

United States Senate

July 29, 2020

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530-001

The Honorable Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Attorney General Barr and Acting Secretary Wolf:

On June 5, 2020, several Senators requested information about the federal response to protests across the nation in the wake of the police killing of George Floyd. We have yet to receive a response to that request.

There are now disturbing reports that unidentified federal agents are using excessive force against protesters and members of the press in Portland, Oregon. First-hand accounts, corroborated by video evidence, also indicate that peaceful protesters have been detained without cause or explanation. Agents shot one man in the head with a “less-lethal” weapon, fracturing his skull and requiring facial reconstructive surgery. A reporter who identified himself as a member of the press alleges he was shot ten times in the back while fleeing from federal agents, and another reporter claims he witnessed federal agents chase after legal observers from the National Lawyers Guild with “truncheons swinging.” Additionally, media reports indicate that DHS may be collecting information on and monitoring Americans it believes pose a threat to statues or monuments—even those not on federal property or owned by the federal government.

The governor of Oregon and the mayor of Portland have repeatedly asked you to withdraw federal forces in light of these tactics, yet you insist on keeping them there, inflaming tensions in the city. Now, the President is apparently deploying a separate task force coordinated by the Department of Justice to other American cities without a clear objective or the prior permission of these cities’ elected leaders. For example, last week, Acting Secretary Wolf gave repeated assurances to Washington state elected leaders that no additional DHS personnel would be sent to Washington state, and then, on that very same day, a plane with DHS personnel landed near Seattle.

Senators previously asked you to provide, for each of your agencies, an accounting of the forces you have deployed against peaceful protests. Specifically, you were asked:

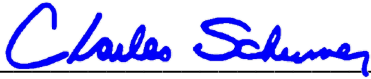
- What forces have DOJ and DHS deployed?
- Where have DOJ and DHS deployed those forces?
- What additional or extraordinary authorities have DOJ and DHS given these forces?
- How are DOJ and DHS ensuring that these forces are respecting protesters' legal rights?

In addition to providing this information, please also explain the authorities, procedures, and rules governing the use of force, identification of personnel, and detention and questioning of civilians by your personnel; the training provided to your personnel on these authorities, procedures, and rules; and what you are doing to ensure your personnel's compliance in the field, including how violators will be held accountable. In particular, we would like to understand what intelligence personnel are being deployed and what domestic collection, analysis, and dissemination activities they are undertaking, especially with respect to non-federal crimes and activities that do not threaten violence against persons or federal property. Finally, please explain any plans for current or future deployments of federal personnel to other cities, describing, for each city, the number of personnel contemplated, their expected mission and duration of deployment, and what steps have been taken to ensure these personnel support state and local law enforcement rather than attempt to supplant them.

Administration officials have claimed that federal forces are necessary to protect federal property in Portland. But this does not justify the use of excessive force or the detention of protestors without probable cause by agents who refuse to identify themselves. These tactics are not consistent with our Constitution or the rule of law. We therefore demand that you remove these forces from Portland, as has been requested by state and local officials. We also urge you to coordinate closely in advance with state and local officials and honor their requests and denials related to deployment of DHS, DOJ or other federal law enforcement personnel in their jurisdictions.

Thank you for your prompt attention to this urgent matter.

Sincerely,

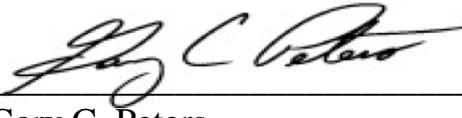


Charles E. Schumer
United States Senator

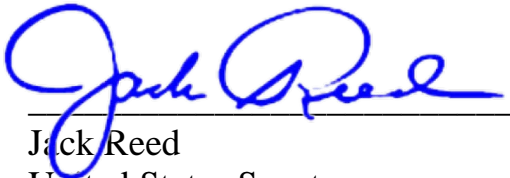


Dianne Feinstein
United States Senator

Richard J. Durbin
United States Senator



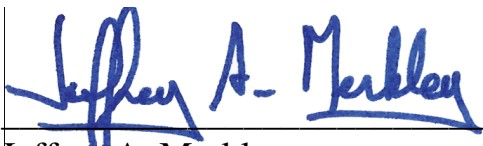
Gary C. Peters
United States Senator



Jack Reed
United States Senator



Mark R. Warner
United States Senator



Jeffrey A. Merkley
United States Senator



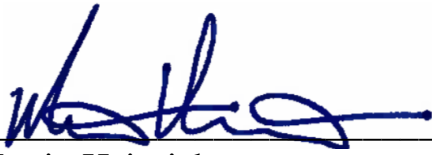
Ron Wyden
United States Senator



Patty Murray
United States Senator



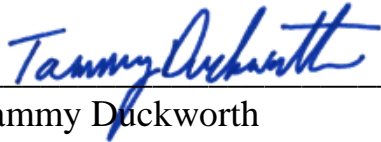
Debbie Stabenow
United States Senator



Martin Heinrich
United States Senator



Tom Udall
United States Senator



Tammy Duckworth
United States Senator



Sherrod Brown
United States Senator



Maria Cantwell
United States Senator