

From: "Levi, William (OAG)" <(b) (6)>
To: "Antell, Kira M. (OLA)" <(b) (6)> "Sofer, Gregg (OAG)"
<(b) (6)> "Donoghue, Richard (ODAG)" <(b) (6)>
"Blue, Matthew (ODAG)" <(b) (6)> "Engel, Steven A. (OLC)"
<(b) (6)> "Burns, David P. (NSD)" <(b) (6)>
Cc: "Hovakimian, Patrick (ODAG)" <(b) (6)> "Boyd, Stephen E.
(OLA)" <(b) (6)> "Hankey, Mary Blanche (OLA)"
<(b) (6)>

Subject: RE: Response to Hill Letters on Civil Unrest and Portland

Date: Thu, 30 Jul 2020 21:53:02 +0000

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020_CIRCULATED_FOR_REVIEW.docx

Thanks! A few questions in the attached. The AG will want to review this and is out tomorrow, so we might need to push the return date. Thanks again.

From: Antell, Kira M. (OLA) <(b) (6)>
Sent: Thursday, July 30, 2020 5:16 PM
To: Levi, William (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Donoghue, Richard
(ODAG) <(b) (6)> Blue, Matthew (ODAG) <(b) (6)> Engel, Steven A. (OLC)
<(b) (6)> Burns, David P. (NSD) <(b) (6)>
Cc: Hovakimian, Patrick (ODAG) <(b) (6)> Boyd, Stephen E. (OLA) <(b) (6)>
Hankey, Mary Blanche (OLA) <(b) (6)>
Subject: Response to Hill Letters on Civil Unrest and Portland

Good afternoon,

Attached is a slightly revised draft response to numerous Hill inquiries on civil unrest and Portland. You'll recall that after all of you had reviewed this letter on Monday and provided edits, the decision was made to hold it until after the AG's hearing. OLA has now reviewed and revised it to ensure it is consistent with the AG's testimony. This has also been re-reviewed by components to confirm its accuracy.

We would like to begin using this response tomorrow if at all possible. Could you please review by noon and let OLA know whether you clear it to use in response to outstanding Hill inquiries? If you have any comments or concerns as to accuracy or why certain changes were made, please do not hesitate to call or email me.

Thanks,
Kira

Kira Antell
Office of Legislative Affairs
Department of Justice
o: (b) (6)
c: (b) (6)

From: "(b)(6): Patrick Hovakimian (ODAG)" <(b)(6): Patrick Hovakimian (ODAG)>

To: Rachel Bissex <(b) (6)>

Subject: Fwd: Response to Hill Letters on Civil Unrest and Portland

Date: Thu, 30 Jul 2020 17:25:33 -0400

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020_CIRCULATED_FOR_REVIEW.docx;
ATT00001.htm

Patrick Hovakimian

(b) (6)

Begin forwarded message:

From: "Antell, Kira M. (OLA)" <(b) (6)>

Date: July 30, 2020 at 5:16:19 PM EDT

To: "Levi, William (OAG)" <(b) (6)> "Sofer, Gregg (OAG)" <(b) (6)>

"Donoghue, Richard (ODAG)" <(b) (6)> "Blue, Matthew (ODAG)"

<(b) (6)> "Engel, Steven A. (OLC)" <(b) (6)> "Burns, David P. (NSD)"

<(b) (6)>

Cc: "Hovakimian, Patrick (ODAG)" <(b) (6)> "Boyd, Stephen E. (OLA)"

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

Subject: Response to Hill Letters on Civil Unrest and Portland

Duplicative Material, 23-cv-1207_20-01806_000148

From: "Burns, David P. (NSD)" <(b) (6)>
To: "Antell, Kira M. (OLA)" <(b) (6)> "Levi, William (OAG)"
<(b) (6)> "Sofer, Gregg (OAG)" <(b) (6)> "Donoghue,
Richard (ODAG)" <(b) (6)> "Blue, Matthew (ODAG)"
<(b) (6)> "Engel, Steven A. (OLC)" <(b) (6)>
Cc: "Hovakimian, Patrick (ODAG)" <(b) (6)> "Boyd, Stephen E.
(OLA)" <(b) (6)> "Hankey, Mary Blanche (OLA)"
<(b) (6)>

Subject: RE: Response to Hill Letters on Civil Unrest and Portland

Date: Thu, 30 Jul 2020 22:07:40 +0000

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020_CIRCULATED_FOR_REVIEW_(DPB).doc
x

Some minor suggestions and comments on the (b) (5) sections are attached.

