‘I work for the mayor of the District of Columbia.’ ... The White House did not dispute the mayor’s account.”

D.C. Attorney General Karl Racine (D) said the city is “now reckoning with an unhinged president responding to a nonviolent demonstration with war-like tactics.” The Democratic governors of Virginia, New York, Pennsylvania and Delaware refused Pentagon requests for National Guard troops, citing Bowser’s resistance. Local police departments from the D.C. suburbs are also refusing mutual aid requests after what happened on Monday night. Arlington County pulled out its officers after the incident in Lafayette Square. Alexandria, Fairfax and Montgomery County police officials said their departments declined requests for officers from the Park Police, [per Tom Jackman and Ovetta Wiggins](#).

“Yesterday was tough, watching that stuff happen in our country — the kind of things myself and others worked hard to fight in other countries around the world. It was scary,” said **Fernando Cutz, who served on the National Security Council under both Trump and Obama**, referring to the Lafayette Square incident. He recalled the Trump administration’s efforts to force Venezuela’s authoritarian leader, Nicolás Maduro, from power as hundreds of thousands of protesters took to the streets last year amid an economic meltdown. But as Maduro held on and began using government force to combat them, Cutz [tells David Nakamura](#), Trump appeared to waver. “It got to the point where I remember the president saying: ‘You know, Maduro is not as easy to bring down as I thought. Maybe we should reconsider this,’” Cutz said. “All of a sudden he was impressed.”

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Divided America



Protesters defied curfews, but tensions eased.

“As many as 2,000 demonstrators descended on Washington on Tuesday, the largest and most boisterous crowd to gather in the nation’s capital during five straight days of protests ... Banging on fences erected near the White House and marching through the city to the U.S. Capitol, the largely peaceful protesters included high schoolers and stay-at-home moms, young parents and toddlers, elderly couples and large families,” [Michael Rosenwald, Rachel Chason, Marissa Lang and Perry Stein report](#). “But tensions also flared at multiple flash points during the day, as protesters faced an even larger contingent of federal law enforcement authorities than on Monday. Some turbulent gatherings Tuesday were hit with pepper spray and other shows of force as armored vehicles blocked city streets. **As the 7 p.m. curfew passed, protesters remained peaceful, and authorities did not take any action.** But by nightfall, many families had left and the crowd had thinned to a much younger group. That increased tensions, and some began throwing water bottles and shaking fences. As helicopters swirled overhead and the number of federal officers swelled, other protesters tried to stop the agitators, yelling, ‘Peaceful protest! Peaceful protest!’”

- The fires and looting have largely stopped across Minneapolis and St. Paul. ([Holly Bailey, Sheila Regan and Tarkor Zehn](#))
- D.C. police arrested one demonstrator outside Trump’s hotel after the protester broke off from a group marching toward the Capitol and rode his bike directly into a line of city officers on bikes. ([Samantha Schmidt and Jessica Contrera](#))
- A Georgetown doctor was beaten up while trying to stop looters from breaking into a footwear store. ([Hannah Natanson](#))
- In Richmond, Mayor Levar Stoney (D) joined protesters and apologized after his police force gassed a peaceful demonstration.

([Laura Vozzella and Gregory Schneider](#))

- The 100-plus protesters who spent Monday night hunkered down inside a house on Swann Street left after the curfew lifted. Supporters left behind gifts for Rahul Dubey, the 44-year-old health entrepreneur who let them take refuge in his home while police corralled them. But his landlord complained that he hasn't paid rent and put property at risk he does not own. ([Derek Hawkins](#))

One of the largest peaceful protests on Tuesday was in Floyd's hometown of Houston.

“Journalists on the scene estimated there were 25,000 marchers, including Houston Mayor Sylvester Turner (D), some of Floyd’s childhood friends and a group of black cowboys on horseback,” [Dave Fahrenthold reports](#).

“In New Orleans, a police commander urged protesters to leave a highway bridge they had occupied. ‘We support you,’ the commander said ... ‘We feel ashamed for what this officer [in Minneapolis] did to tarnish the badge.’ Protesters left the bridge and went home ... In Atlanta, prosecutors charged six police officers with crimes, after they used stun guns on two unarmed black college students driving on a downtown street. ... And in Philadelphia, the mayor criticized police officers for posing for photos with a group of white vigilantes carrying baseball bats and shovels. In New York, where looters have ransacked stores for several consecutive nights, Gov. Andrew M. Cuomo (D) criticized New York City police and Mayor Bill de Blasio (D) for not doing enough. ... de Blasio has resisted calling in National Guard troops to help and instead pleaded with community leaders to help stem the chaos. ...

“And still, the protests kept growing. ... In Milwaukee, thousands marched six miles in early summer heat. People knelt on the cobblestone streets of Nantucket, Mass., marched in Morgantown, W.Va., and crowded around police headquarters in El Paso. In many cases, they repeated some of Floyd’s last words: ‘I can’t breathe.’ ... A new [study](#) from Monmouth University, released Tuesday, found that 57 percent of Americans today believe police are more likely to use excessive force against black people.

That represents an increase from the 34 percent of registered voters who said the same in 2016 following the police shooting of Alton Sterling in Louisiana, and the 33 percent who said so in 2014 after a grand jury did not indict a New York City police officer in the death of Eric Garner.”

Two Louisville police officers were put on administrative leave in connection with the death of a black protester.

