

**From:** "Elieson, Dayle" (b)(6), (b)(7)(C) per DEA

**To:** "Weinsheimer, Bradley (ODAG) (JMD)" <(b) (6)>

**Cc:** "Thiemann, Robyn L" (b)(6), (b)(7)(C) per DEA, "Auerbach, Gerald (USMS)"  
<(b) (6)> "Liskamm, Amanda N. (ODAG) (JMD)"  
<(b) (6)>

**Subject:** DEA request for non-Title 21 authority for Albuquerque this weekend

**Date:** Thu, 30 Jul 2020 20:45:11 +0000

**Importance:** Normal

**Attachments:** DEA\_Non-T21\_Authority\_Request\_2020\_July\_30.pdf

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Brad,

Attached is a request from DEA for a grant of additional authority to respond to a request from USMS in Albuquerque, NM. There is a protest planned for Friday night at the federal courthouse in Albuquerque, and assistance from federal partners is requested. Additional authority is requested from July 31, 2020, through August 2, 2020.

Please let us know if you have questions or concerns.

Thanks,

Dayle

(b)(6), (b)(7)(C) per DEA

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**From:** "Weinsheimer, Bradley (ODAG)" <(b) (6)>  
**To:** "Elieson, Dayle" (b)(6), (b)(7)(C) per DEA  
**Cc:** "Thiemann, Robyn L" (b)(6), (b)(7)(C) per DEA, "Auerbach, Gerald (USMS)"  
<(b) (6)> "Liskamm, Amanda N. (ODAG)"  
<(b) (6)> "Blue, Matthew (ODAG)" <(b) (6)>  
"Creegan, Erin (ODAG)" <(b) (6)>

**Subject:** RE: DEA request for non-Title 21 authority for Albuquerque this weekend

**Date:** Thu, 30 Jul 2020 21:11:01 +0000

**Importance:** Normal

**Attachments:** DEA\_Non-T21\_Authority\_Request\_2020\_July\_30.pdf

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Approved. Thanks, Brad.

Brad Weinsheimer  
Associate Deputy Attorney General  
Office: (b) (6)  
Cell: (b) (6)  
(b) (6)

---

**From:** Elieson, Dayle (b)(6), (b)(7)(C) per DEA  
**Sent:** Thursday, July 30, 2020 4:45 PM  
**To:** Weinsheimer, Bradley (ODAG) <(b) (6)>  
**Cc:** Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA ; Auerbach, Gerald (USMS) <(b) (6)>  
Liskamm, Amanda N. (ODAG) <(b) (6)>  
**Subject:** DEA request for non-Title 21 authority for Albuquerque this weekend

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000085



U. S. Department of Justice  
Drug Enforcement Administration

www.dea.gov

July 30, 2020

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Timothy J. Shea  
Acting Administrator

SUBJECT: Drug Enforcement Administration (DEA) Request for Temporary Designation of Non-Title 21 Authority Pursuant to 21 U.S.C. § 878(a)(5)

PURPOSE: Approval of Temporary Designation of Non-Title 21 Law Enforcement Authority

TIME TABLE: Immediate

SYNOPSIS: The United States Marshal for the District of New Mexico (USMS) is preparing for a planned protest scheduled for 6:00 p.m. MDT on Friday, July 31, 2020, at the United States Courthouse in Albuquerque, New Mexico. In light of recent violent protests at federal properties on the West Coast, the USMS has requested DEA support, in the form of Special Agents, (b)(7)(E) per USMS [REDACTED]. Because the requested support involves enforcing federal criminal laws not related to drugs, DEA requires a grant of additional authority under 21 U.S.C. § 878(a)(5) in order to provide the requested assistance.

DISCUSSION: In preparation for a planned protest on Friday, July 31, 2020, at the U.S. Courthouse in Albuquerque, New Mexico, the USMS has requested that DEA provide Special Agents to assist the USMS in (b)(7)(E) per USMS [REDACTED]. The El Paso Division would commit (b)(7)(E) per DEA [REDACTED] DEA Special Agents from the (b)(7)(E) per DEA [REDACTED] to assist the USMS. DEA personnel (b)(7)(E) per USMS [REDACTED]. They will be clearly identified as Federal Agents.

The USMS, Federal Protective Service, and FBIS WAT will have primary responsibility for responding (b)(7)(E) per USMS [REDACTED]. The Bernalillo County Sheriff's Office and the Albuquerque Police Department will respond to all external physical threats to the building. DEA will not have responsibility for "first line" interaction with any protesters; however, all (b)(7)(E) per [REDACTED] agents who would assist have completed the USMS tactical training course.

DEA investigative authority, as set forth in 28 C.F.R. § 0.100 and in the Controlled Substances Act, is limited to enforcing federal crimes related to drugs. The protection of the U.S courthouse in

Albuquerque does not fall within the investigative authority granted to DEA. Accordingly, DEA requests authority to perform any and all federal law enforcement duties, including enforcing federal criminal laws not related to drugs, as may become necessary to assist the USMS in protecting this federal property in this specific city this weekend. This authority is requested for Friday, July 31, 2020, through Sunday, August 2, 2020.

AUTHORITY: The Attorney General has the authority to assign non-Title 21 enforcement duties to the DEA under 21 U.S.C. § 878(a)(5), which provides, in pertinent part, that the Attorney General may authorize any officer or employee of the DEA to “perform such other law enforcement duties as the Attorney General may designate.” This authority has been delegated to the Deputy Attorney General by 28 CFR § 0.15.

RECOMMENDATION: I hereby certify that this temporary delegation of non-Title 21 law enforcement authority is necessary for the conduct of the activity to which it relates and that the activity is necessary for the public safety and welfare. Therefore, your authorization and approval of the described operation is requested.

APPROVE: GERARD WEINSHEIMER Digitally signed by GERARD WEINSHEIMER  
Date: 2020.07.30  
17:09:21 -04'00'

Concurring Components  
USMS

DISAPPROVE: \_\_\_\_\_

Non-concurring Components  
None

OTHER: \_\_\_\_\_

DATE: \_\_\_\_\_

**From:** "Elieson, Dayle" (b)(6), (b)(7)(C) per DEA

**To:** "Weinsheimer, Bradley (ODAG) (JMD)" <(b) (6)>

**Subject:** RE: DEA request for non-Title 21 authority for Albuquerque this weekend

**Date:** Thu, 30 Jul 2020 21:15:49 +0000

**Importance:** Normal

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Thanks for the quick review and response. Hope you're well.

NOTICE: This communication (including any attachments) may contain confidential information, privileged material (including material protected as attorney work product or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

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**From:** Weinsheimer, Bradley (ODAG) (JMD) <(b) (6)>

**Sent:** Thursday, July 30, 2020 5:11 PM

**To:** Elieson, Dayle (b)(6), (b)(7)(C) per DEA

**Cc:** Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA ; Auerbach, Gerald (USMS) <(b) (6)>

Liskamm, Amanda N. (ODAG) (JMD) <(b) (6)> Blue, Matthew (ODAG) (JMD)

<(b) (6)> Creegan, Erin (ODAG) (JMD) <(b) (6)>

**Subject:** RE: DEA request for non-Title 21 authority for Albuquerque this weekend

Duplicative Material, 23-cv-1207\_20-01806\_000086

**From:** "Elieson, Dayle" (b)(6), (b)(7)(C) per DEA

**To:** "Weinsheimer, Bradley (ODAG) (JMD)" <(b) (6)>

**Subject:** RE: DEA request for non-Title 21 authority for Albuquerque this weekend

**Date:** Thu, 30 Jul 2020 21:18:18 +0000

**Importance:** Normal

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We're trying to get better at this. But we'd be OK if we never asked again, too.

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**From:** Weinsheimer, Bradley (ODAG) (JMD) <(b) (6)>

**Sent:** Thursday, July 30, 2020 5:16 PM

**To:** Elieson, Dayle (b)(6), (b)(7)(C) per DEA

**Subject:** FW: DEA request for non-Title 21 authority for Albuquerque this weekend

By the way, I appreciate the specific detail in the justification. Thanks, Brad.

---

**From:** Weinsheimer, Bradley (ODAG)

**Sent:** Thursday, July 30, 2020 5:11 PM

**To:** Elieson, Dayle (b)(6), (b)(7)(C) per DEA

**Cc:** Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA ; Auerbach, Gerald (USMS) (b) (6)

Liskamm, Amanda N. (ODAG) (b) (6) ; Blue, Matthew (ODAG) (b) (6)

Creegan, Erin (ODAG) (b) (6)

**Subject:** RE: DEA request for non-Title 21 authority for Albuquerque this weekend

Duplicative Material, 23-cv-1207\_20-01806\_000086

**From:** "Weinsheimer, Bradley (ODAG)" <(b) (6)>

**To:** "Gamble, Nathaniel (ODAG)" <(b) (6)>

**Subject:** FW: DEA request for non-Title 21 authority for Albuquerque this weekend

**Date:** Thu, 30 Jul 2020 21:30:25 -0000

**Importance:** Normal

**Attachments:** DEA\_Non-T21\_Authority\_Request\_2020\_July\_30.pdf

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Here is the DEA request approval. Thanks, Brad.

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**From:** Weinsheimer, Bradley (ODAG)