David P. Burns
Principal Deputy Assistant Attorney General
National Security Division
U.S. Department of Justice
(b) (6)

-----Original Message-----

From: Antell, Kira M. (OLA) <(b) (6)>
Sent: Thursday, July 30, 2020 5:16 PM
To: Levi, William (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Donoghue,
Richard (ODAG) <(b) (6)> Blue, Matthew (ODAG) <(b) (6)> Engel,
Steven A. (OLC) <(b) (6)> Burns, David P. (NSD) <(b) (6)>
Cc: Hovakimian, Patrick (ODAG) <(b) (6)> Boyd, Stephen E. (OLA)
<(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)>
Subject: Response to Hill Letters on Civil Unrest and Portland

Duplicative Material, 23-cv-1207_20-01806_000148

From: "Blue, Matthew (ODAG)" <(b) (6)>
To: "Burns, David P. (NSD)" <(b) (6)> "Antell, Kira M. (OLA)"
<(b) (6)> "Levi, William (OAG)" <(b) (6)> "Sofer,
Gregg (OAG)" <(b) (6)> "Donoghue, Richard (ODAG)"
<(b) (6)> "Engel, Steven A. (OLC)" <(b) (6)>
Cc: "Hovakimian, Patrick (ODAG)" <(b) (6)> "Boyd, Stephen E.
(OLA)" <(b) (6)> "Hankey, Mary Blanche (OLA)"
<(b) (6)>

Subject: RE: Response to Hill Letters on Civil Unrest and Portland

Date: Fri, 31 Jul 2020 13:30:11 +0000

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020_CIRCULATED_FOR_REVIEW_DPB_-
_mb.docx

With comments from me...

Matt

Matthew F. Blue
Associate Deputy Attorney General
U.S. Department of Justice
(b) (6)

-----Original Message-----

From: Burns, David P. (NSD) <(b) (6)>
Sent: Thursday, July 30, 2020 6:08 PM
To: Antell, Kira M. (OLA) <(b) (6)> Levi, William (OAG) <(b) (6)> Sofer,
Gregg (OAG) <(b) (6)> Donoghue, Richard (ODAG) <(b) (6)> Blue,
Matthew (ODAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)>
Cc: Hovakimian, Patrick (ODAG) <(b) (6)> Boyd, Stephen E. (OLA)
<(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)>
Subject: RE: Response to Hill Letters on Civil Unrest and Portland

Duplicative Material, 23-cv-1207_20-01806_000166

From: "Donoghue, Richard (ODAG)" <(b) (6)>
To: "Antell, Kira M. (OLA)" <(b) (6)>
Cc: "Hovakimian, Patrick (ODAG)" <(b) (6)> "Boyd, Stephen E. (OLA)" <(b) (6)> "Hankey, Mary Blanche (OLA)" <(b) (6)> "Burns, David P. (NSD)" <(b) (6)> "Blue, Matthew (ODAG)" <(b) (6)> "Levi, William (OAG)" <(b) (6)> "Sofer, Gregg (OAG)" <(b) (6)> "Engel, Steven A. (OLC)" <(b) (6)>

Subject: RE: Response to Hill Letters on Civil Unrest and Portland

Date: Fri, 31 Jul 2020 15:40:34 -0000

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020_CIRCULATED_FOR_REVIEW_DPB_RPD_-_mb.docx

And a few minor, suggested edits from me in this draft.

-----Original Message-----

From: Blue, Matthew (ODAG) <(b) (6)>
Sent: Friday, July 31, 2020 9:30 AM
To: Burns, David P. (NSD) <(b) (6)> Antell, Kira M. (OLA) <(b) (6)>
Levi, William (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Donoghue, Richard (ODAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)>
Cc: Hovakimian, Patrick (ODAG) <(b) (6)> Boyd, Stephen E. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)>
Subject: RE: Response to Hill Letters on Civil Unrest and Portland

Duplicative Material, 23-cv-1207_20-01806_000175

From: "Antell, Kira M. (OLA)" <(b) (6)>
To: "Levi, William (OAG)" <(b) (6)> "Sofer, Gregg (OAG)"
<(b) (6)> "Donoghue, Richard (ODAG)" <(b) (6)>
"Blue, Matthew (ODAG)" <(b) (6)> "Engel, Steven A. (OLC)"
<(b) (6)> "Burns, David P. (NSD)" <(b) (6)>
Cc: "Hovakimian, Patrick (ODAG)" <(b) (6)> "Boyd, Stephen E.
(OLA)" <(b) (6)> "Hankey, Mary Blanche (OLA)"
<(b) (6)>

Subject: RE: Response to Hill Letters on Civil Unrest and Portland

Date: Sat, 1 Aug 2020 02:01:21 +0000

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07312020_CIRCULATED_FOR_REVIEW_CLEAN.docx;
Raskin_July22_Response_DRAFT_07312020_CIRCULATED_FOR_REVIEW_REDLINE.pdf

Thank you everyone for providing edits. Attached is a revised version incorporating edits from Will, Rich, David, Matt, and additional edits from ATF, DEA, and USMS. I have attached a redline PDF showing comments and any explanation and a clean version. Will, do let us know if you feel this requires further edits before the AG reviews it. Otherwise, we defer to you as to timing on that front.

