

Congress of the United States
Washington, DC 20515

July 22, 2020

Attorney General William P. Barr
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Acting Secretary Chad F. Wolf
United States Department of Homeland Security
Washington, D.C. 20528

Dear Attorney General Barr and Acting Secretary Wolf:

On June 4, 2020, along with over 100 of our colleagues, we demanded information related to the deployment of unidentifiable and unaccountable federal law enforcement officers in Washington, D.C. These officers were deployed with tear gas, pepper spray and rubber bullets against peaceful protesters in Lafayette Square. They were stationed in the District without identifying information, such as agency identifiers, badges, or name plates. We have yet to receive a response about the basic facts underlying this debacle more than a month after writing.

It is now apparent that no U.S. city or town will be safe from these dubious tactics and that the Washington, D.C. deployment may have been a dry run for deployment to other cities. Reports indicate that at least four federal law enforcement agencies¹ have now deployed forces – including undercover officers - to Portland, Oregon to monitor and quell protests without coordination or communication with local officials or law enforcement. These newly deployed officers are in camouflage uniforms with no badge or insignia denoting their agency or identity. As when they were deployed in Washington, D.C. last month, the federal officers in Portland are unidentifiable and therefore remain unaccountable for any violations of citizens’ constitutional rights. Portland is apparently not the last place citizens and public officials will encounter such deployments as suggested in a recently leaked Customs and Border Protection memorandum dated July 1, 2020, which states that “resources [have been] deployed in several states.”²

Portland is currently under a kind of federal police occupation. Yet, it is not clear what federal agencies are involved and under what authority they are purporting to operate. These law enforcement officers are clearly not just protecting “Federal monuments, memorials, statues or

¹ U.S. Marshals Special Operations Group, the Customs and Border Patrol Tactical Unit, BORTAC, Federal Protective Services, and Homeland Security Investigations.

² See, Ken Klippenstein, *The Border Patrol was Responsible for an Arrest in Portland*, The Nation, July 17, 2020, <https://www.thenation.com/article/society/border-patrol-portland-arrest/>; see also, U.S. Customs and Border Patrol, PUBLIC AFFAIRS GUIDANCE – CBP SUPPORT TO PROTECT FEDERAL FACILITIES AND PROPERTY, July 1, 2020.

property” as set forth in the July 1 memorandum. We know from multiple reports³ that these officers are taking action beyond the stated mission as outlined in the memorandum. Witness videos show unidentifiable federal officers patrolling the downtown area in unmarked rental cars and abducting people off the streets with no explanation for the basis of detainment or even a reading of their *Miranda* rights.⁴ One of the protesters detained in such a manner reports officers pulling his hat over his eyes so he could not see, being taken to an unidentified facility,⁵ having his belongings searched, and being put in a cell without being provided any information⁶ by the arresting officers. He was not *Mirandized* until long after he was grabbed off the street, searched, and placed in a cell. He was never advised of any charges or the basis for his detainment. And only after requesting a lawyer was the protester released. Notably, he was released without any citation or any paperwork reflecting his detention.

This is not legitimate law enforcement under our Constitution but a shocking slide into authoritarianism and police state tactics. Every agent and every police-citizen encounter must be governed by the Constitution. But these new tactics are an outrageous assault on the liberties of the people and the police powers and political sovereignty of the states. The deployment of roving units of secret police under the control of the President is an absolute affront to the Bill of Rights, which vests inviolable civil rights and liberties in the people and core police powers in the states—not a tyrannical and overweening federal government.

The President has said that he is “working with the attorney general, the FBI and others concerning our cities” to “straighten things out,” suggesting that Portland is serving as a pilot program for the deployment of an unaccountable federal paramilitary police force to cities around the country. The President also threatened to send federal officers to New York, Chicago, Detroit, Baltimore, Philadelphia, and Oakland to combat not only protesters but other criminal activity, and that he would do so over the objection of state and local authorities. To that end, it is being reported that DHS intends to deploy 150 agents to Chicago this week and, the July 1 memorandum reflects that some personnel have already been deployed around the country. We must conclude that this nationwide deployment is being done without coordination or communication with state or local officials or law enforcement agencies.

Even more chilling is that Acting Secretary Wolf seems to be encouraging this rogue, unaccountable behavior and celebrating the use of federal forces against American citizens. He has referred to the recent deployment of federal officers as a “siege”⁷ on Portland and he has

³ Jonathan Levinson and Conrad Wilson, *Federal Law Enforcement Use Unmarked Vehicles to Grab Protesters Off Portland Streets*, Oregon Public Broadcasting, July 16, 2020, <https://www.opb.org/news/article/federal-law-enforcement-unmarked-vehicles-portland-protesters/>

⁴ @matcha_chai, Twitter.com, July 15, 2020, Video of federal law enforcement abducting a protester: https://twitter.com/matcha_chai/status/1283328232033411072?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1283328232033411072%7Ctwgr%5E&ref_url=https%3A%2F%2Fwww.newsweek.com%2Ffederal-agents-bundle-protester-van-portland-1518302

⁵ He later identified the facility as the Federal courthouse after he was released.