**Sent:** Thursday, July 30, 2020 5:11 PM

**To:** Elieson, Dayle (b)(6), (b)(7)(C) per DEA

**Cc:** Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA; Auerbach, Gerald (USMS) <(b) (6)>

Liskamm, Amanda N. (ODAG) <(b) (6)>

Blue, Matthew (ODAG) <(b) (6)>

Creegan, Erin (ODAG) <(b) (6)>

**Subject:** RE: DEA request for non-Title 21 authority for Albuquerque this weekend

Duplicative Material, Duplicative Material, 23-cv-1207\_20-01806\_000086

**From:** "Blue, Matthew (ODAG)" <(b) (6)>

**To:** "Delaplane, Camellia Assefi (OAG)" <(b) (6)>

**Subject:** Docs

**Date:** Tue, 21 Jul 2020 18:28:39 -0000

**Importance:** Normal

**Attachments:** 20\_July\_DOJ\_exec\_summ.pdf; 20\_July\_Briefing\_1-Pager.docx; 20\_July\_Briefing\_Attachments.pdf; Y-Federal\_Law\_Enforcement\_Involvement\_in\_Civil\_Unrest.docx; 19\_July\_DOJ\_exec\_summ.pdf; 19\_July\_Briefing\_1-Pager.docx; 19\_July\_Briefing\_Attachments.pdf; 18\_July\_DOJ\_exec\_summ.pdf; 18\_July\_Briefing\_1-Pager.docx; 18\_July\_Briefing\_Attachments.pdf; 17\_July\_DOJ\_exec\_summ.pdf; 17\_July\_Briefing\_1-Pager.docx; 17\_July\_Briefing\_Attachments.pdf; 16\_July\_DOJ\_exec\_summ.pdf; 16\_July\_Briefing\_1-Pager.docx; 16\_July\_Briefing\_Attachments.pdf; 15\_July\_DOJ\_exec\_summ.pdf; 15\_July\_Briefing\_1-Pager.docx; 15\_July\_Briefing\_Attachments.pdf; 7.15.20\_social\_media\_of\_federal\_courthouse\_damage.pdf; 14\_July\_DOJ\_exec\_summ.pdf; 14\_July\_Briefing\_1-Pager.docx; 14\_July\_Briefing\_Attachments.pdf; 13\_July\_DOJ\_exec\_summ.pdf; 13\_July\_Briefing\_1-Pager.docx; 13\_July\_Briefing\_Attachments.pdf; 12\_July\_DOJ\_exec\_summ.pdf; 12\_July\_Briefing\_1-Pager.docx; 12\_July\_Briefing\_Attachments.pdf; 11\_July\_DOJ\_exec\_summ.pdf; 11\_July\_Briefing\_1-Pager.docx; 11\_July\_Briefing\_Attachments.pdf; 10\_July\_Briefing\_1-Pager.docx; 10\_July\_DOJ\_exec\_summ.pdf; 10\_July\_Briefing\_Attachments.pdf; 9\_July\_Briefing\_Attachments.pdf; 9\_July\_DOJ\_exec\_summ.pdf; 9\_July\_Briefing\_1-Pager.docx; 8\_July\_DOJ\_exec\_summ.pdf; 8\_July\_Briefing\_1-Pager.docx; 8\_July\_Briefing\_Attachments.pdf; 7\_July\_DOJ\_exec\_summ.pdf; 7\_July\_Briefing\_1-Pager.docx; 7\_July\_Briefing\_Attachments.pdf; 6\_July\_DOJ\_exec\_summ.pdf; 6\_July\_Briefing\_Attachments.pdf; 5\_July\_Briefing\_1-Pager.docx; Civil\_Unrest\_one-pager\_v.3.docx; 5\_July\_DOJ\_exec\_summ.pdf; 4\_July\_DOJ\_exec\_summ.pdf; 4\_July\_Briefing\_1-Pager.docx; 3\_July\_DOJ\_exec\_summ.pdf; 3\_July\_Briefing\_1-Pager.docx; 2\_July\_DOJ\_exec\_summ.pdf; 2\_July\_Briefing\_1-Pager.docx; 1\_July\_DOJ\_exec\_summ.pdf; 1\_July\_Briefing\_1-Pager.docx; 30\_June\_Briefing\_Attachments.pdf; 30\_June\_DOJ\_exec\_summ.pdf; 30\_June\_Briefing\_1-Pager.docx; 29\_June\_DOJ\_exec\_summ.pdf; 29\_June\_Briefing\_1-Pager.docx; 28\_June\_DOJ\_exec\_summ.pdf; 28\_June\_Briefing\_1-Pager.docx; 27\_June\_DOJ\_exec\_summ.pdf; 27\_June\_Briefing\_1-Pager.docx

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Camellia,

Great to get to work with you again!! Attaching some documents (many of which you will recognize), in anticipation of our call later today.

Best,

Matt

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

(b) (6)



**From:** "McKay, Shirley A (OLA)" <(b) (6)>  
**To:** "Greer, Megan L. (OLA)" <(b) (6)>  
**Cc:** "Escalona, Prim F. (OLA)" <(b) (6)> "Pings, Anne (OLA)"  
<(b) (6)> "Goldschmidt, Lauren (OLA)" <(b) (6)>  
"Stephens, Taylor (OLA)" <(b) (6)>

**Subject:** OLA# 4423469 / ES# 4422124 - Honorable Ted W. Lieu re DEA surveilling protesters

**Date:** Fri, 19 Jun 2020 10:00:46 +0000

**Importance:** High

**Attachments:** 4423469.OLA.ctrl.sheet.pdf; 4422124.incoming.pdf; 4422124.assignment.email.html;  
4422124.ES.ctrl.sheet.pdf

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Hi Megan

The attached inquiry has been assigned to you for appropriate handling.

**From:** DOJ Correspondence (SMO) <(b) (6)>  
**Sent:** Friday, June 12, 2020 1:29:42 PM  
**To:** DOJExecSec (JMD)  
**CC:** Tolson, Kimberly G (JMD); Greer, Megan L. (OLA); Stephens, Taylor (OLA); Thorley, Charles A. (OLA); Pings, Anne (OLA); Goldschmidt, Lauren (OLA); Kueter, Dean (OLA)  
**Subject:** FW: Letter from Members of Congress to Attorney General- EXPEDITE - TIME SENSITIVE re surveilling protesters

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Pls log & assign to OLA for appropriate handling. OLA/PDAAG (Escalona) & OLA (Greer), POCs. **Note: resp is requested by Friday, 6/26/2020.** Thanks.

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**From:** Chernin, Michael <(b) (6)>  
**Sent:** Wednesday, June 10, 2020 2:55 PM  
**To:** DOJ Correspondence (SMO) <(b) (6)>  
**Cc:** Jacobson, Corey <(b) (6)>  
**Subject:** Letter from Members of Congress to Attorney General

Hello,

This is Michael with Congressman Ted Lieu's office. Attached, please find a letter from Congressman Lieu and several Members of Congress to the Attorney General. Could you please ensure AG Barr sees this?

Thank you for your assistance.

Best,  
Michael

**Michael Chernin** | Legislative Assistant  
Office of Congressman Ted W. Lieu (CA-33)  
403 Cannon House Office Building  
Washington, D.C. 20515  
O: (b) (6) | lieu.house.gov

**From:** "McKay, Shirley A (OLA)" <(b) (6)>  
**To:** "Escalona, Prim F. (OLA)" <(b) (6)>  
**Cc:** "Greer, Megan L. (OLA)" <(b) (6)> "Pings, Anne (OLA)"  
<(b) (6)> "Goldschmidt, Lauren (OLA)" <(b) (6)>  
"Stephens, Taylor (OLA)" <(b) (6)>

**Subject:** OLA# 4423464 / ES# 4420900 - Honorable Andy Levin re DEA granted authority to conduct warrantless surveillance

**Date:** Fri, 19 Jun 2020 09:12:31 +0000

**Importance:** High

**Attachments:** 4423464.OLA.ctrl.sheet.pdf; 4420900.incoming.pdf; 4420900.assignment.email.html; 4420900.ES.ctrl.sheet.pdf

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Hi Prim

The attached inquiry has been assigned to you for appropriate handling.

**Congress of the United States**  
**Washington, DC 20515**

June 8, 2020

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

Dear Attorney General Barr:

We are gravely concerned by reports that the Drug Enforcement Administration (DEA) has been granted authority to conduct warrantless surveillance of Americans protesting in support of racial justice and an end to police brutality.<sup>1</sup> We write to ask that the Department of Justice immediately rescind this authority and ensure that DEA activities do not exceed the scope of authority granted to the agency by Congress.

Thousands of Americans have engaged in protests following the May 25, 2020 police killing of George Floyd. According to a Justice Department memo, on May 31, the Department approved a request from acting DEA Administrator Timothy J. Shea for authority to perform the following activities in response to these protests:

“(1) conduct covert surveillance and protect against threats to public safety; (2) share intelligence with federal, state, local, and tribal counterparts; (3) if necessary, intervene as Federal law enforcement officers to protect both participants and spectators in the protests; and (4) if necessary, engage in investigative and enforcement activity including, but not limited to, conducting interviews, conducting searches and making arrests for violations of Federal law.”<sup>2</sup>

DEA’s stated intention to “conduct covert surveillance” is extremely distressing. First, the memo fails to describe or place any guardrails around such surveillance, thus opening the door to sweeping, warrantless surveillance activities inconsistent with the preservation of civil liberties. The use of the term “covert” suggests that DEA’s actions will not be apparent to the public and could encroach upon activities wherein Americans have a reasonable expectation of privacy. It is also critical to note that Americans engaged in protests are protected by the First Amendment, and that exercising the constitutionally protected right to free speech is not evidence of a crime or intent to commit a crime. This surveillance will unquestionably have a chilling effect on Americans’ exercise of their First Amendment rights and could constitute an unconstitutional violation of their civil liberties.

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<sup>1</sup> [Leopold, Jason and Cormier, Anthony. “The DEA Has Been Given Permission To Investigate People Protesting George Floyd’s Death.” \*BuzzFeed News\*. June 2, 2020.](#)

<sup>2</sup> [Memorandum for the Deputy Attorney General from Timothy J. Shea, Acting Administrator, Drug Enforcement Administration \(Obtained by \*BuzzFeed News\*\).](#)

DEA's history with respect to surveillance renders this new authority all the more troubling. In 2013, *Reuters* reported that DEA was "funneling information from intelligence intercepts, wiretaps, informants and a massive database of telephone records to authorities across the nation to help them launch criminal investigations of Americans."<sup>3</sup> This report also revealed that DEA agents were "directed to conceal how such investigations truly begin - not only from defense lawyers but also sometimes from prosecutors and judges... federal agents are trained to "recreate" the investigative trail to effectively cover up where the information originated, a practice that some experts say violates a defendant's Constitutional right to a fair trial."<sup>4</sup> A 2018 report by Human Rights Watch also described several troubling surveillance tactics employed by DEA. One example detailed the case of *United States v. Grobstein* wherein "defense attorneys alleged that a DEA agent secretly (and unlawfully) searched luggage left on a long-distance bus during a layover, then—after the passengers had re-boarded—approached the defendant seeking consent to search his bag."<sup>5</sup>

These examples indicate that DEA has engaged in surveillance practices in the past that were, at best, questionable and, at worst, illegal.

Finally, we are concerned by the Department's expansive interpretation of the law governing DEA authorities. The memo acknowledges that the scope of DEA's mission is statutorily "limited to enforcing Federal crimes related to drugs," but states that "the Attorney General is authorized to designate DEA to perform other law enforcement duties as he may deem appropriate."<sup>6</sup> The Comprehensive Drug Abuse Prevention and Control Act of 1970 does authorize DEA agents to "perform such other law enforcement duties as the Attorney General may designate."<sup>7</sup> However, this provision was long understood to refer exclusively to law enforcement activities related to drug laws; in 1988, the Department of Justice Office of Legal Counsel determined that the provision "pertains to general law enforcement work which, while not limited to the investigation of the drug laws, nevertheless arises from or is supplementary to it."<sup>8</sup> The Office of Legal Counsel reversed that determination in 2003, alleging that there is "no warrant for restricting the provision to the investigation of offenses connected with narcotics cases" and that the legislative history of the law supports its expansive view.<sup>9</sup> We are disturbed by the Department's decision to grant such broad and extensive authority to DEA based on a provision about which there is not absolute clarity.