David McAtee "was fatally shot outside his business just after midnight Monday in what city officials said was an exchange of gunfire that involved Louisville Metro police and members of the Kentucky National Guard,” [Ava Wallace and Roman Stubbs report](#). “The Louisville Metro Police Department on Tuesday released silent surveillance footage that they said shows that McAtee, 53, fired a gun first when officers arrived at the scene in response to a crowd gathering at Dino’s Food Mart, next to McAtee’s barbecue stand. But interim police chief Robert Schroeder acknowledged Tuesday that the video does not provide many key details, including why McAtee fired or where police were standing at the time the shots were exchanged. ... City officials have said two police officers who fired their weapons have been placed on administrative leave because they either failed to have their body cameras turned on or were not wearing them. The city police, the Kentucky State Police and the National Guard are all conducting internal investigations of the shooting. Protesters have no plans to let up.”

- Retired police captain David Dorn, 77, was shot to death by looters at a St. Louis pawn shop. His killing was apparently broadcast on Facebook Live. Police have made no arrests yet and have no suspects. A memorial was set up outside the shop, with this handwritten sign: “Y’all killed a black man because ‘they’ killed a black man???” ([Post-Dispatch](#))
- The killing of James Scurlock, a black protester, by a white bar owner has fueled protests in Omaha, Neb. County Attorney Don Klein said Scurlock’s killing was “senseless, but justified.” Gov. Pete Ricketts (R)

apologized for lashing out against black leaders during a discussion about the killing, angrily saying “Where the hell were you people?” before his aides stopped him. ([Annie Gowen](#))

- Even muffled by a gas mask, a Washington state trooper’s words of advice to his fellow officers were clear: “Don’t kill them, hit them hard.” The comments were caught in a video shared widely on Twitter, which drew swift condemnation and an apology from the Washington State Patrol. ([Allyson Chiu](#))
- Thousands of protesters defied New York City’s 8 p.m. curfew, which led to a tense standoff on the Manhattan Bridge. ([Gothamist](#))
- Charlotte police trapped dozens of peaceful demonstrators while pelting them with tear gas, pepper balls and flash bangs. About 150 officers appeared to surround the crowd. The department said it will conduct an internal review. ([Teo Armus](#))
- In Portland, an hours-long peaceful protest turned into chaos after police fired tear gas and flash bangs. Protesters approached the city’s Justice Center, which was set ablaze days ago, and asked officers to kneel, offering to go home if they all complied. Some officers did, but they did so just before putting their gas masks on and firing gas into the crowd. ([Katie Shepherd](#))
- Chicago Mayor Lori Lightfoot (D) defended her city’s controversial policing decisions, including the shutdown of the entire transit system, as aldermen continued to second guess those choices. Local leaders have faulted Lightfoot for failing to anticipate the scale of the protests and then sealing off downtown Chicago, which they said pushed looting and mayhem into neighborhoods on the South and West sides. ([Sun-Times](#))
- Trump, even as he chastised Democratic governors who declined to call in the National Guard, said he agrees with the decision of Texas Gov. Greg Abbott (R) to refuse military assistance to contain protests in his state. ([John Wagner](#))
- Protests against police brutality also continued around the world. In Paris, thousands defied police orders and demonstrated, prompting police to deploy tear gas. Video footage showed demonstrators burning a Colonial American flag. ([James McAuley](#))

Hundreds gathered outside the home of Los Angeles Mayor Eric Garcetti (D).

They demanded he defund the police department and fire the city's police chief, Michel Moore. On Monday, Moore said looters share equal responsibility for Floyd's death as police officers, a comment for which he later apologized. Garcetti condemned the statement but defended the chief. "If I believed for a moment that the chief believed that in his heart, he would no longer be our chief of police," said Garcetti. ([Allyson Chiu](#))

- A growing number of far-right extremists who organized online are inserting themselves into the protests, sowing confusion and seeking attention for their causes, often wearing Hawaiian shirts -- a seemingly goofy uniform that, within the ranks of their movement, signals adherence to a violent, divisive and anti-government ideology. ([Craig Timberg, Elizabeth Dwoskin and Souad Mekhennet](#))
- The FBI found "no intelligence indicating Antifa involvement/presence" in the violence that occurred over the weekend during D.C.-area protests, despite Trump's claims that the movement was behind it. ([The Nation](#))
- Mark Zuckerberg continued defending his decision to not take action against Trump's "when looting begins, the shooting begins" post, despite growing employee anger. ([Elizabeth Dwoskin](#))

A timely reminder that we've been much more divided than this – not that long ago, in the sweep of history: Irene Triplett, the last person to receive a pension from the Civil War, died at 90. Triplett received the pension because of her father, Mose Triplett, who started out fighting for the Confederacy before defecting to the Union. He died in 1938. But his decision to switch sides earned Irene a pension of \$73.13 a month from the VA. ([WSJ](#))

The elections





Rep. Steve King (R-Iowa) lost his primary challenge, making him the first member of Congress to be toppled in 2020.

“Support for King [started to evaporate](#) last year after he made racially offensive remarks that forced national Republicans to distance themselves from the conservative Iowa firebrand. That gave an opening to state Sen. Randy Feenstra, who garnered support from national GOP groups [[like the U.S. Chamber of Commerce](#)] and from some prominent Iowa conservatives who argued that King undermined his influence in Washington with his drumbeat of provocative behavior. Feenstra led by nine points late Tuesday,” [Mike DeBonis reports](#).