Thanks,
Kira

From: Antell, Kira M. (OLA)
Sent: Thursday, July 30, 2020 5:16 PM
To: Levi, William (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Donoghue, Richard (ODAG) <(b) (6)> Blue, Matthew (ODAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)> Burns, David P. (NSD) <(b) (6)>
Cc: Hovakimian, Patrick (ODAG) <(b) (6)> Boyd, Stephen E. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)>
Subject: Response to Hill Letters on Civil Unrest and Portland

Duplicative Material, 23-cv-1207_20-01806_000148

From: "Antell, Kira M. (OLA)" <(b) (6)>

To: "Hovakimian, Patrick (ODAG)" <(b) (6)>

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

Subject: OLA Response to QFRs

Date: Wed, 29 Jul 2020 21:30:57 +0000

Importance: Normal

Attachments: Hovakimian_QFRv3.docx

Hi Patrick,

Attached is OLA's take on your QFRs. This reflects largely public information and responses culled from the draft response to Hill inquiries that we were working through before the AG's hearing on Monday.

MBH and I discussed this and we think (b) (5)

Also – what is your timing on returning these? (b) (5)

Thanks,
Kira

Kira Antell
Office of Legislative Affairs
Department of Justice

o: (b) (6)
c: (b) (6)

[From Senator Henrich]

Federal agents are being sent to Albuquerque as part of the expansion of Operation Legend. According to the Justice Department, the initiative is intended to “fight the sudden surge of violent crime.” But according to Albuquerque Police Chief Geier, homicides are down this year, and protests have been mostly peaceful in the city.

The DoJ initiative is also intended to work in conjunction with state and local law enforcement officials, and yet the mayor and chief of police were not consulted.

Please provide answers to the following questions:

1. What is the driving reason to send these agents to Albuquerque at this particular time? What are the criteria for determining which cities have a problem that raises to federal intervention?

(b) (5)

2. What authority do federal law enforcement agents have to deploy into a community?

(b) (5)

3. How is this initiative different than last year’s Operation Relentless Pursuit? If merely a rebranding, why was that necessary?

(b) (5)

4. How will the Justice Department work with city officials to ensure cooperation and coordination and legal guardrails?

(b) (5)

(b) (5)

5. Which agencies are represented on the ground? How many of each? How will they be deployed? What are their rules of engagement?

(b) (5)

[From Senator Wyden]

1. Please provide detailed information on which Department of Justice entities have deployed to Portland, Oregon, in connection with recent protests against racism and police abuses. For each such entity, please indicate:

- The number and roles of deployed personnel.

(b) (5)

- Whether those entities have engaged in crowd control, arrests and detentions, facility protection, or other active law enforcement operations. For each such entity, please describe its chain of command as well as its training and safety protocols.

(b) (5)

(b) (5)

- Any directives or guidance with regard to arrests and detentions.

(b) (5)

- Coordination with local authorities and law enforcement.

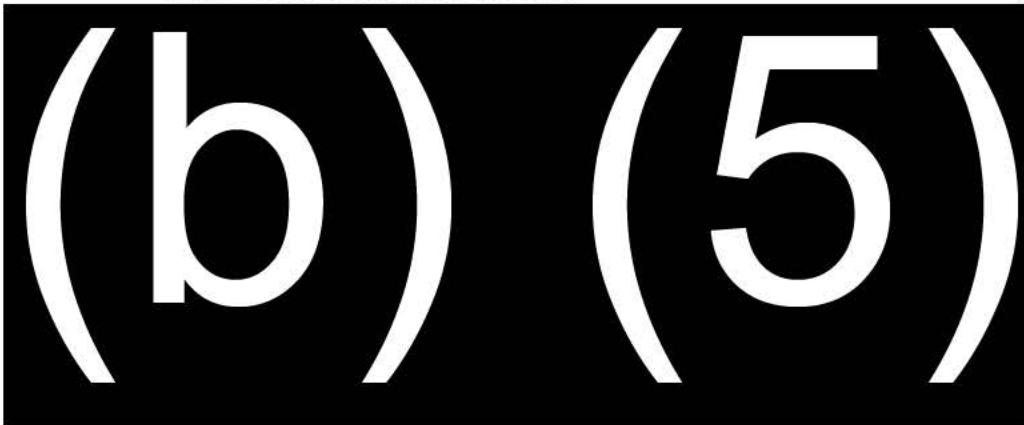
(b) (5)

- Coordination among, and relative roles of DOJ entities and entities of the Department of Homeland Security deployed to Portland.