To protest is to partake in a great American tradition dating back beyond our country's founding, to the struggle that led to its creation. We strongly oppose any action that infringes

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<sup>3</sup> [Shiffman, John and Cooke, Kristina. "Exclusive: U.S. directs agents to cover up program used to investigate Americans." \*Reuters\*. August 5, 2013.](#)

<sup>4</sup> *Ibid.*

<sup>5</sup> ["Dark Side: Secret Origins of Evidence in US Criminal Cases." \*Human Rights Watch\*. January 9, 2018.](#)

<sup>6</sup> [Memorandum for the Deputy Attorney General from Timothy J. Shea, Acting Administrator, Drug Enforcement Administration \(Obtained by \*BuzzFeed News\*\).](#)

<sup>7</sup> [21 U.S. Code § 878. Powers of enforcement personnel.](#)

<sup>8</sup> ["Scope of the Attorney General's Authority to Assign Duties Under 21 U.S.C. § 878\(a\)\(5\)." Memorandum Opinion for the Deputy Attorney General from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel. March 24, 2003.](#)

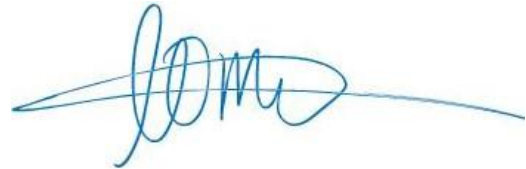
<sup>9</sup> *Ibid.*

upon Americans' constitutional right to engage in protests and urge the Department to rescind immediately the sweeping authorities it has granted to DEA.

Sincerely,

Handwritten signature of Andy Levin in blue ink.

ANDY LEVIN  
Member of Congress

Handwritten signature of Ilhan Omar in blue ink.

ILHAN OMAR  
Member of Congress

Handwritten signature of Jamie Raskin in blue ink.

JAMIE RASKIN  
Member of Congress

**From:** DOJ Correspondence (SMO) <(b) (6)>  
**Sent:** Tuesday, June 9, 2020 4:10:12 AM  
**To:** DOJExecSec (JMD)  
**CC:** Tolson, Kimberly G (JMD)  
**Subject:** FW: Letter from Reps. Levin, Omar and Raskin

---

Pls log & assign to OLA for appropriate handling. OLA/PDAAG Escalona is handling this matter. Thanks.

---

**From:** Rowland, Catherine <(b) (6)>  
**Sent:** Monday, June 8, 2020 12:51 PM  
**To:** DOJ Correspondence (SMO) <(b) (6)>  
**Subject:** Letter from Reps. Levin, Omar and Raskin

Good afternoon,

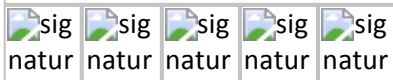
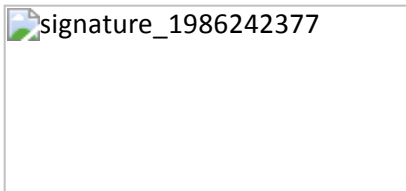
Please find attached a letter to Attorney General Barr from Reps. Levin, Omar and Raskin. Due to the COVID-19 pandemic, out of an abundance of caution I will not put a hard copy in the mail.

Thank you for your attention to this matter.

Be well,  
Catherine Rowland

**Catherine Rowland**

Legislative Director  
Office of Congressman Andy Levin (MI-09)  
228 Cannon House Office Building  
Washington, DC 20515  
(o): (b) (6)



Sign up to receive Congressman Levin's newsletters [here](#).

**From:** "Plack, Laura (ODAG)" <(b) (6)>

**To:** "Grieco, Christopher (ODAG)" <(b) (6)> "Liskamm, Amanda N. (ODAG)" <(b) (6)> "Raman, Sujit (ODAG)" <(b) (6)> "Bacon, Antoinette T. (ODAG)" <(b) (6)>

**Subject:** FW: Exec Sec Info Copy 4422124 OLA dojprod\_Control\_Sheet\_DOJ\_2020618\_94623

**Date:** Thu, 18 Jun 2020 14:36:48 +0000

**Importance:** Normal

**Attachments:** dojprod\_Control\_Sheet\_DOJ\_2020618\_94623.rtf; 4422124.pdf

---

FYI - Congressional letter re surveillance during protests (specifically mentioning DEA and USMS).

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**From:** Simms, Donna Y. (ODAG) <(b) (6)>

**Sent:** Thursday, June 18, 2020 10:29 AM

**To:** Plack, Laura (ODAG) <(b) (6)>

**Subject:** Exec Sec Info Copy 4422124 OLA dojprod\_Control\_Sheet\_DOJ\_2020618\_94623

FYI

**Donna Simms**

U.S. Department of Justice  
Office of the Deputy Attorney General  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 514-2073

(b) (6)



**From:** "McKay, Shirley A (OLA)" <(b) (6)>

**To:** "Escalona, Prim F. (OLA)" <(b) (6)>

**Cc:** "Greer, Megan L. (OLA)" <(b) (6)> "Pings, Anne (OLA)" <(b) (6)> "Goldschmidt, Lauren (OLA)" <(b) (6)>

**Subject:** OLA# 4421954 / ES# 4421853 - Ho - re Hon Edward J. Markey re DEA to conduct covert surveillance on protesters

**Date:** Fri, 12 Jun 2020 00:42:56 +0000

**Importance:** High

**Attachments:** 4421954.OLA.ctrl.sheet.pdf; 4421853.incoming.pdf; 4421853.assignment.email.html; 4421853.ES.ctrl.sheet.pdf

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*Hi Prim*

*The attached inquiry has been assigned to you for appropriate handling.*

**From:** DOJ Correspondence (SMO) <(b) (6)>  
**Sent:** Thursday, June 11, 2020 1:07:08 PM  
**To:** DOJExecSec (JMD)  
**CC:** Tolson, Kimberly G (JMD); Pings, Anne (OLA); Greer, Megan L. (OLA); Goldschmidt, Lauren (OLA); Escalona, Prim F. (OLA)  
**Subject:** FW: Letter from Senator Markey- DOJ Protest Surveillance - EXPEDITE - TIME SENSITIVE

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Pls log & assign to OLA for appropriate handling. OLA/PDAAG (Escalona)/(Greer) are handling this matter. **Note:** response is requested by 6/25/2020. Thanks.

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**From:** Butler, Bennett (Markey) <(b) (6)>  
**Sent:** Thursday, June 11, 2020 9:56 AM  
**To:** DOJ Correspondence (SMO) <(b) (6)>  
**Subject:** Letter from Senator Markey

Hello – Please see the attached letter from Senator Markey.

Regards,

Bennett Butler  
Legislative Assistant  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
(b) (6)

EDWARD J. MARKEY  
MASSACHUSETTS

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# United States Senate

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SPRINGFIELD, MA 01103  
413-785-4610

June 11, 2020

The Honorable William P. Barr  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC, 20530

Dear Attorney General Barr:

As peaceful protestors across the country participate in demonstrations inspired by the killing of George Floyd, they should not be subject to invasive surveillance. The Department of Justice (DOJ) has an obligation to ensure that law enforcement officers acting on its behalf — of which the Department deployed an unknown number in recent weeks — as well as any technology those officers use — including facial recognition technology — do not infringe upon the civil liberties of Americans exercising their First Amendment rights. I write to request more information about federal law enforcement’s surveillance practices, and, as demonstrations continue, I urge you to respect and protect the protestors’ privacy and First Amendment rights.

Reports that DOJ has approved increased surveillance in response to peaceful protests for racial justice are highly concerning. According to one news story, DOJ leadership recently approved a request from the Drug Enforcement Administration (DEA) to “conduct interviews and searches,” engage in “covert surveillance,” and “share intelligence with federal, state, local, and tribal counterparts.”<sup>1</sup> Your agency’s approval of this request is deeply troubling. It raises significant questions about federal law enforcement personnel’s tracking and monitoring of members of the public who are peacefully voicing their opinions in the public square.

DOJ’s extensive engagement with the facial recognition technology company Clearview AI is also deeply troubling in the current environment. According to one report, “Clearview has also been used inside the Department of Justice, where the list of government organizations trialing the company’s facial recognition software includes multiple offices at the US Secret Service (some 5,600 searches); the Drug Enforcement Administration (about 2,000 searches); the Bureau

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<sup>1</sup> Jason Leopold and Anthony Cormier, *The DEA Has Been Given Permission to Investigate People Protesting George Floyd’s Death*, BuzzFeed News (Jun. 2, 2020) <https://www.buzzfeednews.com/article/jasonleopold/george-floyd-police-brutality-protests-government>.

of Alcohol, Tobacco, Firearms, and Explosives (more than 2,100 searches); and the FBI (5,700 searches across at least 20 different field offices).”<sup>2</sup> And DOJ apparently is not alone, as U.S. Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) also have reportedly utilized Clearview AI’s facial recognition technology.<sup>3</sup> This technology is subject to unanswered questions about its reliability, accuracy — including racial bias — and security, raising concerns about its use, especially in the possible context of identifying lawful protestors exercising their constitutional rights. Furthermore, the widespread biometric data collection that facial recognition tools facilitate also runs the risk of deterring Americans from speaking out against injustice for fear of being permanently included in law enforcement databases.<sup>4</sup>

Additionally, on May 29, 2020, the Project on Government Oversight reported that CBP deployed a Predator drone over protestors in Minneapolis.<sup>5</sup> According to CBP, this drone was “preparing to provide live video to aid in situational awareness at the request of our federal law enforcement partners in Minneapolis.”<sup>6</sup> This incident raises questions about how federal entities may be using unmanned aircraft systems to monitor peaceful protestors, using facial recognition technology or otherwise.

Together, these developments and other reports of recent high-tech monitoring<sup>7</sup> point to a systematic increase in surveillance practices by federal law enforcement entities in response to recent lawful protest activity. I call on you to end this trend, and I request responses to the following questions by June 25, 2020:

1. Please explain your agency’s decision to approve DEA’s request to conduct “covert surveillance” in response to the ongoing demonstrations inspired by the killing of George Floyd and explain how conducting that surveillance in response to public protests falls within the DEA’s jurisdiction.
2. Has DOJ approved the use of “covert surveillance” by any entities other than DEA in response to the ongoing demonstrations? If yes, please identify those entities.
3. What does the term “covert surveillance” mean? Does it cover use of facial recognition in real-time only, does it also encompass analyzing post-demonstration footage? Please

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<sup>2</sup> Ryan Mac et al. *Clearview’s Facial Recognition App Has Been Used By The Justice Department, ICE, Macy’s, Walmart, And The NBA*, BuzzFeed News (Feb. 27, 2020) <https://www.buzzfeednews.com/article/ryanmac/clearview-ai-fbi-ice-global-law-enforcement>.

<sup>3</sup> *Id.*

<sup>4</sup> Albert Fox Cahn & Zachary Silver, *The Long, Ugly History of How Police Have Tracked Protesters*, FAST COMPANY (Jun. 2, 2020), <https://www.fastcompany.com/90511912/the-long-ugly-history-of-how-police-havetracked-protesters>.

<sup>5</sup> Jason Paladino (@jason\_paladino), Twitter (May 29, 2020, 12:04 PM), [https://twitter.com/jason\\_paladino/status/1266399916978507779](https://twitter.com/jason_paladino/status/1266399916978507779).

<sup>6</sup> Press Release, U.S. Customs and Border Protection, CBP Statement on the AMO Unmanned Aircraft System in Minneapolis (May 29, 2020), <https://www.cbp.gov/newsroom/speeches-and-statements/cbp-statement-amo-unmanned-aircraft-system-minneapolis>.