In New Mexico, former CIA operative Valerie Plame lost her bid for the Democratic nomination in a solidly blue open House seat. Teresa Leger Fernandez won the race to replace Rep. Ben Ray Lujan (D), who is favored to win the retiring Tom Udall's Senate seat. Plame, whose covert identity was exposed shortly after her diplomat husband disputed U.S. intelligence used to justify the Iraq invasion, had outpaced all competitors in campaign contributions, but it wasn't enough. Leger Fernandez ran to her left. ([AP](#))

Ferguson, Mo., elected its first black mayor. Ella Jones (D) will be not only the first black mayor but also the first woman in the position, six years after the city erupted in protests over the death of black teenager Michael Brown. ([NYT](#))

D.C. Council member Brandon Todd lost Tuesday's Democratic primary to challenger Janeese Lewis George, according to preliminary returns, while attorney Brooke Pinto narrowly leads a crowded field for the Ward 2 council seat. “Former council member Jack Evans —

who relinquished the Ward 2 seat in January while facing expulsion for ethics violations — trailed far behind in the mostly mail-in primary,” [Julie Zauzmer and Fenit Nirappil report](#). “George — who bills herself as a Democratic socialist — captured about 54 percent of the vote in Ward 4, compared to 44 percent for Todd, who was first elected to the council five years ago and is a close ally of [Bowser]. She campaigned for him Tuesday.”

Trump said the GOP is looking to move its convention out of North Carolina.

The announcement comes “after Democratic Gov. Roy Cooper refused to heed a party demand that he pre-authorize a gathering of at least 19,000 people,” [Michael Scherer and Josh Dawsey report](#). “Republican Party chair Ronna McDaniel had said earlier in the day that the party would begin exploring options outside North Carolina. ... Cooper said the GOP is demanding a packed arena for the convention, as well as full restaurants, hotels and bars. Given the uncertain health situation, he wrote, a smaller event with social distancing and face coverings ‘is a necessity.’ ...

Republicans are exploring the possibility of moving the convention to multiple cities, according to two GOP officials, including Jacksonville, Fla.; Orlando; Las Vegas; and Nashville.”

Quote of the day

Rep. Eliot Engel (D-N.Y) was caught on a hot mic during a news conference about the protests in the Bronx. “If I didn’t have a primary, I wouldn’t care,” said the chairman of the House Foreign Affairs Committee, who is seeking a 17th term. ([Felicia Sonmez](#))

The coronavirus remains



To protest safely during the pandemic, wear masks, goggles and bringing hand sanitizer.

“Besides wearing a mask, experts say protesters should make their statements with placards and signs and avoid the sort of chanting and yelling that propel potentially infected droplets into the air,” [Tal Abbady reports](#). “If you’re sick, however, stay home. If you have underlying health issues that put you at risk, evaluate your priorities carefully. And if you live with anyone whose health or age makes them vulnerable to a serious covid-19 infection, consider deeply your obligation to protect them. ... Amnesty International’s ‘Safety During Protest’ page [also] advises people to bring water bottles — several, you may be out for long hours in the heat — with squirt tops to drink or to rinse out eyes or skin in the event of injury.”

Coronavirus infections surpassed 1.8 million in the U.S.

“Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, said Tuesday that he was ‘cautiously optimistic’ about Moderna’s potential vaccine, which is entering its second round of clinical trials. A new survey shows 70 percent of Americans would get immunized,” [Antonia Noori Farzan, Jennifer Hassan and Rick Noack report](#). Fauci said Phase 3 of the vaccine’s trial will begin in July and will include the study of thousands of patients who will be as young as 18, [Forbes reports](#). “In an interview Tuesday with the editor of JAMA, Fauci said the trial will include primarily U.S. sites ... A phase 3 trial is considered the final stage before potential approval by the Food and Drug Administration, which would make it available for patients across the country.”

Nearly 600 workers at a Tyson Foods pork plant in Iowa tested positive for the virus.

“That’s a quarter of the 2,303 workers who work at the facility and were tested for COVID-19. Tyson said in a statement that more than 75 percent of the workers who tested positive didn’t show any symptoms and otherwise wouldn’t have been identified,” [the Sioux City Journal reports](#).

“Tyson is expected to resume limited production at the Storm Lake plant on Wednesday, following a temporary halt for deep cleaning and sanitizing.”

Virginia is moving on to its next phase of reopening.

“Most of Virginia will move to the next phase of reopening on Friday, in which, among other things, restaurants will be allowed indoor dining at half capacity and gyms and fitness centers can open at 30 percent capacity, Gov. Ralph Northam (D) said Tuesday. But Northern Virginia and the city of Richmond, which have been hit harder by the novel coronavirus, will remain in Phase 1 of Northam’s plan to return to normalcy,” [Antonio Olivo reports](#).

- The University of Southern California said it will resume in-person classes in the fall. ([Antonia Farzan](#))
- Alaska’s plan to make coronavirus testing mandatory for travelers faces backlash and questions about logistics. ([Farzan](#))

A massive Raphael exhibit reopened in Rome. Only six people can enter every five minutes.