(b) (5)

2. Please provide information on any federal government surveillance and other collection activities in Portland, to include:

- The federal government entities conducting the surveillance and collection.
- How the surveillance or collection has been conducted.
- The nature of the information collected.
- The authorities under which the surveillance or collection has been conducted.
- Dissemination and minimization requirements related to such surveillance or collection.
- The use of such surveillance or collection.



3. Please describe in detail any guidance from the Department of Justice related to the law enforcement operations of entities of the Department of Homeland Security in Portland. Please detail how that guidance has been implemented.

(b) (5)

4. Has the Office of Legal Counsel or any other element of the Department of Justice produced any opinions related to federal government law enforcement or surveillance that apply to operations in Portland? If yes, please provide.

[OLC]

5. Under what circumstances, if any, can federal law enforcement personnel patrol and make arrests without identifying themselves or the federal entities for which they work? Please detail your statutory and constitutional analysis.

[OLC]

6. Under what circumstances, if any, can federal law enforcement personnel patrol and make arrests over the objections of state, local, municipal and tribal authorities, and away from federal buildings and property? Please detail your statutory and constitutional analysis.

(b) (5)

7. Under what circumstances, if any, do federal entities have authorities to enforce non-federal laws? Do those circumstances change if state, local, municipal and tribal authorities object to federal enforcement? Please detail your statutory and constitutional analysis.

[OLC]

What law enforcement officers or other federal forces have DOJ and/or its subordinate entities deployed against ongoing protests in Portland, Albuquerque, Chicago and elsewhere?

- a. Where have DOJ and/or its subordinate entities deployed those forces?
- b. What additional or extraordinary authorities have DOJ and/or its subordinate entities given these forces?
- c. How are have DOJ and/or its subordinate entities ensuring that these forces are respecting protesters' legal and constitutional rights?

(b) (5)

¹(b) (5)

²(b) (5)

(b) (5)

³ (b) (5)

⁴ (b) (5)

From: "Antell, Kira M. (OLA)" <(b) (6)>

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

Cc: "Reuss, Alexis (OLA)" <(b) (6)>

Subject: Hovakimian QFRv3

Date: Wed, 29 Jul 2020 20:47:40 +0000

Importance: Normal

Attachments: Hovakimian_QFRv3.docx

Hi MBH,

This is our draft response to Patrick's QFRs. Do you think I should share with Patrick now?

Thanks,
Kira

From: "Antell, Kira M. (OLA)" <(b) (6)>
To: "Reuss, Alexis (OLA)" <(b) (6)> "Goldschmidt, Lauren (OLA)" <(b) (6)>
<(b) (6)> "Boyd, Stephen E. (OLA)" <(b) (6)>
"Martin, Suzanne (USATXN)" <(b) (6)> "Dooley, Erin (USATXN)" <(b) (6)>
<(b) (6)> "NealyCox, Erin (USATXN)" <(b) (6)>
"Creegan, Erin (ODAG)" <(b) (6)> "Blue, Matthew (ODAG)" <(b) (6)>
Cc: "Johnson, Joanne E. (OLA)" <(b) (6)>

Subject: RE: ENC SJC Hearing Prep Call

Date: Thu, 23 Jul 2020 19:29:51 +0000

Importance: Normal

Attachments: Y- Federal Law Enforcement Involvement in Civil Unrest_v5_NOT_CLEARED.docx;
RESPONSES_TO_HOT_TOPICS.docx

Good afternoon,

We are looking forward to speaking shortly. Attached are two draft documents (not cleared) – we continue to work to finalize them but wanted everyone on the call to have them in the event they would be helpful in their draft form.