<sup>7</sup> Joseph Cox, *The Military and FBI Are Flying Surveillance Planes Over Protests*, Vice Motherboard (Jun. 3, 2020), [https://www.vice.com/en\\_us/article/y3zywj/military-fbi-flying-surveillance-planes-george-floyd-protesters](https://www.vice.com/en_us/article/y3zywj/military-fbi-flying-surveillance-planes-george-floyd-protesters).

identify the specific law enforcement practices that DOJ's approval of DEA's request to conduct covert surveillance covers.

4. Has DOJ authorized federal law enforcement personnel to use facial recognition technology on footage of demonstrators following George Floyd's killing?
  - a. If yes, what was the purpose and scope of this surveillance?
  - b. Have federal law enforcement entities contracted with private facial recognition companies? If yes, please identify those companies.
  - c. Have federal law enforcement entities made any arrests based on facial recognition analysis of still images or video footage from recent demonstrations?
  - d. Will DOJ commit to subjecting any facial recognition technology it has authorized for use during the ongoing demonstrations to an independent assessment of accuracy and bias by facial recognition experts, including testing for error rates for true negatives, false matches, and people of color, and publish the results of this assessment publicly? If not, why not?
5. Has DOJ deployed or authorized other federal law enforcement entities to deploy any unmanned aircraft systems to record or otherwise monitor the recent protests throughout the United States? If so, please provide a detailed description of all such deployments and authorizations, including a description of the video footage captured and how long DOJ or its partners plan to retain that footage.
6. Has DOJ deployed or authorized other federal law enforcement entities to deploy any tools that facilitate cellphone location tracking to monitor the recent protests? If so, please provide a detailed description of all such deployments and authorizations.

Thank you for your attention to these important matters.

Sincerely,



Edward J. Markey  
United States Senator

**From:** "Escalona, Prim F. (OLA)" <(b) (6)>

**To:** "Mary Blanche Hankey (OLA)" <(b) (6)>

**Subject:** FW: Statement

**Date:** Wed, 10 Jun 2020 14:24:45 -0000

**Importance:** Normal

**Attachments:** 061020\_AA\_Statement\_Protests.docx; ATT00001.htm

You clear/okay with this?

**From:** Thiemann, Robyn L <(b)(6), (b)(7)(C) per DEA>

**Sent:** Wednesday, June 10, 2020 10:19 AM

**To:** Bissex, Rachel (OAG) <(b) (6)> Liskamm, Amanda N. (ODAG) <(b) (6)>

Escalona, Prim F. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)>

**Subject:** Fwd: Statement

All -

(b)(5) per DEA  
[Redacted]

Please advise ASAP.

Thanks,  
RT

Begin forwarded message:

**From:** "Dearden, Dawn N" <(b)(6), (b)(7)(C) per DEA>

**Date:** June 10, 2020 at 9:59:14 AM EDT

**To:** "Shea, Timothy J" <(b)(6), (b)(7)(C) per DEA>

**Cc:** "Grubbs, Preston L." <(b)(6), (b)(7)(C) per DEA>, "Thiemann, Robyn L" <(b)(6), (b)(7)(C) per DEA>, <(b)(6), (b)(7)(C), (b)(7)(F) per DEA>

<(b)(6), (b)(7)(C), (b)(7)(F) per DEA>, <(b)(6), (b)(7)(C), (b)(7)(F) per DEA>

**Subject:** Statement

Mr. Shea,

Attached is a copy of the OPA-approved statement regarding DEA's support to local LE during the nationwide protests. We would like to issue as soon as possible.

Thank you,  
Dawn

Dawn Dearden  
Chief  
Congressional and Public Affairs  
Drug Enforcement Administration

<(b)(6), (b)(7)(C) per DEA>

(b)(6), (b)(7)(C) per DEA

**From:** "Hankey, Mary Blanche (OLA)" <(b) (6)>

**To:** "Thiemann, Robyn L" (b)(6), (b)(7)(C) per DEA

**Subject:** RE: Statement

**Date:** Fri, 12 Jun 2020 15:52:36 -0000

**Importance:** Normal

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Thanks for keeping us updated.

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**From:** Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA

**Sent:** Friday, June 12, 2020 9:47 AM

**To:** Escalona, Prim F. (OLA) <(b) (6)>

**Cc:** Bissex, Rachel (OAG) <(b) (6)> Liskamm, Amanda N. (ODAG) <(b) (6)>

Hankey, Mary Blanche (OLA) <(b) (6)>

**Subject:** Re: Statement

Hello all -

We are HOLDING the following statement (updated since Wednesday), but wanted to pass along for your situational awareness.

Thanks,  
RT

###

(b)(5) per DEA  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

On Jun 10, 2020, at 1:49 PM, Escalona, Prim F. (OLA) (JMD) <(b) (6)> wrote:

Can we hold so that I can talk to Rachel?

---

**From:** Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA

**Sent:** Wednesday, June 10, 2020 10:19 AM

**To:** Bissex, Rachel (OAG) <(b) (6)>

Liskamm, Amanda N. (ODAG) <(b) (6)>

Escalona, Prim F. (OLA) <(b) (6)>

Hankey, Mary Blanche (OLA) <(b) (6)>

**Subject:** Fwd: Statement

Duplicative Material, 23-cv-1207\_20-01806\_000110



**From:** "Stephens, Taylor (OLA)" <(b) (6)>  
**To:** "Escalona, Prim F. (OLA)" <(b) (6)> "Greer, Megan L. (OLA)" <(b) (6)>

**Subject:** RE: letters on civil unrest

**Date:** Wed, 10 Jun 2020 14:00:53 +0000

**Importance:** Normal

**Attachments:** 2020.06.05.Maloney\_-\_DC\_Policing.pdf; 2020.06.10.Jordan\_-\_DOJ\_Response.pdf; 2020.05.12.\_SJL.Letter.AGBarr.AhmaudArbery.pdf; 2020.05.13.\_Pressley-Booker\_Ahmaud\_Arbery\_Letter\_FINAL.pdf; 2020.05.14.\_NY\_Delegation\_Ahmaud\_Arbery\_Case.pdf; 2020.05.18.\_SJL.Letter.AGBarr.BreonnaTaylor.pdf; 2020.05.18.\_Woodall\_Letter\_on\_Arbery\_Case.pdf; 2020.05.20.\_Georgia\_Delegation\_-\_Arbery.pdf; 2020.05.22.\_Harris\_McBath\_-\_Breonna\_Taylor.pdf; 2020.05.26\_Klobuchar\_-\_Floyd.pdf; 2020.05.27.\_Craig\_-\_Floyd.pdf; 2020.05.28\_Nadler\_and\_Dem\_HJC\_Members\_-\_Floyd.pdf; 2020.05.28.\_MacDonald\_and\_Drolshagen\_Joint\_Statement.pdf; 2020.05.29.\_Stivers\_-\_Floyd.pdf; 2020.5.11.Harris\_Letter\_to\_DOJ\_re\_Ahmaud\_Arbery\_(5.11).pdf; 2020.06.09\_Scott\_-\_Death\_in\_Custody\_Reporting.pdf; 2020.06.01.\_NACDS\_Pharmacies\_Looting\_-\_Riots.pdf; 2020.06.01.\_Thompson\_and\_CHS\_-\_Protests.pdf; 2020.06.03.\_Blunt\_-\_Police\_Misconduct.pdf; 2020.06.04\_Krishnamoorth\_-\_Unmarked\_LEOs.pdf; 2020.06.04.\_Ciccilline\_-\_Suppressing\_Free\_Speech.pdf; 2020.06.04.\_Pelosi\_Letter\_to\_WH.pdf; 2020.06.04.\_Raskin\_-\_Unmarked\_LEOs.pdf; 2020.06.05.\_Arizona\_State\_Reps\_-\_Johnson.pdf; 2020.06.05.\_Murphy\_-\_Antifa.pdf; 2020.06.05.\_Nadler\_&\_Bass\_-\_DEA.pdf; 2020.06.05.\_Schumer\_-\_Inappropriate\_Mobilization.pdf; 2020.06.05.\_Sinema\_-\_Lafayette\_Square.pdf; 2020.06.06.\_Blumenauer\_-\_Protest\_Surveillance.pdf; 2020.06.08.\_Levin\_-\_Protest\_Surveillance.pdf; 2020.06.09.\_Eshoo\_-\_Protest\_Surveillance.pdf

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Prim and Megan – Here are all the letters the Department has received. I have also included letters received regarding the deaths of Ahmaud Arbery and Breonna Taylor. Let me know if you have any questions or if there is anything else I can do!

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**From:** Escalona, Prim F. (OLA) <(b) (6)>  
**Sent:** Tuesday, June 9, 2020 11:03 PM  
**To:** Stephens, Taylor (OLA) <(b) (6)> Greer, Megan L. (OLA) <(b) (6)>  
**Subject:** letters on civil unrest

Taylor,  
Tomorrow, can you send (in one email) all of the incoming letters that we have about the civil unrest/protests/use of agents? The AG letter went out today, so I'm going to get a base response together tomorrow. Megan will need to think through how much we say and produce in some situations.

Thanks!  
Prim

Prim Escalona  
Principal Deputy Assistant Attorney General  
Office of Legislative Affairs  
(b) (6)

**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.<sup>1</sup> 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.<sup>2</sup>

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

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<sup>1</sup> The White House, *Statement by the President* (June 1, 2020) (online at [www.whitehouse.gov/briefings-statements/statement-by-the-president-39/](http://www.whitehouse.gov/briefings-statements/statement-by-the-president-39/)).

<sup>2</sup> 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](http://www.justice.gov/opa/pr/attorney-general-william-p-barrs-statement-protests-washington-dc)).

Columbia.<sup>3</sup>

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.<sup>4</sup> Later that evening, National Guard helicopters performed low-flyover maneuvers over peaceful protestors in order to intimidate and disperse crowds.<sup>5</sup>

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.<sup>6</sup>

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."<sup>7</sup>

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."<sup>8</sup>

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<sup>3</sup> 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](http://www.justice.gov/opa/video/attorney-general-barr-doj-leadership-speak-mr-george-floyd-and-civil-unrest)).

<sup>4</sup> *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](http://www.nytimes.com/2020/06/01/us/politics/trump-st-johns-church-bible.html)).

<sup>5</sup> 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/>).

<sup>6</sup> D.C. Code § 5-331.09.

<sup>7</sup> *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](http://www.nytimes.com/2014/09/27/us/ferguson-missouri.html)).

<sup>8</sup> *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.<sup>9</sup>

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.<sup>10</sup> 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;

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

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

<sup>10</sup> *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.

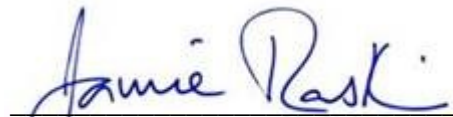
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives with broad authority to investigate “any matter” at “any time” under House Rule X.