⁶ *Federal Law Enforcement...*, *supra* at n. 3.

⁷ Paul Blest, *Trump Sent Cops to Portland and They’re ‘Kidnapping People Off the Streets’*, VICE News, July 17, 2020 (Acting Sec. Wolf – “The siege can end if state and local officials decide to take appropriate action instead of refusing to enforce the law.”) https://www.vice.com/en_us/article/n7w4w8/trump-sent-the-feds-to-portland-and-theyre-kidnapping-people-off-the-streets

rejected the requests of local officials to recall these officers, stating, “That’s not happening on my watch.”⁸

Acting Secretary Wolf’s refusal to respect the will of the Governor of Oregon and the Mayor of Portland on matters of local law enforcement has only inflamed social tension and spread the unrest further. By pouring gasoline on the fire, the Administration demonstrates that its purpose is not public security and peace but distracting attention from the COVID-19 disaster and staging a political confrontation three months before the 2020 election.

We demand that you provide answers to our initial inquiry of June 4, as well as those below by July 28, 2020.

- Identify the agencies, departments, and units under DOJ or DHS authority that have been deployed to conduct law enforcement activity in response to protests in Portland. Please also identify any private contractors or entities that have been so deployed. Please include the number of personnel from each unit deployed.
- Identify each unit’s operational directive or mission as it relates to protest response. Identify how this mission deviates from the missions or directives under which each unit otherwise regularly operates. Identify any units which have the primary mission or directive of conducting investigations and describe their mission or directive as presently deployed.
- Under what statutory authority have federal law enforcement personnel been deployed in response to protests in Oregon and other states and localities? Please identify any private contractors or entities that have been employed to join this force.
- Under what statutory authority or guidance are federal law enforcement personnel conducting patrols away from federal facilities and property? Please identify any private contractors or entities that have been employed to join this force. Please identify the agency personnel who authorized such activity by federal law enforcement personnel or private contractors or entities.
- Under what statutory authority or guidance are federal law enforcement personnel detaining or arresting individuals who are not immediately adjacent or imminent threats to federal facilities or property? Please identify the agency personnel who authorized such activity by federal law enforcement personnel.
- Identify the number of individuals who have been detained by federal law enforcement personnel in Portland, Oregon in response to protests from the date of their deployment to the present. Identify the number of individuals who have been released without being charged with any offense. Identify the number of individuals who have been charged with federal offenses.
- Identify Any Memorandum of Understanding (MOU) established to address interagency communication, command structure, interoperability, and cooperation between federal, state, and local law enforcement agencies in Oregon and other localities where federal law enforcement personnel have been deployed in response to protests. Please provide the purpose for which any such MOUs were created, the scope of activities covered by such agreements, and under whose authority they are implemented.

⁸ @DHS_Wolf, Twitter.com, July 17, 2020, https://twitter.com/DHS_Wolf/status/1284081029683257344.


- Identify the agencies, departments, and units under DOJ or DHS authority that are reportedly being deployed to Chicago Please also identify any private contractors or entities that have been so deployed. Please include the number of personnel from each unit deployed.
- Identify the operational directive or mission as it relates to the deployment to Chicago. Identify how this mission deviates from the missions or directives under which each unit otherwise regularly operates. Identify any units which have the primary mission or directive of conducting investigations and describe their mission or directive as presently deployed.
- Have the deployed federal law enforcement personnel received any training related to crowd control, mass demonstration response, de-escalation, or other training relevant to assessing and interacting with citizens exercising First Amendment Rights? Please describe any such training. If no such training was provided, identify any department personnel who authorized the deployment of untrained law enforcement personnel to respond to protests and the basis for such decisions.
- Identify each and every state, locality, and facility to which additional federal law enforcement personnel have been deployed pursuant to the July 1 memorandum and the basis for such deployment.
- Identify and provide and any all document, memoranda, and electronic correspondence between the Departments of Justice and Homeland Security and state and local officials to whose jurisdiction federal law enforcement personnel have been deployed reflecting requests for federal assistance, coordinating federal assistance, or rejecting federal assistance.
- Identify the chain of command that agencies under the aegis of the Departments of Justice and Homeland Security are operating in every state and locality to which federal law enforcement personnel have been deployed pursuant to the July 1 memorandum.
- Identify and provide any and all standard operating procedures, rules of engagement, or specialized training that federal officers have received to facilitate the missions that they have been assigned pursuant to the July 1 memorandum.

We look forward to your prompt response.