“The once-in-a-lifetime exhibition took three years to come together. Organizers arranged for the careful transport of Raphael masterpieces loaned from London, Washington, Florence, Madrid. The insurance bill was 4 billion euros,” [Chico Harlan and Stefano Pitrelli report](#). “One 1510 painting, ‘The Alba Madonna,’ had belonged over the centuries to Spanish nobility, the emperor of Russia and American banker Andrew Mellon, who acquired it in a secret Soviet art sell-off. At last, it was back in Italy for the first time since the 17th century. Just in time for the pandemic.”

Social media speed read

This woman was hit by a rubber bullet in Lafayette Square on Monday night:



Children are showing up at protests, and some have good questions:



A white professor at Southern Methodist University in Dallas said he was once arrested for a forged \$20 bill, like Floyd, but his charges were dropped after a six-month probationary period and a night at jail:



Trump was overheard telling the first lady to smile as they posed for pictures Tuesday at the Saint John Paul II National Shrine:



Videos of the day

Several Republican senators refused to answer when asked if they approve of the forcible clearing out of Lafayette Square, making up excuses about being late to lunch or claiming that they were unfamiliar with the details:



Seth Meyers broke down Trump's threat to unleash the military on protesters:



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Date: Tue, 2 Jun 2020 22:58:48 +0000

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The DEA Has Just Been Authorized to Conduct Surveillance on Protesters

BuzzFeed

Jason Leopold & Anthony Cormier

June 2, 2020 – 6:48 PM

<https://www.buzzfeednews.com/article/jasonleopold/george-floyd-police-brutality-protests-government>

The Justice Department gave the agency the temporary power “to enforce any federal crime committed as a result of the protests over the death of George Floyd.”

The Drug Enforcement Administration has been granted sweeping new authority to “conduct covert surveillance” and collect intelligence on people participating in protests over the murder of George Floyd, according to a [two-page memorandum](#) obtained by BuzzFeed News.

Floyd’s death “has spawned widespread protests across the nation, which, in some instances, have included violence and looting,” said the DEA memo. “Police agencies in certain areas of the country have struggled to maintain and/or restore order.” The memo requests the extraordinary powers on a temporary basis, and on Sunday afternoon a senior Justice Department official signed off.

Attorney General William Barr issued a [statement](#) Saturday following a night of widespread and at times violent protests in which he blamed, without providing evidence, “anarchistic and far left extremists, using Antifa-like tactics,” for the unrest. He said the FBI, DEA, US Marshals, and the Bureau of Alcohol, Tobacco, Firearms and Explosives would be “deployed to support local efforts to enforce federal law.”

Barr did not say what those agencies would do, however.

The DEA is limited by statute to enforcing drug related federal crimes. But on Sunday, Timothy Shea, a former US Attorney and close confidant of Barr who was named acting administrator of the DEA last month, received approval from Associate Deputy Attorney General G. Bradley Weinsheimer to go beyond the agency’s mandate “to perform other law enforcement duties” that Barr may “deem appropriate.”

Citing the protests, Shea lays out an argument for why the agency should be granted extraordinary latitude.

“In order for DEA to assist to the maximum extent possible in the federal law enforcement response to protests which devolve into violations of federal law, DEA requests that it be designated to enforce any federal crime committed as a result of protests over the death of George Floyd,” Shea wrote in the memo. “DEA requests this authority on a nationwide basis for a period of fourteen days.”

A spokesperson for the DEA did not immediately return a message seeking comment.

“Drug enforcement agents should not be conducting covert surveillance of protests and First Amendment protected speech,” said Hugh Handeyside, a senior attorney for the ACLU. “That kind of monitoring and information sharing may well constitute unwarranted investigation of people exercising their constitutional rights to seek justice. The executive branch continues to run headlong in the wrong direction.”

Three DEA sources told BuzzFeed News they are troubled by the memo and see it as an example of the Justice Department potentially abusing its power in an attempt to smear the protests and crack down on protected First Amendment activity.

The sources requested anonymity because they are not authorized to speak with the media.

In addition to “covert surveillance,” the memo indicates that DEA agents would be authorized to share intelligence with local and state law enforcement authorities, to “intervene” to “protect both participants and spectators in the protests,” and to conduct interviews and searches, and arrest protesters who are alleged to have violated federal law.

A day after Shea’s memo was approved, President Trump [said](#) he is “mobilizing all available federal resources — civilian and military — to stop the rioting and looting, to end the destruction and arson, and to protect the rights of law-abiding Americans, including your Second Amendment rights.”

Under the Insurrection Act, the president has the authority to deploy the US military for domestic purposes. It has not been employed [since 1992](#), when troops were sent in during the Los Angeles riots.

There is a long history of federal agencies infiltrating and surveilling protest groups. During the protests in Baltimore in 2015 over the death of Freddie Gray, who died in police custody, the Department of Homeland Security [monitored](#) Twitter and other social media platforms for “intelligence” on the protesters. In Ferguson, Missouri, during the 2014 protests over Michael’s Brown’s killing by a white police officer, DHS planned to [‘plug’ federal officers into protests](#) to conduct surveillance & collect intelligence. And the FBI conducted [extensive monitoring and surveillance](#) of the Occupy Wall Street protest movement that began in 2011.

It’s unknown if the ATF, FBI, or other federal law enforcement agencies have been granted the same authority as the DEA.