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

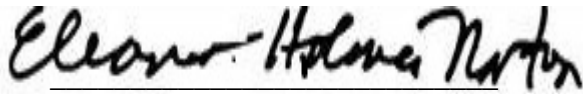
Page 5



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

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216  
One Hundred Sixteenth Congress

June 5, 2020

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

The Honorable Timothy J. Shea  
Acting Administrator  
U.S. Drug Enforcement Administration  
8701 Morrisette Drive  
Springfield, VA 22152

Dear Attorney General Barr and Acting Administrator Shea:

We are deeply concerned with reports that on May 31, 2020, Deputy Attorney General Jeffrey A. Rosen signed a request by Acting U.S. Drug Enforcement Administration (DEA) Administrator Timothy J. Shea to temporarily expand the law enforcement authority to DEA employees and agents to extend beyond enforcement of Title 21.<sup>1</sup> While there have been instances of unrest, the overwhelmingly peaceful nature of the protests that have taken place around the country do not warrant this expansion of DEA authority, even if it is temporary in nature, especially given the Agency's past record.

The DEA's narcotics interdiction tactics are not appropriate measures to address the limited violence that has taken place over the past few days or to monitor peaceful protests. The DEA's rigid refusal to consider, let alone adopt, even minor reform of the way it carries out business portends a further unnecessary escalation of this week's protests. In the past five years alone, the DEA has suffered from a mounting crisis that includes corruption and firearms offenses.<sup>2</sup> This is hardly a record that commands confidence that the DEA will appropriately and constitutionally implement its expanded authority, particularly when First Amendment rights are at stake.

Furthermore, the DEA has a history and practice of disproportionately targeting people of color. A 2009 evaluation by the Department of Justice's Bureau of Justice Statistics found that Latino suspects constituted 46% of arrestees although they make up only 16 percent of the general U.S.

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<sup>1</sup> Jason Leopold & Anthony Carter, *The DEA Has Been Given Permission to Investigate People Protesting George Floyd's Death*, BuzzFeed, June 2, 2020.

<sup>2</sup> Assoc. Press, *Very Unprepared: DEA Shakeup Followed Mounting Criticism*, May 21, 2020.

population.<sup>3</sup> Of the total arrests of male suspects by the DEA, 25% were marijuana related.<sup>4</sup> This Administration's counterproductive focus on non-violent drug offenses is a plain reminder that the DEA is out of touch with the Nation's shift from the drug war model to policies of substance abuse treatment, rescheduling drugs, legalizing marijuana, and reducing harsh drug sentences. To the extent the DEA mirrors the views of this Administration, it is out of sync with more evidence-based drug policy trends in the country. Wider deployment of the DEA may only continue the disproportionate arrest trends that, in part, motivate the expressions of outrage that we are witnessing.

The expansion of the DEA's law enforcement authority, including the use of "covert surveillance" and collection of intelligence, is unwarranted and antithetical to the American people's right to peacefully assemble and to exercise their Constitutional rights without undue intrusion. The House Judiciary Committee has a duty to ensure that the administration of justice in our country is fair and that individuals can freely exercise their constitutionally protected rights. For these reasons, we ask that you immediately rescind the expanded authorities Mr. Rosen has granted to the DEA. We also ask that you provide us a briefing detailing the timeline and rationale for the expansion of authority. Please reach out to committee staff to schedule the briefing by no later than June 11, 2020.

Sincerely,



Jerrold Nadler  
Chairman



Karen Bass  
Chair, Subcommittee on Crime,  
Terrorism, and Homeland Security

cc: The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary

---

<sup>3</sup> Mark Motivans, *Federal Justice Statistics, 2009*, U.S. Dep't of Justice Bureau of Justice Stats., Dec. 2011, <https://www.bjs.gov/content/pub/pdf/fjs09.pdf>; Sharon Ennis, et al., 2010 Census Briefs: The Hispanic Population: 2010, U.S. Dep't of Commerce, May 2011, <https://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf>.

<sup>4</sup> Motivans, *Federal Justice Statistics, 2009*.



# United States Senate

WASHINGTON, DC 20510-3203

June 5, 2020

Attorney General Barr  
Department of Justice

Secretary Esper  
Department of Defense

Secretary David Bernhardt  
Department of Interior

Acting Secretary Chad F. Wolf  
Department of Homeland Security

On June 2, 2020, BuzzFeed reported that Timothy Shea, Acting Director of the Drug Enforcement Agency, requested and was granted expanded authority to conduct covert surveillance, share intelligence, intervene at protests as federal law enforcement, and engage in other enforcement and investigative activity. (“The DEA Has Been Given Permission To Investigate People Protesting George Floyd’s Death,” BuzzFeed News, 6/2/2020). This reporting came just one day after a hybrid force consisting of the U.S. Secret Service, the U.S. Park Police, the D.C. National Guard, and possibly others forcibly removed peaceful protestors from Lafayette Park directly across from the White House using tear gas and rubber bullets.

These are troubling indicators that federal law enforcement and security agencies are being inappropriately mobilized in response to protests over the death of George Floyd – an unarmed black man who was killed by a Minneapolis police officer who knelt on his neck for eight minutes and 46 seconds as he lay handcuffed.

We request you provide, from each of your agencies: what forces you have deployed against these protests; where you have deployed them; what additional or extraordinary authorities these forces are exercising or have been provided (similar to the DEA); and what, if any, steps have been taken to ensure they are respecting the Constitutional rights of the protestors they are now policing in exercising their authorities. Please provide this information by the close of business on June 8, 2020. We would further expect that each agency will offer appropriate officials for follow-on briefings on these subjects in the following week.

The First Amendment protects the rights of all Americans to protest and seek equal justice under the law. While there has been some unacceptable looting, it is unclear what justifies the extraordinary actions of your agencies in the past week, whether by granting DEA the authority and responsibility to conduct “covert surveillance” on Americans exercising their constitutional rights or directing law enforcement or military personnel to engage in a use of force against peaceful protestors. We are deeply concerned that, in the wake of the horrific killing in Minnesota, there is a lack of transparency regarding the forces you have deployed and

under what authorities you have deployed them. These actions only further undermine the American people's faith in their law enforcement.

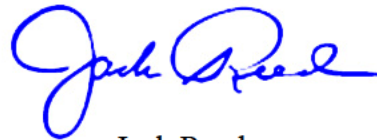
These are incredibly difficult times. Americans across the nation are understandably shaken by all they have experienced and witnessed in recent weeks and months. We expect that each of you will, in addition to providing the information we have requested above, immediately and publicly order your forces to exercise maximum restraint when dealing with peaceful protestors and respect the Constitutional rights of those protestors. We will be closely monitoring how you handle this situation—these protestors are our fellow citizens, not terrorists. You should act accordingly.

We look forward to your reply.

Sincerely,



Charles E. Schumer  
Democratic Leader



Jack Reed  
Ranking Member SASC



Dianne Feinstein  
Ranking Member SJC



Mark R. Warner  
Vice Chairman SSCI



Gary Peters  
Ranking Member HSGAC

**Congress of the United States**  
**Washington, DC 20515**

June 9, 2020

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

The Honorable Timothy Shea,  
Acting Administrator  
Drug Enforcement Administration  
600-700 Army-Navy Drive  
Arlington, Virginia 22202

General Joseph L. Lengyel,  
Chief  
National Guard Bureau  
111 South George Mason Drive  
Arlington, Virginia 22204

The Honorable Mark A. Morgan,  
Acting Commissioner  
Customs and Border Protection  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

Dear Director Wray, General Lengyel, Acting Administrator Shea, and  
Acting Commissioner Morgan,

We write to you to express our deep and profound concerns that the surveillance tactics of the Federal Bureau of Investigation (FBI), the National Guard Bureau, the Drug Enforcement Administration (DEA), and Customs and Border Protection (CBP) during the recent protests across the U.S. are significantly chilling the First Amendment rights of Americans. We demand that you cease any and all surveilling of Americans engaged in peaceful protests.

George Floyd and Breonna Taylor are only the most recent cases of Black Americans who've been murdered by law enforcement officials in our country. We stand with the millions of Americans in hundreds of communities who are peacefully calling for transformational changes to better our nation by addressing the systemic racism and injustice embedded in our society.

The First Amendment protects the right of Americans to assemble and protest government actions. Further, the Fourth Amendment protects "[t]he right of the people to be secure in their persons...against unreasonable searches and seizures," a restriction that applies to the agencies you lead.

While the job of law enforcement is to protect Americans, limited actions may be necessary if a demonstration turns violent. However, this authority does not grant the agencies you lead to surveil American citizens or collect vast amounts of personal information. Recent press reports indicate that:

- the FBI and National Guard flew RC-26B aircraft equipped with infrared and electro-optical cameras over Washington, D.C. and Las Vegas;<sup>1</sup>
- the FBI may have flown Cessna 560 aircraft equipped with 'dirtboxes,' equipment that can collect cell phone location data, over Washington, D.C.;<sup>2</sup>

- the CBP flew Predator drones that collected and disseminated live video feeds over Minneapolis, San Antonio, and Detroit;<sup>3</sup> and
- the DEA was granted broad authority to “conduct covert surveillance” over protesters responding to the death of George Floyd.<sup>4</sup>

Aside from these documented examples of vast overreach of federal government surveillance in just the last 10 days, we know that federal agencies, including the ones you lead, have used other technologies to surveil Americans, such as Stingrays, which mimic cell towers to collect location, call, text, and browsing data of nearby cellular devices;<sup>5</sup> facial recognition technology;<sup>6</sup> and automated license plate readers.<sup>7</sup>

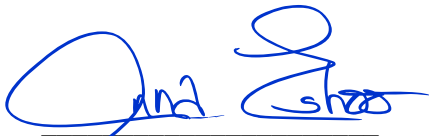
Americans have a healthy fear of government surveillance that started at the founding of our country and has continued to modern times. Polls show that seven in ten Americans believe the government surveils their phone calls and emails.<sup>8</sup> In November 2019, nearly two-thirds of Americans said they were concerned about how the government collects and uses data about citizens.<sup>9</sup>

Government surveillance has a chilling effect. Downloads for encrypted messaging apps have spiked during recent demonstrations,<sup>10</sup> showing a broad concern of surveillance among protesters. As further evidence of the concerns of protesters, the following headlines have appeared in popular publications or on the websites of civil society groups over the 10 days, aiming to help Americans considering protesting protect themselves:

- *Washington Post*, “Your protest is being watched. Here's how to protect your privacy”<sup>11</sup>
- *Vice*, “How to Protest Without Sacrificing Your Digital Privacy”<sup>12</sup>
- *The Verge*, “How to secure your phone before attending a protest”<sup>13</sup>
- *WIRED*, “How to Protest Safely in the Age of Surveillance”<sup>14</sup>
- *Consumer Reports*, “How to Protect Phone Privacy and Security During a Protest”<sup>15</sup>
- *Electronic Frontier Foundation*, “Surveillance Self-Defense: Attending Protests in the Age of COVID-19,”<sup>16</sup>
- *Project on Government Oversight*, “How to Respond to Risk of Surveillance While Protesting”<sup>17</sup>

Americans should not have to take proactive measures to protect themselves from government surveillance before engaging in peaceful demonstration. The fact that the agencies you lead have created an environment in which such headlines are common is, in and of itself, an indication of the chilling effect of government surveillance on law-abiding Americans. For these reasons, we demand you cease surveilling peaceful protests immediately and permanently.

