

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<http://oversight.house.gov>

June 5, 2020

The Honorable William P. Barr
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

We are deeply disturbed by the sudden surge of unidentified federal law enforcement officers into the District of Columbia following the murder of George Floyd at the hands of police officers last week. As these federal forces amass a huge presence in the District of Columbia, we seek immediate information about the reasons behind their mobilization, the costs of their deployment, and why individual officers are hiding their affiliation and identifying information from public scrutiny.

The vast majority of protests in the District of Columbia have been peaceful. It appears that the massive influx of federal forces is intended to assert authoritarian power over the District of Columbia rather than to protect federal property, enforce federal law, or protect people exercising their First Amendment rights by protesting systemic racial inequalities within the U.S. criminal justice system.

Since President Trump appeared in the Rose Garden on June 1 and threatened to “dominate the streets” of America while simultaneously declaring himself a President of “law and order,” thousands of unidentified law enforcement officers have swarmed into the District of Columbia.¹ They appear to be coming from the Departments of Justice, Defense, Interior, and Homeland Security, including the National Guard, Federal Bureau of Investigation, Secret Service, Park Police, Bureau of Alcohol, Tobacco, and Firearms, Drug Enforcement Agency, Bureau of Prisons, U.S. Marshals Service, and Customs and Border Protection.²

Yesterday, you confirmed that President Trump asked the Department of Justice on Monday to lead and coordinate the federal law enforcement response in the District of

¹ The White House, *Statement by the President* (June 1, 2020) (online at www.whitehouse.gov/briefings-statements/statement-by-the-president-39/).

² Department of Justice, *Attorney General William P. Barr’s Statement on Protests in Washington, D.C.* (June 2, 2020) (online at www.justice.gov/opa/pr/attorney-general-william-p-barrs-statement-protests-washington-dc).

Columbia.³

The sudden surge of federal forces into Washington D.C. is deeply disconcerting and raises significant questions about President Trump's militarization of the response to demonstrators expressing their First Amendment rights. The images of heavily-clad security forces overlooking peaceful demonstrators in a national capital are more evocative of authoritarian regimes than the United States of America.

President Trump seems willing to go to extraordinary lengths, including through the massive mobilization of federal security forces and at the expense of Americans' civil liberties, to assert control over the District of Columbia.

Within a matter of hours of mobilizing the federal forces on June 1 to patrol the streets of the District of Columbia, these forces launched rubber bullets and chemical gas against peaceful protestors demonstrating in Lafayette Square merely so President Trump could stage a photo opportunity.⁴ Later that evening, National Guard helicopters performed low-flyover maneuvers over peaceful protestors in order to intimidate and disperse crowds.⁵

We are disturbed that many federal law enforcement officers roaming the streets of the District of Columbia are not wearing uniforms bearing insignia, donning nameplates or badge numbers, or responding to questions about their agency affiliations. The District of Columbia's laws require that Metropolitan Police Department "uniformed officers assigned to police First Amendment assemblies" must wear clearly visible names or badge numbers.⁶

Stripping law enforcement officers of identifying indicators makes them less accountable to oversight and more likely to intimidate or use excessive force against protestors. As the Department of Justice's Civil Rights Division affirmed in 2014, "Officers wearing name plates while in uniform is a basic component of transparency and accountability."⁷

We are also concerned that the Department of Justice reportedly has granted the Drug Enforcement Agency additional authorities under 21 U.S. Code § 878(a)(5) to conduct "covert surveillance" and "share intelligence with federal, state, local, and tribal counterparts."⁸

³ Department of Justice, *Attorney General Barr & DOJ Leadership Speak on Mr. George Floyd and Civil Unrest* (June 4, 2020) (online at www.justice.gov/opa/video/attorney-general-barr-doj-leadership-speak-mr-george-floyd-and-civil-unrest).

⁴ *Protesters Dispersed with Tear Gas So Trump Could Pose at Church*, New York Times (June 1, 2020) (online at www.nytimes.com/2020/06/01/us/politics/trump-st-johns-church-bible.html).

⁵ District of Columbia National Guard, *Commanding General Orders Investigation into Helicopter Usage* (June 3, 2020) (online at <https://dc.ng.mil/Public-Affairs/News-Release/Article/2206033/commanding-general-orders-investigation-into-helicopter-usage/>).

⁶ D.C. Code § 5-331.09.