Sincerely,



 Jamie Raskin
 Member of Congress



 Suzanne Bonamici
 Member of Congress



 Earl Blumenauer
 Member of Congress

s/ Carolyn B. Maloney
 Member of Congress

s/ Peter A. DeFazio
 Member of Congress

s/ Donald S. Beyer, Jr.
 Member of Congress

s/ Cedric L. Richmond
 Member of Congress

s/ David N. Cicilline
 Member of Congress

s/ Karen Bass
 Member of Congress

s/ Marcy Kaptur
Member of Congress

s/ Terri A. Sewell
Member of Congress

s/ Richard E. Neal
Member of Congress

s/ Jimmy Gomez
Member of Congress

s/ Jared Huffman
Member of Congress

s/ Frederica S. Wilson
Member of Congress

s/ Joaquin Castro
Member of Congress

s/ Brian Higgins
Member of Congress

s/ Wm. Lacy Clay
Member of Congress

s/ Chellie Pingree
Member of Congress

s/ Alexandria Ocasio-Cortez
Member of Congress

s/ Steve Cohen
Member of Congress

s/ Mike Thompson
Member of Congress

s/ Suzan K. DelBene
Member of Congress

s/ Eleanor Holmes Norton
Member of Congress

s/ James P. McGovern
Member of Congress

s/ Kathleen M. Rice
Member of Congress

s/ Madeleine Dean
Member of Congress

s/ Juan Vargas
Member of Congress

s/ Bonnie Watson Coleman
Member of Congress

s/ Ro Khanna
Member of Congress

s/ Anthony G. Brown
Member of Congress

s/ Bobby L. Rush
Member of Congress

s/ Brendan F. Boyle
Member of Congress

s/ Jesús G. “Chuy” Garcia
Member of Congress

s/ Jerry McNerney
Member of Congress

s/ Rashida Tlaib
Member of Congress

s/ Sylvia R. Garcia
Member of Congress

s/ Dina Titus
Member of Congress

s/ Ilhan Omar
Member of Congress

s/ Dwight Evans
Member of Congress

s/ Jan Schakowsky
Member of Congress

s/ David E. Price
Member of Congress

s/ Kathy Castor
Member of Congress

s/ Ted Deutch
Member of Congress

s/ Veronica Escobar
Member of Congress

s/ Donald M. Payne, Jr.
Member of Congress

s/ Debbie Mucarsel-Powell
Member of Congress

s/ Jim Cooper
Member of Congress

s/ Gerald E. Connolly
Member of Congress

s/ Bill Foster
Member of Congress

s/ Katherine Clark
Member of Congress

s/ Jim Himes
Member of Congress

s/ Pramila Jayapal
Member of Congress

s/ Joe Courtney
Member of Congress

s/ Anna G. Eshoo
Member of Congress

s/ Donna E. Shalala
Member of Congress

s/ Lizzie Fletcher
Member of Congress

s/ Mike Doyle
Member of Congress

s/ Raja Krishnamoorthi
Member of Congress

s/ Jimmy Panetta
Member of Congress

s/ Joe Neguse
Member of Congress

s/ Gregory W. Meeks
Member of Congress

s/ Alan Lowenthal
Member of Congress

s/ Mark Takano
Member of Congress

s/ Mike Quigley
Member of Congress

s/ Scott H. Peters
Member of Congress

s/ Adriano Espaillat
Member of Congress

s/ Joseph P. Kennedy, III
Member of Congress

s/ Tom Malinowski
Member of Congress

s/ Stephen F. Lynch
Member of Congress

s/ David Trone
Member of Congress

s/ Mary Gay Scanlon
Member of Congress

s/ Salud O. Carbajal
Member of Congress

s/ Frank Pallone, Jr.
Member of Congress

s/ Mark Pocan
Member of Congress

s/ Judy Chu
Member of Congress

s/ Grace Meng
Member of Congress

s/ Zoe Lofgren
Member of Congress

s/ Brenda L. Lawrence
Member of Congress

s/ John Yarmuth
Member of Congress

s/ Peter Welch
Member of Congress

s/ Bradley S. Schneider
Member of Congress

s/ Mike Levin
Member of Congress

s/ Henry C. "Hank" Johnson, Jr.
Member of Congress

s/ Doris Matsui
Member of Congress

s/ Nita M. Lowey
Member of Congress

s/ A. Donald McEachin
Member of Congress

s/ Angie Craig
Member of Congress

s/ Julia Brownley
Member of Congress

s/ Harley Rouda
Member of Congress

s/ Antonio Delgado
Member of Congress

s/ Alcee L. Hastings
Member of Congress

s/ Seth Moulton
Member of Congress

s/ G.K. Butterfield
Member of Congress

s/ C.A. Dutch Ruppersberger
Member of Congress

s/ Jackie Speier
Member of Congress

s/ Debbie Wasserman Schultz
Member of Congress

s/ Ayanna Pressley
Member of Congress

s/ Ed Perlmutter
Member of Congress

s/ Ted W. Lieu
Member of Congress

s/ John B. Larson
Member of Congress

s/ Adam Smith
Member of Congress

s/ Bill Pascrell, Jr.
Member of Congress

s/ Maxine Waters
Member of Congress

s/ Darren Soto
Member of Congress

s/ Jahana Hayes
Member of Congress

s/ Marcia L. Fudge
Member of Congress

s/ Abigail D. Spanberger
Member of Congress

s/ Raúl M. Grijalva
Member of Congress

s/ Andy Kim
Member of Congress

s/ Al Lawson
Member of Congress

s/ Mikie Sherrill
Member of Congress

s/ Ann Kirkpatrick
Member of Congress

s/ Linda T. Sánchez
Member of Congress

s/ Daniel T. Kildee
Member of Congress