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DEPARTMENT OF JUSTICE RESPONSE TO 2020 RIOTS

FBI	<ul style="list-style-type: none"> • Additional Legal Authorities: None • Personnel as of June 4, 2020 <ul style="list-style-type: none"> ○ (b)(7)(E) per FBI [REDACTED] ■ [REDACTED] ■ [REDACTED] • Funding: The FBI Headquarters Finance and Facilities Division (FFD) has expended \$680,497 as of June 4, 2020. This number is reflective of FFD expenditures only and does not yet include additional expenditures, if any, by other divisions.
BOP	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities <ul style="list-style-type: none"> ○ Special deputation (USMS) of BOP staff members deployed to Washington, D.C. to enforce federal law and provide protection of the Department of Justice (Main Justice) and other federal buildings. [memo]. Valid to detain and make arrests and protect federal buildings and personnel. Special deputation lasts for 30 days (beginning June 1, 2020). ○ Authority has been used previously, including for Inaugurations. ○ There have been deputations through the USMS, as is typical in mass demonstration situations in Washington, D.C., such as during Inaugurations. The Department has ensured that law enforcement has sufficient resources to protect federal government buildings and personnel and to enforce federal law as needed. • Personnel <ul style="list-style-type: none"> ○ The BOP has (b)(7)(E), (b)(7)(F) per BOP [REDACTED] capable of responding to prison disturbances, and providing assistance to other law enforcement agencies during emergencies. The BOP's (b)(7)(E), (b)(7)(F) also include (b)(7)(E), (b)(7)(F) per BOP [REDACTED]. ○ Per the request of the Attorney General, the BOP has dispatched (b)(7)(E), (b)(7)(F) to Miami, Florida, and Washington, D.C.
DEA	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities <ul style="list-style-type: none"> ○ DEA temporarily has been granted non Title 21 authority pursuant to 21 U.S.C. § 878(a)(5) [memo]. This designates DEA with the authority to enforce federal law, as necessary, in relation to the protests over the death of George Floyd. The authority is granted nationwide for 14 days. ○ There have been 27 similar instances of non Title 21 authority provided to DEA in the last 15 years for disaster relief (e.g., hurricanes and floods), assistance to federal counterparts in the aftermath of

DEPARTMENT OF JUSTICE RESPONSE TO 2020 RIOTS

	<p>serious crimes (Boston bombing, Pulse Nightclub, Las Vegas, etc.), and major events where people will gather (e.g., sporting events, Pope's visit, etc.).</p> <ul style="list-style-type: none"> • Personnel <ul style="list-style-type: none"> ○ Upon request, providing support to federal, state, and local partners in affected areas throughout the U.S., including to assist with site security, identification of subjects inciting violence or the destruction of property, and efforts responding to other violations of federal law. ○ Investigating Title 21 offenses, including theft of controlled substances from looted pharmacies. ○ On May 31, DEA deployed approximately (b)(7)(E) per DEA special agents in the D.C. area to accompany the Metropolitan Police Department (MPD) and National Guard units at traffic posts. Upon request, DEA increased personnel deployments to (b)(7)(E) per DEA on June 1, and (b)(7)(E) per DEA on June 2 and 3. ○ Activated multiple quick response teams in the Washington, D.C. metropolitan area to respond to high risk situations and any requests for assistance requiring specialized training, including Emergency Medical Services (EMS). ○ Providing analytic support and sharing information in real time with federal, state, and local partners. • Additional/Diverted Funding <ul style="list-style-type: none"> ○ TDY related costs to fund approximately 50 to 100 Special Agents deployed to the Washington, D.C. metropolitan area. The precise number and length of TDYs is unknown at this time. However, it costs approximately \$330 per person per day to TDY Special Agents to Washington, D.C.
ATF	<ul style="list-style-type: none"> • Exercising Existing Firearm, Explosive and Arson Legal Authorities • Personnel <ul style="list-style-type: none"> ○ The ATF Washington and Baltimore Field Divisions deployed 35 Special Agents to the Department of Justice Robert F. Kennedy Headquarters Building from May 29 31 for building security operations. ○ The ATF Special Response Team (SRT) and other Special Agents have been deployed in Washington, D.C. for enforcement operations from May 30 to the present. ○ The National Response Team (NRT) is processing multiple arson scenes in Minneapolis and Saint Paul, Minnesota, and Washington D.C. ○ The FBI's Joint Terrorism Task Forces (JTTF) are engaged and supporting coordination and information sharing related to the federal law enforcement response to events related to the unrest. ATF representatives assigned to JTTFs are coordinating intelligence sharing and investigative response with the FBI across the country. ○ ATF agents are coordinating with Federal, state and local LE partners to provide assistance, as needed.