Thanks,
Kira

-----Original Appointment-----

From: Reuss, Alexis (OLA) <(b) (6)>
Sent: Monday, July 20, 2020 5:18 PM
To: Reuss, Alexis (OLA); Antell, Kira M. (OLA); Goldschmidt, Lauren (OLA); Boyd, Stephen E. (OLA); Martin, Suzanne (USATXN); Dooley, Erin (USATXN); NealyCox, Erin (USATXN); Creegan, Erin (ODAG); Blue, Matthew (ODAG)
Cc: Johnson, Joanne E. (OLA)
Subject: ENC SJC Hearing Prep Call
When: Thursday, July 23, 2020 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: (b) (6)

INFORMATION FOR PARTICIPANTS ONLY

For Audio Connection Dial: (b) (6)
Attendee Access Code: (b) (6)

Prep call for Erin Nealy Cox before her 7/29 hearing before SJC Subcommittee on the Constitution
Hearing entitled, "Right to Peaceably Assemble" TIME TBD

-this will be an opportunity to receive a background briefing on relevant ongoing developments, discuss briefing papers, and go through a soft moot (if there is time)
-formal moot time TBD on 7/28, with FBI witness

From: "Antell, Kira M. (OLA)" <(b) (6)>
To: "Hovakimian, Patrick (ODAG)" <(b) (6)>
Cc: "Reuss, Alexis (OLA)" <(b) (6)> "Goldschmidt, Lauren (OLA)"
<(b) (6)> "Stephens, Taylor (OLA)" <(b) (6)>

Subject: Draft Paper on Portland etc

Date: Tue, 21 Jul 2020 21:07:53 +0000

Importance: Normal

Attachments: Y- Federal_Law_Enforcement_Involvement_in_Civil_Unrest_v4_NOT_CLEARED.docx

Hi Patrick,

OLA is working on a draft paper that includes Portland and other topics. This draft has been reviewed by USMS but is in the process of being reviewed by FBI now – it is NOT CLEARED. That said, Stephen suggested you might find it helpful for your purposes even as a draft. Please let me know if you have any questions.

Thanks,
Kira

Kira Antell
Office of Legislative Affairs
Department of Justice
o: (b) (6)
c: (b) (6)

From: "Antell, Kira M. (OLA)" <(b) (6)>
To: "Blue, Matthew (ODAG)" <(b) (6)>
Cc: "Reuss, Alexis (OLA)" <(b) (6)> "Stephens, Taylor (OLA)"
<(b) (6)> "Goldschmidt, Lauren (OLA)"
<(b) (6)>

Subject: Civil Unrest Briefing paper

Date: Mon, 20 Jul 2020 17:18:48 +0000

Importance: Normal

Attachments: Y- Federal_Law_Enforcement_Involvement_in_Civil_Unrest.docx

Hi Matt,

I'm Kira – we haven't met yet but I'm in OLA (actually detailed from OLP) and as you know that AG is testifying at HJC on 7/28 and there is also an SJC subcommittee hearing on civil unrest/DT (FBI and US Attorney witness). We believe that the events in Portland and other issues will be questions raised at both of those hearings. OLA has started putting together a basic shell for a briefer on this. Patrick indicated that you are the POC for this. I have attached the current draft – it touches on (b) (5). Would you be able to look at this and make any edits and revisions and provide suggested questions and responses by mid-afternoon tomorrow?

Thanks,
Kira

Kira Antell
Office of Legislative Affairs
Department of Justice
o: (b) (6)
c: (b) (6)

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

To: "Creegan, Erin (ODAG)" <(b) (6)>

Subject:

Date: Mon, 20 Jul 2020 21:26:43 +0000

Importance: Normal

Attachments: Y- Federal Law Enforcement Involvement in Civil Unrest.docx

Matt

Matthew F. Blue

Associate Deputy Attorney General

U.S. Department of Justice

(b) (6)

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

To: "Hovakimian, Patrick (ODAG)" <(b) (6)>

Subject: RE:

Date: Mon, 20 Jul 2020 20:48:53 -0000

Importance: Normal

Attachments: Y-_Federal_Law_Enforcment_Involvement_in_Civil_Unrest.docx

Sure, see attached. Includes my comments and edits.

Matt

Matthew F. Blue
Associate Deputy Attorney General
U.S. Department of Justice
202-305-4127

-----Original Message-----

From: Hovakimian, Patrick (ODAG) <(b) (6)>

Sent: Monday, July 20, 2020 4:48 PM

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

Subject:

Can you please send me whatever civil unrest prep paper for the AG you referenced on the call? Thanks Matt.

Patrick Hovakimian

(b) (6)

From: "Blue, Matthew (ODAG)" <(b) (6)>
To: "Antell, Kira M. (OLA)" <(b) (6)>
Cc: "Reuss, Alexis (OLA)" <(b) (6)> "Stephens, Taylor (OLA)"
<(b) (6)> "Goldschmidt, Lauren (OLA)"
<(b) (6)>

Subject: RE: Civil Unrest Briefing paper

Date: Mon, 20 Jul 2020 19:44:34 -0000

Importance: Normal

Attachments: Y- Federal Law Enforcement Involvement in Civil Unrest.docx

See attached.