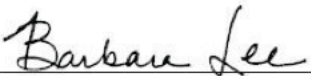
Most gratefully,



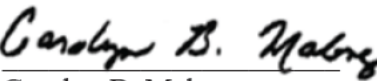
Anna G. Eshoo  
Member of Congress



Bobby L. Rush  
Member of Congress

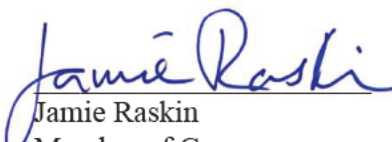
  
Barbara Lee  
Member of Congress

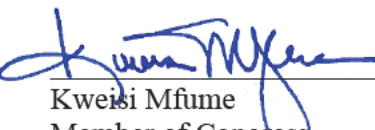
  
Zoe Lofgren  
Member of Congress


  
Carolyn B. Maloney  
Member of Congress


  
Alexandria Ocasio-Cortez  
Member of Congress

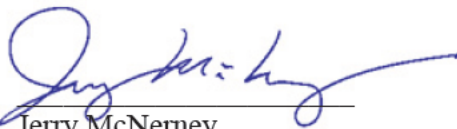
  
Eleanor Holmes Norton  
Member of Congress

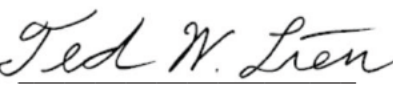
  
Jamie Raskin  
Member of Congress

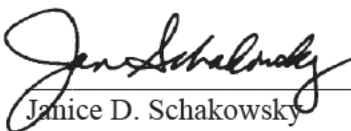
  
Kweisi Mfume  
Member of Congress

  
Brenda L. Lawrence  
Member of Congress


  
Ro Khanna  
Member of Congress

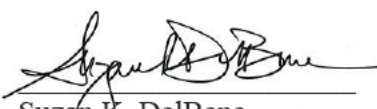
  
Jerry McNerney  
Member of Congress

  
Ted W. Lieu  
Member of Congress


  
Janice D. Schakowsky  
Member of Congress


  
Deb Haaland  
Member of Congress

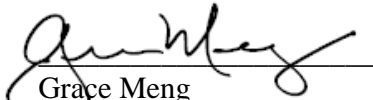
  
Peter Welch  
Member of Congress


  
Suzan K. DelBene  
Member of Congress


  
Denny Heck  
Member of Congress


  
Stephen F. Lynch  
Member of Congress

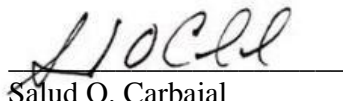
  
Mark Takano  
Member of Congress

  
Grace Meng  
Member of Congress

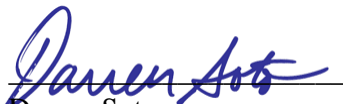
  
Raul M. Grijalva  
Member of Congress


  
José E. Serrano  
Member of Congress

  
Rashida Tlaib  
Member of Congress

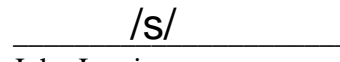
  
Salud O. Carbajal  
Member of Congress

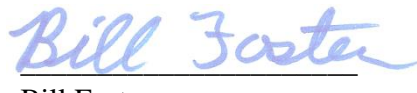
  
Peter A. DeFazio  
Member of Congress

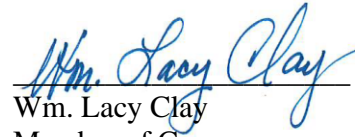
  
Darren Soto  
Member of Congress

  
Michael F. Doyle  
Member of Congress

  
Doris Matsui  
Member of Congress

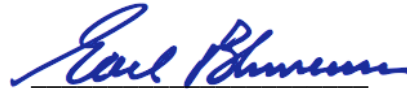
  
John Lewis  
Member of Congress

  
Bill Foster  
Member of Congress

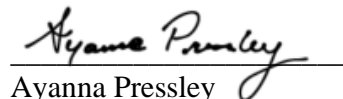
  
Wm. Lacy Clay  
Member of Congress

/s/

\_\_\_\_\_  
Tim Ryan  
Member of Congress



\_\_\_\_\_  
Earl Blumenauer  
Member of Congress



\_\_\_\_\_  
Ayanna Pressley  
Member of Congress

cc: The Honorable William P. Barr, Attorney General  
The Honorable Mark T. Esper, Secretary of Defense  
The Honorable Chad F. Wolf, Acting Secretary of Homeland Security

---

<sup>1</sup> Joseph Cox, “The Military and FBI Are Flying Surveillance Planes Over Protests,” *Vice Motherboard*, June 3, 2020, [https://www.vice.com/en\\_us/article/y3zvwj/military-fbi-flying-surveillance-planes-george-floyd-protesters](https://www.vice.com/en_us/article/y3zvwj/military-fbi-flying-surveillance-planes-george-floyd-protesters).

<sup>2</sup> *Id.*

<sup>3</sup> Jason Koebler, Joseph Cox, and Jordan Pearson, “Customs and Border Protection Is Flying a Predator Drone Over Minneapolis,” *Vice Motherboard*, May 29, 2020, [https://www.vice.com/en\\_us/article/5dzbe3/customs-and-border-protection-predator-drone-minneapolis-george-floyd](https://www.vice.com/en_us/article/5dzbe3/customs-and-border-protection-predator-drone-minneapolis-george-floyd); Joseph Cox, “The Government Is Regularly Flying Predator Drones Over American Cities,” *Vice Motherboard*, June 3, 2020, [https://www.vice.com/en\\_us/article/n7wnzm/government-flying-predator-drones-american-cities](https://www.vice.com/en_us/article/n7wnzm/government-flying-predator-drones-american-cities); Zolan Kanno-Youngs and Katie Benner, “Trump Deploys the Full Might of Federal Law Enforcement to Crush Protests,” *The New York Times*, June 2, 2020, sec. U.S., <https://www.nytimes.com/2020/06/02/us/politics/trump-law-enforcement-protests.html>.

<sup>4</sup> Jason Leopold and Anthony Cormier, “The DEA Has Just Been Authorized to Conduct Surveillance on Protesters,” *BuzzFeed News*, June 2, 2020, <https://www.buzzfeednews.com/article/jasonleopold/george-floyd-police-brutality-protests-government>.

<sup>5</sup> “Stingray Tracking Devices: Who’s Got Them?,” November 2018, <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/stingray-tracking-devices-whos-got-them>.

<sup>6</sup> Ryan Mac, Caroline Haskins, and Logan McDonald, “Clearview’s Facial Recognition App Has Been Used By The Justice Department, ICE, Macy’s, Walmart, And The NBA,” *BuzzFeed News*, February 27, 2020, <https://www.buzzfeednews.com/article/ryanmac/clearview-ai-fbi-ice-global-law-enforcement>.

<sup>7</sup> “EPIC FOIA: Automated License Plate Readers (FBI)” (Electronic Privacy Information Center), accessed June 5, 2020, <https://epic.org/foia/fbi/lpr/>.

<sup>8</sup> “Most in U.S. Say Government Could Be Monitoring Their Phone Calls, Emails” (Pew Research Center, September 27, 2017), <https://www.pewresearch.org/fact-tank/2017/09/27/most-americans-think-the-government-could-be-monitoring-their-phone-calls-and-emails/>.

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<sup>9</sup> Brooke Auxier et al., “Americans and Privacy: Concerned, Confused and Feeling Lack of Control Over Their Personal Information” (Pew Research Center, November 15, 2019), <https://www.pewresearch.org/internet/2019/11/15/americans-and-privacy-concerned-confused-and-feeling-lack-of-control-over-their-personal-information/>.

<sup>10</sup> Nicolas Rivero, “Signal App Downloads Spike as US Protesters Seek Message Encryption,” *Quartz*, June 4, 2020, <https://qz.com/1864846/signal-app-downloads-spike-as-us-protesters-seek-message-encryption/>.

<sup>11</sup> James Pace-Cornsilk and Jonathan Baran, *Your Protest Is Being Watched. Here’s How to Protect Your Privacy*. (Washington Post, 2020), [https://www.washingtonpost.com/video/technology/your-protest-is-being-watched-heres-how-to-protect-your-privacy/2020/06/03/3badf963-ef49-47f9-8228-2d8bfb8c88b3\\_video.html](https://www.washingtonpost.com/video/technology/your-protest-is-being-watched-heres-how-to-protect-your-privacy/2020/06/03/3badf963-ef49-47f9-8228-2d8bfb8c88b3_video.html).

<sup>12</sup> Joseph Cox and Lorenzo Franceschi-Bicchierai, “How to Protest Without Sacrificing Your Digital Privacy,” *Vice Motherboard*, June 1, 2020, [https://www.vice.com/en\\_us/article/gv59jb/guide-protect-digital-privacy-during-protest](https://www.vice.com/en_us/article/gv59jb/guide-protect-digital-privacy-during-protest).

<sup>13</sup> Aliya Chaudhry, “How to Secure Your Phone before Attending a Protest,” *The Verge*, June 4, 2020, <https://www.theverge.com/21276979/phone-protest-demonstration-activism-digital-how-to-security-privacy>.

<sup>14</sup> Andy Greenberg and Lily Hay Newman, “How to Protest Safely in the Age of Surveillance,” *Wired*, accessed June 5, 2020, <https://www.wired.com/story/how-to-protest-safely-surveillance-digital-privacy>.

<sup>15</sup> Thomas Germain, “How to Protect Phone Privacy and Security During a Protest,” *Consumer Reports*, June 3, 2020, <https://www.consumerreports.org/privacy/protect-phone-privacy-security-during-a-protest/>.

<sup>16</sup> Bill Budington, “Surveillance Self-Defense: Attending Protests in the Age of COVID-19,” *Electronic Frontier Foundation*, June 2, 2020, <https://www.eff.org/deeplinks/2020/06/surveillance-self-defense-attending-protests-age-covid-19>.

<sup>17</sup> Jake Laperruque, “How to Respond to Risk of Surveillance While Protesting,” *Project On Government Oversight*, June 4, 2020, <https://www.pogo.org/analysis/2020/06/how-to-respond-to-risk-of-surveillance-while-protesting/>.



