

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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January 31, 2019

The Honorable Rod Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

Dear Deputy Attorney General Rosenstein and Director Wray:

We have questions about the tactics used to apprehend Roger Stone last week. Early on the morning of January 25, 2019, a FBI tactical assault team arrested Roger Stone at his home in South Florida.¹ Numerous FBI agents with automatic rifles and full tactical assault gear conducted the arrest.² Stone had suspected his indictment was looming, and made no effort to elude authorities—in fact, Stone has said he would have voluntarily surrendered.³ These raids are dangerous, and they pose serious risks to the officers, the arrestee and his family, and the community.⁴

¹ Deanna Paul, 'FBI! Open the door!': The tactics behind the armed agents at Roger Stone's home, WASH. POST (Jan. 25, 2019), https://www.washingtonpost.com/nation/2019/01/25/fbi-open-door-tactics-behind-armed-agents-roger-stones-home/?utm_term=.90abf93f8b0e.

² *Id.*

³ The Hill (@thehill), Twitter, (Jan. 28, 2019, 11:01 PM), <https://twitter.com/thehill/status/1090142751184818177>.

⁴ See David A. Klinger & Jeff Rojek, *A Multi-method Study of Special Weapons and Tactics Teams: Executive Summary*, Ntn'l Criminal Justice Reference Serv., 14 (Aug. 2008), <https://www.ncjrs.gov/pdffiles1/nij/grants/223855.pdf> ('It is simply unacceptable that SWAT officers have the number of unintentional discharges of firearms...'); Ryan Callihan, *Florida SWAT team raids 'known drug house.' They injured a 2-year-old in the process*, BRADENTON HERALD (June 1, 2018), <https://www.bradenton.com/latest-news/article212366724.html>; *Ga. Toddler hurt in SWAT raid when flash-bang lands in crib*, AP (May 30, 2014), <https://www.policeone.com/officer-misconduct-internal-affairs/articles/7242821-Ga-toddler-hurt-in-SWAT-raid-when-flash-bang-lands-in-crib/>; *Feature: Children and Swat Raids: An Unintended Consequence*, WORCESTER MAGAZINE (Mar. 1, 2018), <https://www.worcestermag.com/2018/03/01/feature-children-swat-raids-unintended-consequence>.

According to the National Tactical Officers Association, tactical officers should be used to “resolve critical incidents involving a threat to public safety which would otherwise exceed the capabilities of traditional law enforcement first responders and/or investigative units.”⁵ Tactical units differ from traditional law enforcement efforts: “[t]he primary characteristic of such teams that distinguishes them from other units is the focus of effort.”⁶

Given Stone’s advanced age and the nature of charges against him, as well as his statement that he would have surrendered voluntarily, it is unsettling that the Justice Department chose to use agents in full tactical assault gear to arrest Stone. In addition, the presence and proximity of television news cameras during Stone’s arrest raise questions about whether any Justice Department or FBI personnel alerted the media about Stone’s imminent arrest. The Department of Justice Office of Inspector General has been reviewing a series of unauthorized disclosures to news organizations from the Comey era.⁷

We request a briefing about the Department’s tactics used to apprehend Stone, and the approval process for the use of those tactics. We also seek to learn whether any Department personnel disclosed law enforcement sensitive or grand jury information regarding Stone’s arrest to CNN. Please be prepared to brief us on the following issues:

1. Identify the senior-most Department official who specifically authorized the raid.
2. The Department’s and FBI’s protocols and standards in determining whether a tactical unit is needed to execute an arrest.
3. The Department’s and FBI’s decision-making process in approving the use of a tactical unit to arrest Roger Stone on January 25, 2019, including the timeline of this decision-making process.

⁵ TACTICAL RESPONSE AND OPERATIONS STANDARD FOR LAW ENFORCEMENT AGENCIES, NATIONAL TACTICAL OFFICERS ASSOCIATION, 12 (April 2018), <http://ntoa.org/pdf/swatstandards.pdf>.

⁶ *Id.*

⁷ INSPECTOR GEN., DEP’T OF JUSTICE, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election* (2018) 430 (“...although FBI policy strictly limits the employees who are authorized to speak to the media, we found that this policy appeared to be widely ignored during the period we reviewed. We identified numerous FBI employees, at all levels of the organization and with no official reason to be in contact with the media, who were nevertheless in frequent contact with reporters. The large number of FBI employees who were in contact with journalists during this time period impacted our ability to identify the sources of leaks. For example, during the periods we reviewed, we identified dozens of FBI employees that had contact with members of the media.”); see INSPECTOR GEN., DEP’T OF JUSTICE, *A Report of Investigation of Certain Allegations Relating to Former FBI Deputy Director Andrew McCabe* (2018); Erik Ortiz and Dafna Linzer, *Who is Daniel Richman, the Columbia Professor Who Leaked Comey’s Trump Memo?* NBC NEWS (June 8, 2017), <https://www.nbcnews.com/politics/politics-news/who-daniel-richman-columbia-professor-who-leaked-comey-s-private-n769846>; see also Letter from Michael E. Horowitz, Inspector General, Dep’t of Justice, to Trey Gowdy, Chairman, H. Comm. on Oversight & Gov’t Reform (Inspector General provided a report to then-Chairman Gowdy on FBI personnel who accepted gifts from the media).

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4. Information relating to the decision to notify new organizations of the impending arrest, and the steps taken by the Department and FBI to date to determine whether Department personnel violated any rules or guidelines in doing so.
5. Whether any Department personnel disclosed grand jury information to anyone outside of the Department and FBI in relation to the arrest of Roger Stone?

We look forward to your briefing as soon as possible but no later than 5:00 p.m. on February 15, 2019. Thank you for your attention to this important matter.

Sincerely,



Jim Jordan
Ranking Member



Mark Meadows
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Elijah E. Cummings, Chairman, Committee on Oversight and Reform
The Honorable Doug Collins, Ranking Member, Committee on the Judiciary
The Honorable Devin Nunes, Ranking Member, Permanent Select Committee on Intelligence