Matt

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

(b) (6)

From: Antell, Kira M. (OLA) <(b) (6)>
Sent: Monday, July 20, 2020 3:33 PM
To: Blue, Matthew (ODAG) <(b) (6)>
Cc: Reuss, Alexis (OLA) <(b) (6)> Stephens, Taylor (OLA) <(b) (6)> Goldschmidt, Lauren (OLA) <(b) (6)>
Subject: Re: Civil Unrest Briefing paper

That's fantastic! Thanks very much.

Sent from my iPhone

On Jul 20, 2020, at 1:28 PM, Blue, Matthew (ODAG) <(b) (6)> wrote:

Sure, happy to take a look.

Matt

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

(b) (6)

From: Antell, Kira M. (OLA) <(b) (6)>
Sent: Monday, July 20, 2020 1:19 PM
To: Blue, Matthew (ODAG) <(b) (6)>
Cc: Reuss, Alexis (OLA) <(b) (6)> Stephens, Taylor (OLA) <(b) (6)> Goldschmidt, Lauren (OLA) <(b) (6)>
Subject: Civil Unrest Briefing paper

Duplicative Material, 23-cv-1207_20-01806_000232

From: "Levi, William (OAG)" <(b) (6)>

To: Kerri Kupec (b)(6) PAO Email Address

Subject: 6-9-20 Letter to Mayor-AG.docx

Date: Tue, 9 Jun 2020 12:49:53 -0400

Importance: Normal

Attachments: 6-9-20_Letter_to_Mayor-AG.docx

This will go out in about an hour

From: "Engel, Steven A. (OLC)" <(b) (6)>

To: "Levi, William (OAG)" <(b) (6)>

Cc: "Michel, Christopher (OAG)" <(b) (6)>

Subject: RE:

Date: Mon, 8 Jun 2020 22:29:12 +0000

Importance: Normal

Attachments: 6-8-20_Letter_to_Mayor-AG_1730.docx

Here's the updated draft, which also reflects some edits from Chris.

-----Original Message-----

From: Levi, William (OAG) <(b) (6)>

Sent: Monday, June 8, 2020 1:56 PM

To: Engel, Steven A. (OLC) <(b) (6)>

Cc: Michel, Christopher (OAG) <(b) (6)>

Subject: Re:

I think we can send in the morning?

> On Jun 8, 2020, at 1:52 PM, Engel, Steven A. (OLC) <(b) (6)> wrote:

>

> Yes. What is our timing?

>

> We presumably will also want to take into account the president's NG drawdown decision?

>

> Sent from my iPhone

>

> On Jun 8, 2020, at 11:47 AM, Levi, William (OAG) <(b) (6)> wrote:

>

> Can we please make sure our letter to Racine and Bowser is updated in light of the AGs interview yesterday and today? Adding Chris to help from our end.

From: "Engel, Steven A. (OLC)" <(b) (6)>

To: "Levi, William (OAG)" <(b) (6)>

Subject: 6-5-20 Letter to Mayor-AG 1730

Date: Fri, 5 Jun 2020 21:52:43 +0000

Importance: Normal

Attachments: 6-5-20_Letter_to_Mayor-AG_1730.docx

This version has tweaks from DOD OGC, which otherwise signed off. Nothing that the AG necessarily needs to see. But forwarding so that you have the latest, and in case you guys choose to take the pen.

From: "Engel, Steven A. (OLC)" <(b) (6)>
To: "Levi, William (OAG)" <(b) (6)> "Sherwin, Michael (USADC)"
<(b) (6)> "DuCharme, Seth (ODAG)" <(b) (6)>
"Hovakimian, Patrick (ODAG)" <(b) (6)> "Escalona, Prim F.
(OLA)" <(b) (6)> "Mooppan, Hashim (CIV)"
<(b) (6)>
Cc: "Gannon, Curtis E. (OLC)" <(b) (6)>

Subject: Draft letter

Date: Fri, 5 Jun 2020 20:55:24 +0000

Importance: Normal

Attachments: 6-5-20_Letter_to_Mayor-AG_1630.docx;
Letter_to_AG_Barr_et_al_re_National_Guard.pdf;
MayorBowserLettertoPresidentTrump06.04.20.pdf

Attached is a draft AG response to the letter from AG Racine and the letter from the Mayor.

Steven A. Engel
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Office (b) (6)
(b) (6)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

June 4, 2020

William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
via e-mail

Mark Esper
Secretary of Defense
1400 Defense Pentagon
Washington, DC 20301
via e-mail

Mark Meadows
Chief of Staff
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
via e-mail

Dear Attorney General Barr, Secretary Esper, and Chief of Staff Meadows,

The Office of the Attorney General for the District of Columbia is reviewing the legality of aspects of the federal government's response to the George Floyd protests in the District. Specifically, the federal government has called in several out-of-state National Guards and federal law-enforcement entities (including, the Bureau of Prisons, according to public reports) to police District streets. The District government has received very little information about the legal basis for these entities' presence.