⁷ *Police Behavior in Ferguson Draws Attention of Justice Department*, New York Times (Sept. 26, 2014) (online at www.nytimes.com/2014/09/27/us/ferguson-missouri.html).

⁸ *The DEA Has Been Given Permission to Investigate People Protesting George Floyd's Death*, BuzzFeed

The events of the past week demonstrate why the District of Columbia must be granted statehood. On Thursday, in a letter to President Trump, District of Columbia Mayor Muriel Bowser warned that this week's actions by the federal government upend the District's "finely wrought system of coordination with federal partners," and the "multiplicity of forces can breed dangerous confusion." According to Mayor Bowser:

The deployment of federal law enforcement personnel and equipment are inflaming demonstrators and adding to the grievances of those who, by and large, are peacefully protesting for change and for reforms to the racist and broken systems that are killing Black Americans.⁹

It is unacceptable that the Mayor of the District of Columbia does not direct the District's own national guard, while the Metropolitan Police Department can be federalized by the President at his or her discretion. Earlier this year, the Committee on Oversight and Reform passed the Washington, D.C. Admission Act, which would grant statehood to the District of Columbia.¹⁰ The citizens of the District of Columbia deserve equal political rights, which can be achieved only by granting statehood to the District of Columbia.

For all of these reasons, please provide the following documents and information by June 10, 2020:

1. A complete list of departments and agencies that have been activated since June 1 to enforce federal law in the District of Columbia;
2. For each department or agency listed above, the number of law enforcement officers deployed or assigned;
3. The overall mission of the federal law enforcement response in the District of Columbia, as well as objectives or missions specific to each department or agency;
4. The legal authority or authorities under which federal law enforcement officers are permitted to protect non-federal property in the District of Columbia;
5. For national guard units that have been deployed to the District of Columbia, please provide:
 - a. A complete list of state national guard units that have been deployed;

(June 3, 2020) (online at www.buzzfeednews.com/article/jasonleopold/george-floyd-police-brutality-protests-government).

⁹ Letter from District of Columbia Mayor Muriel Bowser to President Donald J. Trump (June 4, 2020) (online at <https://twitter.com/MayorBowser/status/1268895206713307138>).

¹⁰ *Norton's D.C. Statehood Bill Passes Committee, Heads to the House Floor*, Congresswoman Eleanor Holmes Norton (Feb. 11, 2020) (online at <https://norton.house.gov/media-center/press-releases/norton-s-dc-statehood-bill-passes-committee-heads-to-the-house-floor>).

- b. The number of national guardsmen from each state; and
 - c. The statutory authority or authorities under which these national guardsmen are legally permitted to deploy to the District of Columbia; and
6. A command-and-control hierarchy for the leadership and operationalization of federal law enforcement officers in the District of Columbia;
 7. The estimated total cost, by department or agency, since May 25, 2020, of mobilizing the federal law enforcement response in the District of Columbia;
 8. All rules of engagement provided to federal law enforcement officers for responding to civil unrest in the District of Columbia;
 9. All lethal and non-lethal weapons, crowd control measures, or equipment, authorized for use by federal law enforcement officers in the District of Columbia;
 10. All guidance provided to federal forces regarding the displaying of insignia identification of agency affiliation; and
 11. A timeline for the exit of federal law enforcement officers from the District of Columbia.

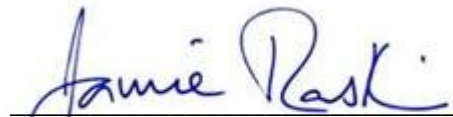
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives with broad authority to investigate “any matter” at “any time” under House Rule X.

An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Subcommittee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties

The Honorable William P. Barr

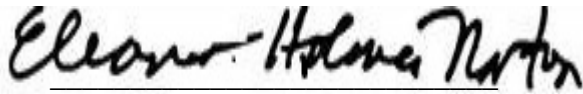
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Stephen F. Lynch
Chairman
Subcommittee on National Security



Gerald E. Connolly
Chairman
Subcommittee on Government
Operations



Eleanor Holmes Norton
Member of Congress
Committee on Oversight and Reform

Enclosure

cc: The Honorable Jim Jordan, Ranking Member
Committee on Oversight and Reform

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security

The Honorable Jody Hice, Ranking Member
Subcommittee on Government Operations

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.