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	<ul style="list-style-type: none"> ○ ATF agents are assisting state and local agencies in numerous metropolitan areas with enforcement operations involving criminal activity associated with the unrest including arsons, firearms, explosives and thefts from Federal Firearms Licensees (FFLs). • Other <ul style="list-style-type: none"> ○ As of June 3rd, ATF has responded to at least [REDACTED] FFL burglaries linked to the civil unrest. At least [REDACTED] firearms have been stolen in these thefts. ○ ATF has sent more than [REDACTED] alerts to FFLs in areas impacted by civil unrest. Additionally, ATF Industry Operations Investigators (IOIs) have proactively reached out by telephone to FFLs in impacted areas to reinforce best practices and measures to secure firearms from theft. ATF's proactive measures and resulting steps taken by FFLs to secure firearms have proven highly successful; no firearms have been successfully stolen in several of the FFL burglaries to which ATF has responded. ○ ATF is investigating the origin and cause or is providing investigative support to state and local law enforcement and fire service organizations at approximately 847 suspected incendiary fires in 37 cities. ATF has the only federally trained and certified fire investigators in the U.S. Government. ○ ATF has responded to at least [REDACTED] incidents involving the illegal use of explosives associated with the unrest; the majority of these incidents involved the use of explosive materials to gain entry to ATM machines during thefts. ○ ATF has responded to assist in the investigation of numerous shooting scenes at disturbances in dozens of cities; assistance has included conducting urgent firearm traces and collection and processing of shell casings and ballistic evidence for DNA analysis and entry into NIBIN. ○ Shooting investigations that ATF has assisted in include the May 29th shooting of two Federal Protective Service officers at the Ronald V. Dellums Federal Building (Oakland, California), in which one officer was killed and another seriously wounded. ATF's role included processing of all ballistic evidence for DNA and National Integrated Ballistic Information Network analyses.
<p>USMS</p>	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities <ul style="list-style-type: none"> ○ DAG order authorizing USMS to deploy USM in response to nationwide violent unrest. ○ Attorneys General have previously asked the USMS to perform such functions outside its usual statutory remit of protecting courthouses, judges, witnesses, etc. A recent example was the use of the USMS to enforce the CDC's quarantine zones for U.S. citizens who were repatriated from Wuhan, China, or cruise ships. ○ Special deputation (USMS) of 1000+ DHS law enforcement personnel from CBP, ICE, and TSA [memo]. Valid to detain and make arrests and protect federal buildings and personnel. Special deputation lasts for 30 days (beginning June 1, 2020).

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	<ul style="list-style-type: none"> ▪ Used previously, including for Inaugurations. • Personnel <ul style="list-style-type: none"> ○ As of June 3, 2020, the USMS has over ^{(b)(7)(E) per USMS} deputies deployed across the country in support of various law enforcement missions related to civil unrest. ○ On May 29-31, 2020, the USMS deployed ^{(b)(7)(E) per USMS} Deputy U.S. Marshals, including members of the ^{(b)(7)(E) per USMS}, to the Department of Justice Robert F. Kennedy building. These personnel provided specialized support to the Justice Protective Service as well as enhanced security for designees from the Office of the Attorney General and Deputy Attorney General due to the elevated threat level. ○ On May 28, 2020, the USMS deployed ^{(b)(7)(E) per USMS} additional Deputies and ^{(b)(7)(E) per USMS} members to Minneapolis to assist federal law enforcement operations. These personnel have integrated with local Marshals Service resources as well as agents from the FBI and ATF to conduct federal investigations. ○ On May 30, 2020, the USMS deployed members of the Pacific Southwest Regional Fugitive Task Force and our regional Mobile Command Vehicle to Oakland, CA to assist in the shooting investigation of two contract Federal Protective Service employees at the Oakland, CA Federal building. ○ On May 31, the USMS deployed ^{(b)(7)(E) per USMS} members of the ^{(b)(7)(E) per USMS} to the Eastern District of Pennsylvania to assess current USMS operations and recommend changes to operational techniques and procedures to enhance the safety of the Federal Judiciary as well as that of local law enforcement. ○ On June 1, 2020, the USMS deployed greater than ^{(b)(7)(E) per USMS} personnel to the National Capitol Region in support of the federal law enforcement operation to maintain the rule of law in the District of Columbia. These personnel performed key functions in support of the United States Park Police. ○ On June 2, 2020, in the aftermath of the shooting of four local law enforcement officers, the USMS deployed ^{(b)(7)(E) per USMS} personnel from the ^{(b)(7)(E) per USMS} as well as ^{(b)(7)(E) per USMS} to St. Louis, Missouri. These personnel have integrated with other state and local law enforcement resources and will provide specialized support to the integrated law enforcement strategy.
COPS	<ul style="list-style-type: none"> • While the COPS Office is not involved with any actions to address the recent riots and protests, we do make technical assistance on policing mass demonstrations available to law enforcement agencies through the Collaborative Reform Initiative Technical Assistance Center (CRI TAC). • In previous years, the COPS Office has also produced reports like the following: <ul style="list-style-type: none"> ○ 2017: Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis

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	<p style="text-align: center;">Police Department's Fourth Precinct https://cops.usdoj.gov/RIC/ric.php?page_detail&id_COPS_W0836</p>
CRS	<ul style="list-style-type: none"> • CRS is currently in communication with federal, state, and local government officials, as well as community and faith leadership, in approximately 30 U.S. cities, in response to the demonstrations sparking from the death of George Floyd. • (b)(3) per CRS (42 USSC 2000g-2) [REDACTED] • Continues to communicate with community leaders regarding community issues and concerns in anticipation of requests for support over the coming weeks and months as communities move on to conducting listening sessions and developing actions to address the tensions that underlie the civil unrest.
OJP	<ul style="list-style-type: none"> • The Bureau of Justice Assistance (BJA) has several options for providing emergency funding for states impacted by civil unrest: • Emergency Federal Law Enforcement Assistance (EFLEA) - provides necessary assistance to (and through) a state government to provide an adequate response to an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law. • Budget modifications for current Justice Assistance Grant (JAG) funding BJA is proactively contacting State Administering Agencies to assure them that their JAG grants can be used to address law enforcement needs related to the riots. Merely submitting a budget modification is all that is required. • Additionally, the Office for Victims of Crime (OVC) has Resources/Funding Options for Emergency Response Funding. <ul style="list-style-type: none"> ○ From 2017 to 2019, Minnesota received a total of \$128,822,225 in federal assistance and compensation funding that the State administers and allocates to fund different victim assistance service programs and its state run victim compensation program. ○ Minnesota is currently providing more than \$400,000 in VOCA Victim Assistance funding to the Minneapolis City Attorney's Office and St. Paul City Attorney's Office to support crime victims.