We are seeking information regarding the legal authority for these entities' presence in the District and their actions. Specifically, we request responses to the following questions by 5 p.m. on June 6, 2020:

- 1) Did any federal government official contact any state regarding deployment of its National Guard to the District of Columbia? If so, which states were contacted, by whom, and when?
- 2) What authority is the federal government relying on for deploying out-of-state National Guard units to the District of Columbia?

Attorney General Barr
Secretary Esper
Chief of Staff Meadows
June 4, 2020
Page 2

- 3) What is the stated mission of any out-of-state National Guard personnel deployed to the District of Columbia and who determined that mission?
- 4) What is the scope of the law-enforcement authority of any out-of-state National Guard troops deployed to the District of Columbia? Specifically, do they have authority to make arrests and, if so, for what offenses and in what geographical boundaries? Please provide the legal basis for any asserted law-enforcement authority.
- 5) To whom do any out-of-state National Guard personnel deployed to the District of Columbia report?
- 6) Are any out-of-state National Guard personnel deployed to the District of Columbia armed? If so, what is the legal basis for this?
- 7) What federal law-enforcement personnel (such as, but not limited to Bureau of Prisons personnel) have been sent to the District from other locations or, if already in the District, reprogrammed to respond to protests and demonstrations in the District of Columbia since May 25, 2020? For each responsive entity, please provide the following information:
 - a. What is the legal authority for the entity's presence in the District?
 - b. What is the stated mission of the entity's presence in the District?
 - c. What is the scope of law-enforcement authority for the entity in the District? Specifically, do they have authority to make arrests and if so, for what offenses and in what geographical boundaries? Please provide the legal basis for any asserted law-enforcement authority.
 - d. To whom does the entity report concerning activities in the District?
 - e. Are officers from the entity armed? If so, what is the legal basis for this?
 - f. Do personnel from this entity acting in the District have law-enforcement training, including knowledge about the rights to protest and assemble?
 - g. How do personnel from each entity handle requests from District law-enforcement and District residents to identify themselves?

Please send your responses to Senior Counsel Vikram Swaruup at (b) (6) and contact him by email or phone at (b) (6) if you have any questions. I would also welcome a meeting to discuss the need for accountability, transparency, and compliance with federal and District law in connection with the extraordinary actions taken regarding these protests.

Sincerely,

Karl A. Racine
Attorney General for the District of Columbia



MURIEL BOWSER
MAYOR

June 4, 2020

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump:

I write to inform you that, with last night's curfew ending at 6:00 a.m. today, I have ended the state of emergency in the District of Columbia related to demonstrations. The protestors have been peaceful, and last night, the Metropolitan Police Department did not make a single arrest. Therefore, I am requesting that you withdraw all extraordinary federal law enforcement and military presence from Washington, DC.

Since Home Rule, we have developed a finely wrought system of coordination with federal partners, and we will continue to work with them to ensure the safety of demonstrations. We are well equipped to handle large demonstrations and First Amendment activities.

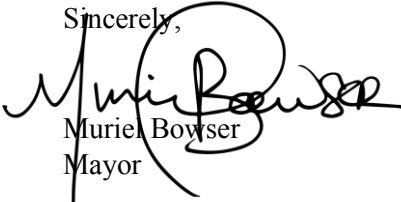
Furthermore, I continue to be concerned that unidentified federal personnel patrolling the streets of Washington, DC pose both safety and national security risks. The deployment of federal law enforcement personnel and equipment are inflaming demonstrators and adding to the grievances of those who, by and large, are peacefully protesting for change and for reforms to the racist and broken systems that are killing Black Americans.

Our police and incident command have clear channels of communication and roles and it is important to note that these additional, unidentified units are operating outside of established chains of command. This multiplicity of forces can breed dangerous confusion, such as when helicopters are used in a war-like tactic to frighten and disperse peaceful protestors.

Adding to the confusion and my concern are the units that lack identifying insignia. When citizens are unable to clearly identify legitimate law enforcement officers, it creates unnecessary risks for both protesters and officers. In fact, we found many years ago that conflict between police and citizens is reduced when law enforcement affiliation is apparent; thus, identifying insignia is mandatory in Washington, DC.

The safety and freedom of the residents and visitors to the District of Columbia is paramount. My view is that law enforcement should be in place to protect the rights of American citizens, not restrict them. I appreciate your prompt consideration of this request.