**From:** "(b)(6): William Levi (OAG)" <(b)(6): William Levi (OAG)>  
**To:** "Hornbuckle, Wyn (OPA)" <(b) (6)>  
**Cc:** "Kupec, Kerri (OPA)" <(b) (6)> "Bissex, Rachel (OAG)"  
<(b) (6)>  
**Subject:** Re: DEA Statement Re Protests  
**Date:** Tue, 9 Jun 2020 21:08:25 -0400  
**Importance:** Normal

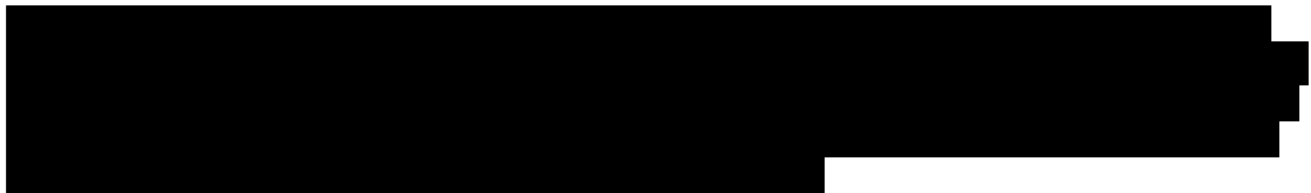
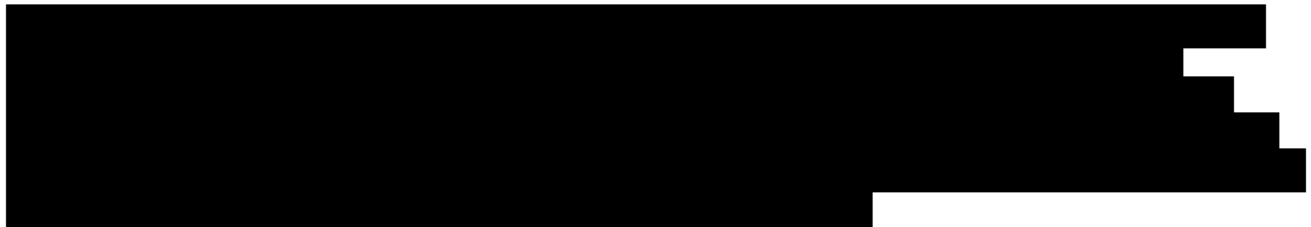
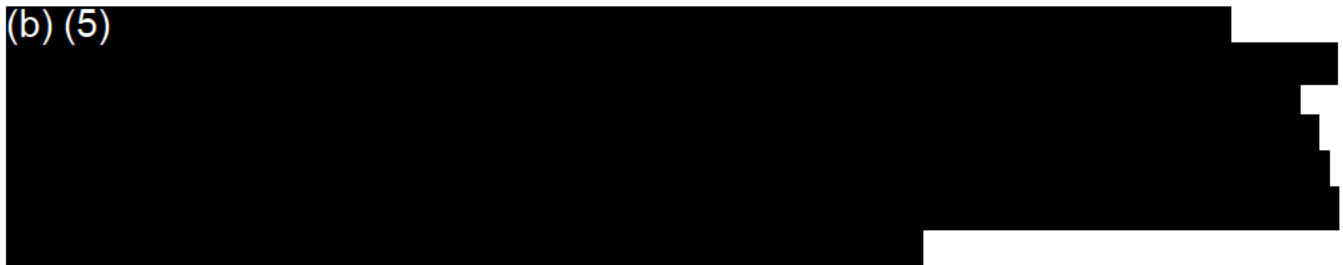
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Looks good

On Jun 9, 2020, at 9:07 PM, Hornbuckle, Wyn (OPA) <(b) (6)> wrote:

DEA Administrator would like to put out the following statement in response to several media inquiries into its role in the law enforcement response to DC riots/protests. OPA is supportive but seeking your approval:

(b) (5)



Sent from my iPhone

**From:** "Hornbuckle, Wyn (OPA)" <(b) (6)>

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

**Cc:** "Lloyd, Matt (PAO)" <(b) (6)>

**Subject:** Re: BuzzFeed (and others) Response

**Date:** Wed, 10 Jun 2020 01:02:43 +0000

**Importance:** Normal

---

Will do

Sent from my iPhone

On Jun 9, 2020, at 8:42 PM, Kupec, Kerri (OPA) <(b) (6)> wrote:

Yes, but can you repaste in new email to me Will and Rachel?

On Jun 9, 2020, at 8:40 PM, Hornbuckle, Wyn (OPA) <(b) (6)> wrote:

I think this is fine if you agree ?

Sent from my iPhone

Begin forwarded message:

**From:** "Pfaff, Katherine M" <(b)(6), (b)(7)(C) per DEA

**Date:** June 9, 2020 at 8:25:55 PM EDT

**To:** "Dearden, Dawn N (DEA)" <(b)(6), (b)(7)(C) per DEA

**Cc:** "Hornbuckle, Wyn (OPA)" <(b) (6)

"Kupec, Kerri (OPA)"

<(b) (6)

"Navas, Nicole (OPA)" <(b) (6)

(b)(6), (b)(7)(C), (b)(7)(F) per DEA

**Subject:** Re: BuzzFeed (and others) Response

Wyn,

Would OPA support DEA issuing/posting as a statement from the Acting Administrator? We've had numerous questions on this over the past week, so we'd like to reach the broadest audience possible to combat the false narrative.

Welcome your thoughts.

Thanks,

Katherine

**Katherine Pfaff • Acting Chief • National Media Affairs • Office of Congressional and Public Affairs • Drug Enforcement Administration**

(b)(6), (b)(7)(C) per DEA • (b)(6), (b)(7)(C) per DEA

On Jun 9, 2020, at 8:02 PM, Dearden, Dawn N (b)(6), (b)(7)(C) per DEA wrote:

Ok, thanks much!

Dawn Dearden  
Chief  
Congressional and Public Affairs  
Drug Enforcement Administration  
(b) (6)  
(b) (6)

On Jun 9, 2020, at 7:47 PM, Hornbuckle, Wyn (OPA) (JMD) <(b) (6)> wrote:

Dawn  
(b)(5) per DEA

Sent from my iPhone

On Jun 9, 2020, at 11:14 AM, Dearden, Dawn N (b)(6), (b)(7)(C) per DEA wrote:



Hi Kerri,  
(b)(5) per DEA

Thanks,  
Dawn

(b) (5)

(b) (5)

(b) (5)



Dawn Dearden  
Chief  
Congressional and Public Affairs  
Drug Enforcement Administration

(b)(6), (b)(7)(C) per DEA

(b)(6), (b)(7)(C) per DEA

**From:** "Pfaff, Katherine M" (b)(6), (b)(7)(C) per DEA

**To:** "Hornbuckle, Wyn (OPA) (JMD)" <(b) (6)>

**Cc:** "Dearden, Dawn N" (b)(6), (b)(7)(C) per DEA, "Kupec, Kerri (OPA) (JMD)" <(b) (6)>  
"Navas, Nicole (OPA) (JMD)" <(b) (6)>  
(b)(6), (b)(7)(C), (b)(7)(F) per DEA

**Subject:** Re: BuzzFeed (and others) Response

**Date:** Wed, 10 Jun 2020 01:41:08 +0000

**Importance:** Normal

---

Thank you. Yes, we'll hold until the morning and issue first thing.

Katherine

On Jun 9, 2020, at 9:34 PM, Hornbuckle, Wyn (OPA) (JMD) <(b) (6)> wrote:

You are good to go. Maybe deploy this tomorrow

Sent from my iPhone

On Jun 9, 2020, at 8:25 PM, Pfaff, Katherine M (b)(6), (b)(7)(C) per DEA wrote:

Duplicative Material, 23-cv-1207\_20-01806\_000132

**From:** "Hornbuckle, Wyn (OPA)" <(b) (6)>  
**To:** "Pfaff, Katherine M (DEA)" (b)(6), (b)(7)(C) per DEA  
**Cc:** "Dearden, Dawn N (DEA)" (b)(6), (b)(7)(C) per DEA, "Kupec, Kerri (OPA)"  
<(b) (6)> "Navas, Nicole (OPA)" <(b) (6)> (b)(6), (b)(7)(C), (b)(7)(F) per DEA

**Subject:** RE: BuzzFeed (and others) Response

**Date:** Fri, 12 Jun 2020 17:38:04 +0000

**Importance:** Normal

---

OK.

---

**From:** Pfaff, Katherine M (b)(6), (b)(7)(C) per DEA  
**Sent:** Friday, June 12, 2020 1:27 PM  
**To:** Hornbuckle, Wyn (OPA) <(b) (6)>  
**Cc:** Dearden, Dawn N (DEA) (b)(6), (b)(7)(C) per DEA ; Kupec, Kerri (OPA) <(b) (6)> Navas, Nicole (OPA) <(b) (6)> (b)(6), (b)(7)(C), (b)(7)(F) per DEA  
**Subject:** RE: BuzzFeed (and others) Response

Wyn,

To update on this, the statement went through some additional internal reviews and we are now holding, but wanted to make sure OPA had visibility on the most current version. We'll advise if/when we are able to move forward.

Thanks,

Katherine

(b)(5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

(b)(5)

---

**From:** Hornbuckle, Wyn (OPA) (JMD) <(b) (6)>  
**Sent:** Wednesday, June 10, 2020 10:53 AM  
**To:** Pfaff, Katherine M (b)(6), (b)(7)(C) per DEA  
**Cc:** Dearden, Dawn N (b)(6), (b)(7)(C) per DEA; Kupec, Kerri (OPA) (JMD) <(b) (6)> Navas, Nicole (OPA) (JMD) <(b) (6)> (b)(6), (b)(7)(C), (b)(7)(F) per DEA  
**Subject:** RE: BuzzFeed (and others) Response

Looks good. Thanks

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**From:** Pfaff, Katherine M (b)(6), (b)(7)(C) per DEA  
**Sent:** Wednesday, June 10, 2020 9:34 AM  
**To:** Hornbuckle, Wyn (OPA) <(b) (6)>  
**Cc:** Dearden, Dawn N (DEA) (b)(6), (b)(7)(C) per DEA; Kupec, Kerri (OPA) <(b) (6)> Navas, Nicole (OPA) <(b) (6)> (b)(6), (b)(7)(C), (b)(7)(F) per DEA  
**Subject:** RE: BuzzFeed (and others) Response

Good morning, Wyn.

Please let me know if OPA has any concerns about formatting/characterizing of our attached statement. We plan to issue broadly to our press list this morning.

Thanks very much.

Katherine

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**From:** Hornbuckle, Wyn (OPA) (JMD) <(b) (6)>  
**Sent:** Tuesday, June 9, 2020 9:35 PM  
**To:** Pfaff, Katherine M (b)(6), (b)(7)(C) per DEA  
**Cc:** Dearden, Dawn N (b)(6), (b)(7)(C) per DEA; Kupec, Kerri (OPA) (JMD) <(b) (6)> Navas, Nicole (OPA) (JMD) <(b) (6)> (b)(6), (b)(7)(C), (b)(7)(F) per DEA  
**Subject:** Re: BuzzFeed (and others) Response

Duplicative Material, 23-cv-1207\_20-01806\_000135

**From:** "Thiemann, Robyn L" (b)(6), (b)(7)(C) per DEA

**To:** "Kupec, Kerri (OPA) (JMD)" <(b) (6)>

**Cc:** "Bissex, Rachel (OAG) (JMD)" <(b) (6)>

**Subject:** Re: are you principals in town tomorrow?

**Date:** Wed, 3 Jun 2020 21:43:14 +0000

**Importance:** Normal

**Attachments:** June\_3\_Presser\_DEA\_Support\_DRAFT\_FINAL.docx; ATT00001.htm

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Kerri -

Please find attached draft DEA/Shea remarks. We will be sure to add something at the beginning to acknowledge the memorial services later in the day. Please let me know if you have any edits or concerns.