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FBI	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities • Personnel <ul style="list-style-type: none"> ◦ (b)(7)(E) per FBI [REDACTED] ■ [REDACTED] ◦ To date there has been limited threats to FBI offices and facilities but federal facilities in at least 14 cities have been damaged. • Additional/Diverted Funding
BOP	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities <ul style="list-style-type: none"> ◦ Special deputation (USMS) ◦ (b)(7)(E), (b)(7)(F) per BOP [REDACTED] to enforce federal law and deploy in protection of the Department of Justice (Main Justice) and other federal buildings. [memo]. Valid to detain and make arrests and protect federal buildings and personnel. Special deputation lasts for 30 days (beginning June 1, 2020). ◦ Authority has been used previously, including for Inaugurations. ◦ There have been deputations through the USMS, as is typical in mass demonstration situations in DC, such as Inaugurations. The Department has ensured that law enforcement has sufficient resources to protect federal government buildings and personnel, and to enforce federal law as needed. • Personnel <ul style="list-style-type: none"> ◦ The BOP ha (b)(7)(E), (b)(7)(F) per BOP [REDACTED] ◦ Per the request of the Attorney General, the BOP has dispatched teams to Miami, Florida, and Washington, D.C. • Additional/Diverted Funding
DEA	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities <ul style="list-style-type: none"> ◦ DEA temporarily has been granted non Title 21 authority pursuant to 21 USC 878(a)(5) [memo]. (b)(5) per DEA [REDACTED]. The authority is granted nationwide for 14 days. ◦ There have been 27 similar instances of non Title 21 authority provided to DEA in last 15 years. Examples include previous Super Bowls, Hurricane Katrina, and the Boston Marathon Bombing. • Personnel

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	<ul style="list-style-type: none"> ○ On May 31, DEA deployed approximately (b)(7)(E) per DEA special agents in the DC area to accompany the Metropolitan Police Department (MPD) and National Guard units at traffic posts. Increased personnel deployments to (b)(7)(E) per DEA on June 1, and (b)(7)(E) per DEA on June 2. ○ Activated multiple quick response teams to respond to high risk situations and any requests for assistance requiring specialized training, including Emergency Medical Services (EMS). ○ Providing analytic support and sharing information in real time with our federal, state, and local partners. • Additional/Diverted Funding <ul style="list-style-type: none"> ○ There are TDY related costs to cover approximately (b)(7)(E) per DEA Special Agents associated with this request responding to the Washington, D.C. metropolitan area. The exact length of TDYs is unknown at this time. However, it costs approximately \$330 per person per day to TDY Special Agents to Washington, DC.
ATF	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities • Personnel <ul style="list-style-type: none"> ○ The Washington and Baltimore Field Divisions deploy (b)(7)(E) per ATF Special Agents to the Department of Justice Robert F. Kennedy Headquarters Building from May 29 31 for building security operations. The ATF Special Response Team (SRT) and other Special Agents have been deployed in Washington DC for enforcement operations from May 30 to the present. ○ The National Response Team (NRT) is standing by to provide assistance in Minneapolis, Minnesota, and Saint Paul, Minnesota. ○ ATF JTTF representatives are working with the FBI in multiple cities. ○ ATF agents are coordinating with Federal, state and local LE partners to provide assistance, as needed. ○ ATF Special Agents are assisting Police Departments in numerous metropolitan areas on surveillance operations and security enforcement operations at high value targets. • Additional/Diverted Funding • Other <ul style="list-style-type: none"> ○ ATF has responded to at least (b)(7)(E) per ATF Federal Firearms Licensee (FFL) burglaries, in which an estimated (b)(7)(E) per ATF firearms have been stolen. ○ ATF has proactively sent alerts to FFLs in areas where there is a potential for unrest. Additionally, ATF Industry Operations Investigators (IOIs) have proactively reached out by telephone to FFLs concerning firearms safety and security measures. ○ ATF is investigating the cause and origin or is providing investigative support to state and local law enforcement and fire service organizations at approximately (b)(7)(E) per ATF suspected incendiary fires in (b)(7)(E) per ATF