Thanks,

RT

(b)(6), (b)(7)(C) per DEA



On Jun 3, 2020, at 4:59 PM, Kupec, Kerri (OPA) (JMD) <(b) (6)> wrote:

Hi, everyone – the press conference is back ON for tomorrow morning at 11 am. Please keep in mind that the memorial events begin for George Floyd begin tomorrow afternoon, so I would recommend addressing that at the top of your principal's remarks. Let me know if you have any questions.

Thanks,  
Kerri

- Location: 7th Floor Conference Room at Main Justice
- Your principal should arrive at 10:30 am
- The AG will deliver brief, overview remarks and leave it to component heads to give info specific to agency
- This will be a virtual press conference and reporter calls will come in over a loudspeaker and all will be able to hear them. We've conducted our last two press conferences this way and it's provided max control and both reporters and principals have liked the format. We won't take many questions.
- Timing on media advisory is tbd and I will keep you posted (will likely go out early tomorrow morning). Please keep at close hold until then.

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**From:** Kupec, Kerri (OPA)

**Sent:** Wednesday, June 3, 2020 11:16 AM

**To:** Allen, Joseph J. <(b) (6)>

**Cc:** Bissex, Rachel (OAG) <(b) (6)>; Kilgallon, John (USMS) <(b) (6)> (b)(6), (b)(7)(C) per BOP

Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI

; Levi, William (OAG) <(b) (6)>

**Subject:** Re: are you principals in town tomorrow?

Hi all - apologies, but we are postponing this press conference. Will get back to you if/when we reschedule. Thank you for your flexibility.

Best,  
Kerri

On Jun 3, 2020, at 9:57 AM, Kupec, Kerri (OPA) <(b) (6)> wrote:

- Location: 7th Floor Conference Room at Main Justice
- Your principal should arrive at 1:30 pm
- The AG will deliver brief, overview remarks and leave it to component heads to give info specific to agency
- This will be a virtual press conference and reporter calls will come in over a loudspeaker and all will be able to hear them. We've conducted our last two press conferences this way and it's provided max control and both reporters and principals have liked the format. We won't take many questions.
- Timing on media advisory is tbd and I will keep you posted. Please keep at close hold until then.

This is a constantly evolving situation so I appreciate your flexibility.

Thanks very much,  
Kerri

On Jun 3, 2020, at 9:38 AM, Allen, Joseph J. <(b) (6)> wrote:

Thank you.

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**From:** Bissex, Rachel (OAG) <(b) (6)>  
**Sent:** Wednesday, June 3, 2020 9:38 AM  
**To:** Allen, Joseph J. <(b) (6)>  
**Cc:** Kilgallon, John (USMS) <(b) (6)> ; Kupec, Kerri (OPA) <(b) (6)> ; (b)(6), (b)(7)(C) per BOP  
(b) (6) ; Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI  
(b) (6) ; Levi, William (OAG) <(b) (6)>  
**Subject:** Re: are you principals in town tomorrow?

Yes

On Jun 3, 2020, at 9:31 AM, Allen, Joseph J. <(b) (6)> wrote:

Thanks Rachel. Acting Director Lombardo will also be there. Location RFK?

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**From:** Bissex, Rachel (OAG) <(b) (6)>  
**Sent:** Wednesday, June 3, 2020 9:26 AM  
**To:** Kilgallon, John (USMS) <(b) (6)>  
**Cc:** Kupec, Kerri (OPA) <(b) (6)> ; Allen, Joseph J. <(b) (6)> ; (b)(6), (b)(7)(C) per BOP  
(b) (6) ; Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA ; (b)(6), (b)(7)(C), (b)(7)(E) per FBI  
(b) (6) ; Levi, William (OAG) <(b) (6)>  
**Subject:** Re: are you principals in town tomorrow?

All -

Confirming we are requesting your principals participation in the AG's press conference this afternoon. The press conference will be at 2:00pm, not 1:00pm. Please prepare short remarks that address your agency's operations in DC related to the civil unrest/riots. There will be a short Q&A at the end. If you have questions, please let us know.

Please confirm your principal will be in attendance.

Rachel

On Jun 3, 2020, at 9:18 AM, Kilgallon, John (USMS) <(b) (6)> wrote:

All - checking back in to see if we are a Go for 1300. Any additional details are appreciated.

Thanks

John

John Kilgallon  
Chief of Staff  
Office of the Director  
United States Marshals Service  
(b) (6) office  
(b) (6) mobile

On Jun 2, 2020, at 10:19 PM, Kupec, Kerri (OPA) <(b) (6)> wrote:

1 pm

On Jun 2, 2020, at 10:09 PM, Kilgallon, John (USMS) <(b) (6)> wrote:

Okay thanks .... Do you have a tentative time for planning purposes?

John Kilgallon  
Chief of Staff  
Office of the Director  
United States Marshals Service  
(b) (6) office  
(b) (6) mobile

On Jun 2, 2020, at 10:07 PM, Bissex, Rachel (OAG) <(b) (6)> wrote:

They may be asked to participate in the AG's press conference. If this goes forward, AG would provide overall remarks and then each agency head would give 2-3 minutes of remarks on what their agencies have done to support these operations.

On Jun 2, 2020, at 9:58 PM, Kilgallon, John (USMS) <(b) (6)> wrote:

Rachel - any insight/ details?

John Kilgallon  
Chief of Staff  
Office of the Director  
United States Marshals Service  
(b) (6) office  
(b) (6) mobile

On Jun 2, 2020, at 9:47 PM, Bissex, Rachel (OAG) <(b) (6)> wrote:

Rachel P. Bissex  
Deputy Chief of Staff & Counselor to the Attorney General  
(b) (6) (desk)  
(b) (6) (cell)

**From:** "Stephens, Taylor (OLA)" <(b) (6)>

**To:** "Escalona, Prim F. (OLA)" <(b) (6)>

**Subject:** CJS Updated

**Date:** Wed, 3 Jun 2020 21:13:03 +0000

**Importance:** Normal

**Attachments:** Outstanding\_CJS\_Questions\_Minneapolis\_-\_PFE.docx

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Here's the latest updates to the CJS question. I will continue adding as we receive the info.

Thanks,  
Taylor

**Ms. Taylor Stephens**

Office of Legislative Affairs

U.S. Department of Justice

Office: (b) (6) Cell: (b) (6)

Outstanding CJS Questions

1. **Senate Minority- Jennifer Eskra:** Has Minneapolis reached out for any assistance of DOJ outside of the FBI investigation? (b) (5)

2. **Senate Minority-Jennifer Eskra:** I caught the [press release](#) yesterday from the USAO in D/MN— is the FBI investigation a civil rights one? Are they investigating for color of law violations? Is there an investigation in pattern/practice of misconduct? Is the COPS Office assisting? Is CRS assisting? What additional personnel (FBI agents, CRS mediators, etc) have been deployed or plan to be deployed? What's going on with any JAG precipitous increase in crime funding (or other grant funding)? (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

3. **Senate Minority- Jennifer Eskra:** Besides the AG issuing press releases (saw there was another one today), is there any additional information as to what DOJ is doing in terms of investigations and other assistance that you can provide in response to my questions?
4. Are there any other announcements coming soon, particularly those that would impact resources and/or personnel? Wasn't sure if something was being announced at this AM's press conference mentioned in Politico: (b) (5)

**TRUMP'S MONDAY** -- The president will meet with A.G. Bill Barr at 10:30 a.m. in the Oval Office. He will host a teleconference on "keeping American communities safe" with governors, law enforcement and national security officials at 11 a.m. in the Situation Room.

5. **Senate Minority- Jennifer Eskra:** What is the Department doing generally to respond?
6. **Senate Minority-Jennifer Eskra:** Just saw a story on the news that both USMS and DEA are now assisting MPD (as in DC MPD not Minneapolis PD). If this is the case, how many deputies and agents are being deployed from each agency, are they from the DMV or are there TDY costs (and if there are expected costs what are they), what is the expected OT cost, what equipment are they using (pretty sure DEA doesn't have equipment to respond to riots), how long are they expected to be deployed, and what are their roles? Is this happening (deployment of DOJ LEOs to assist local PD) anywhere else or is this just in DC?  
(b) (5)
7. **Senate Minority-Jennifer Eskra:** Politico Playbook's afternoon edition reported that the President stated he's "activating" the Attorney General so please keep us updated as to what this means. They also reported that the AG sent "riot teams" from BOP to Miami. What constitutes a "riot team"? How many individuals are going and for how long? What's the cost? What other DOJ components have LEOs assisting state and local law enforcement? Again, is CRS being deployed alongside these LEOs? (b) (5)  
(b) (5)  
(b) (5)
8. **Senate Minority-Jennifer Eskra:** There has been an impact on USMS appropriations and time for large scale deputations for Presidential inaugurations (most recently Obama's first inauguration as that was the larger number). Please follow up on this as well as what that deputation looks like. For example, inaugurations were typically 7 days. What's the time frame on this? (b) (5)  
(b) (5)  
(b) (5)  
(b) (5)
9. **Senate Majority-Brian Daner:** What does "even greater law enforcement resources and support in the region tonight" entail? (b) (5)  
(b) (5)

10. **Senate Minority-Jennifer Eskra:** Under what authority does DEA have to close public streets in DC? Isn't that the role of state/local police, not federal law enforcement? (b) (5)

(b) (5)

11. **House Majority-Jeff Ashford:** According to the Washington Post, "The FBI, Bureau of Alcohol, Tobacco, Firearms and Explosives, Drug Enforcement Administration, U.S. Marshals and Bureau of Prisons were all involved in the federal response, according to a Justice Department spokeswoman."

Could you confirm? I'd be interested in knowing the nature and extent of the support, if you can provide that. (b) (5)

12. **Senate Minority-Jennifer Eskra:** And now there's a story that DEA was given permission to conduct surveillance on protestors and investigate them. I would ask for confirmation, but the article has the memo approving this:

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

This goes to our prior questions that have not been fully answered—what are the defined roles for the DOJ LEAs right now? What has been asked of them, what are they doing? How many have been pulled from their regular course of work for this? What other DOJ LEAs have been given this authority to conduct surveillance? Has an official request for assistance gone out from DOJ to other federal agencies with LEOs (DHS, Treasury, Interior, Transportation, etc) asking for assistance like DHS did in November 2018 along the SWB?

In terms of DEA, what surveillance assets are they using and where? How many times has non-Title 21 authority been provided to DEA in the past (please list the dates/reasons)?

(b) (5)

[Redacted]

(b) (5)

How many other LEOs have been specially deputized by USMS to respond to protestors to include a further breakout of the number by LEA, the purpose for the deputation and the length of time for the deputation? (b) (5)

13. **Senate Majority-Brian Daner:** It looks like the DAG's office authorized the assignment of non-Title 21 authorities to DEA on Sunday afternoon. Why was that information withheld yesterday?

(b) (5)

14. I think we're still also waiting on an answer to the question of whether any DoD or National Guard personnel are operating under the direction of the AG. (b) (5)