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	<p>cities. ATF has the only Federally trained and Federally certified fire investigators in the U.S. Government.</p> <ul style="list-style-type: none"> ○ ATF has responded to numerous shooting scenes at disturbances in dozens of cities to collect DNA from shell casings and ballistic evidence for entry into NIBIN. ○ On May 29, Special Agents and investigators with the ATF San Francisco Field Division (SFFD) Crime Gun Enforcement Team (CGET) responded to the scene of a homicide related to a Federal Protective Service Officer (FPSO) at the Ronald V. Dellums Federal Building in Oakland, CA. All ballistic evidence was provided to ATF for processing through the ATF Lab for DNA and NIBIN analyses.
<p>USMS</p>	<ul style="list-style-type: none"> • Exercising Existing Legal Authorities <ul style="list-style-type: none"> ○ DAG order authorizing USMS to deploy USM in response to nationwide violent unrest. ○ Attorneys General have previously asked the USMS to perform such functions outside its usual statutory remit of protecting courthouses, judges, witnesses, etc. A recent example was the use of the USMS to enforce the CDC's quarantine zones for U.S. citizens who were repatriated from Wuhan, China, or cruise ships. ○ Special deputation (USMS) of 1000+ DHS law enforcement personnel from CBP, ICE, and TSA [memo]. Valid to detain and make arrests and protect federal buildings and personnel. Special deputation lasts for 30 days (beginning June 1, 2020). <ul style="list-style-type: none"> ▪ Used previously, including for Inaugurations • Personnel <ul style="list-style-type: none"> ○ As of June 3, 2020, the USMS has ov (b)(7)(E) per USMS deputies deployed across the country in support of various law enforcement missions related to civil unrest. ○ On May 29 31, 2020, the USMS deploye (b)(7)(E) per USMS Deputy U.S. Marshals, includin (b)(7)(E) per USMS ██████████, to the Department of Justice Robert F. Kennedy building. These personnel provided specialized support to the Justice Protective Service as well as enhanced security for designees from the Office of the Attorney General and Deputy Attorney General due to the elevated threat level. ○ On May 28, 2020, the USMS deploye (b)(7)(E) per USMS additional Deputies an (b)(7)(E) per USMS ██████████ to Minneapolis to assist federal law enforcement operations. These personnel have integrated with local Marshals Service resources as well as agents from the FBI and ATF to conduct federal investigations. ○ On May 30, 2020, the USMS deployed members of the Pacific Southwest Regional Fugitive Task Force and our regional Mobile Command Vehicle to Oakland, CA to assist in the shooting

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	<p>investigation of two contract Federal Protective Service employees at the Oakland, CA Federal building.</p> <ul style="list-style-type: none"> ○ On May 31, the USMS deploys (b)(7)(E) per USMS to Eastern District of Pennsylvania to assess current USMS operations and recommended changes to operational techniques and procedures to enhance safety of the Federal Judiciary as well as that of local law enforcement. ○ On June 1, 2020, the USMS deployed greater than (b)(7)(E) per USMS personnel to the National Capitol Region in support of the federal law enforcement operation to maintain the rule of law in the District of Columbia. These personnel performed key functions in support of the United States Park Police. ○ On June 2, 2020, in the aftermath of the shooting of four local law enforcement officers, the USMS deploys (b)(7)(E) per USMS personnel from the (b)(7)(E) per USMS as well as (b)(7)(E) per USMS assets to St. Louis, Missouri. These personnel have integrated with other state and local law enforcement resources and will provide specialized support to the integrated law enforcement strategy. <ul style="list-style-type: none"> • Additional/Diverted Funding
COPS	<ul style="list-style-type: none"> • While the COPS Office is not involved with any actions to address the recent riots and protests, we do make technical assistance on policing mass demonstrations available to law enforcement agencies through the Collaborative Reform Initiative Technical Assistance Center (CRI TAC). • In previous years, the COPS Office also produced the following reports: <ul style="list-style-type: none"> ▪ 2017: Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct https://cops.usdoj.gov/RIC/ric.php?page_detail&id_COPS_W0836 ▪ 2015: After Action Assessment of the Police Response to the August 2014 Demonstrations in Ferguson, Missouri https://cops.usdoj.gov/RIC/ric.php?page_detail&id_COPS_P317
CRS	<ul style="list-style-type: none"> • CRS is currently in communication with federal, state, and local government officials, as well as community and faith leadership, in approximately (b)(5) per CRS, in response to the demonstrations sparking from the death of George Floyd. • (b)(3) (42 U.S.C. 2000g-2) per CRS • Continues to communicate with community leaders regarding community issues and concerns in anticipation of requests for support over the coming weeks and months as communities move on to conducting listening sessions and developing actions to address the tensions that underlie the civil unrest.
OJP	<ul style="list-style-type: none"> • The Bureau of Justice Assistance (BJA) has several options for providing emergency funding for states impacted by civil unrest:

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| | <ul style="list-style-type: none">• Emergency Federal Law Enforcement Assistance (EFLEA) - provides necessary assistance to (and through) a state government to provide an adequate response to an uncommon situation which requires law enforcement, which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law.• Budget modifications for current Justice Assistance Grant (JAG) funding BJA is proactively contacting State Administering Agencies to assure them that their JAG grants can be used to address law enforcement needs related to the riots. Merely submitting a budget modification is all that is required.• Additionally, the Office for Victims of Crime (OVC) have Resources/Funding Options for Emergency Response Funding.<ul style="list-style-type: none">▪ Between 2017 2019, Minnesota received a total of \$128,822,225 in federal assistance and compensation funding that the State administers and allocates to fund different victim assistance service programs and its state run victim compensation program.▪ Minnesota is currently providing more than \$400,000 in VOCA Victim Assistance funding to the Minneapolis City Attorney's Office and St. Paul City Attorney's Office to support crime victims. |
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