Sincerely,


Muriel Bowser
Mayor

From: "Escalona, Prim F. (OLA)" <(b) (6)>
To: "Goldschmidt, Lauren (OLA)" <(b) (6)> "Stephens, Taylor (OLA)"
<(b) (6)>
Date: Wed, 03 Jun 2020 20:12:17 -0000
Importance: Normal
Attachments: Outstanding_CJS_Questions_Minneapolis_-_PFE.docx

LG,
Can you quickly send Taylor the info about CRT for the CJS response? Also, can you send her the press release that the USA put out with FBI SAC?

Thanks!

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

Outstanding CJS Questions

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

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

Date: Wed, 03 Jun 2020 20:11:23 -0000

Importance: Normal

Attachments: Outstanding_CJS_Questions_Minneapolis_-_PFE.docx

Prim Escalona
Principal Deputy Assistant Attorney General
Office of Legislative Affairs

(b) (6)

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

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

Subject: RE:

Date: Wed, 3 Jun 2020 20:27:22 +0000

Importance: Normal

Attachments: Outstanding_CJS_Questions_Minneapolis_-_PFE.docx

Here is with LG response. I'll continue working through this.

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

Sent: Wednesday, June 3, 2020 4:11 PM

To: Stephens, Taylor (OLA) <(b) (6)>

Subject:

Prim Escalona

Principal Deputy Assistant Attorney General

Office of Legislative Affairs

(b) (6)

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

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To: "Purdy, Nikita (JMD)" <(b) (6)> "Lucas, Daniel (JMD)"
<(b) (6)> "Hanson, Alan R. (JMD)" <(b) (6)> "Pings,
Anne (OLA)" <(b) (6)> (b) (6) (OLA)"
<(b) (6)> "Goldschmidt, Lauren (OLA)" <(b) (6)>
Cc: "Mary Blanche Hankey (OLA)" <(b) (6)> <(b) (6)>

Subject: Outstanding CJS Questions_Minneapolis

Date: Wed, 03 Jun 2020 16:34:19 -0000

Importance: Normal

Attachments: Outstanding_CJS_Questions_Minneapolis.docx

Here are my initial thoughts. Can you all look at this (b) (6), Pings, and LG – I put notes in for you to check)?

Nikita – can you look at my notes and see if we can answer some of these and if any are OBE?

Thanks!

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

Subject: RE: Outstanding CJS Questions_Minneapolis

Date: Wed, 03 Jun 2020 17:02:00 -0000

Importance: Normal

Attachments: Outstanding_CJS_Questions_Minneapolis_-_PFE.docx

More updates on what I know in the attached in blue. I think we will have something to share today on the operational side, but it is still under discussion.

Can we share the grant stuff now and then follow-up?

Thanks!

From: Escalona, Prim F. (OLA)
Sent: Wednesday, June 3, 2020 12:34 PM
To: Purdy, Nikita (JMD) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)> Hanson, Alan R. (JMD) <(b) (6)> Pings, Anne (OLA) <(b) (6)> (b) (6) (OLA)
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Duplicative Material, 23-cv-1207_20-01806_000271

Outstanding CJS Questions

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To: "Escalona, Prim F. (OLA)" <(b) (6)> "Purdy, Nikita (JMD)"
<(b) (6)> "Lucas, Daniel (JMD)" <(b) (6)> "Hanson, Alan
R. (JMD)" <(b) (6)> "Pings, Anne (OLA)" <(b) (6)>
(b) (6) (OLA)" <(b) (6)>
Cc: "Hankey, Mary Blanche (OLA)" <(b) (6)>

Subject: RE: Outstanding CJS Questions_Minneapolis

Date: Wed, 3 Jun 2020 17:37:55 +0000

Importance: Normal

Attachments: Outstanding_CJS_Questions_Minneapolis_-_PFE_-_LG.docx

Attached is the document with my updates for number 2.

From: Escalona, Prim F. (OLA) <(b) (6)>
Sent: Wednesday, June 3, 2020 1:02 PM
To: Purdy, Nikita (JMD) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)> Hanson, Alan R. (JMD)
<(b) (6)> Pings, Anne (OLA) <(b) (6)> (b) (6) (OLA)
<(b) (6)> Goldschmidt, Lauren (OLA) <(b) (6)>
Cc: Hankey, Mary Blanche (OLA) <(b) (6)>
Subject: RE: Outstanding CJS Questions_Minneapolis

Duplicative Material, 23-cv-1207_20-01806_000275

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[Redacted]

[Redacted]

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To: "Escalona, Prim F. (OLA)" <(b) (6)> "Stephens, Taylor (OLA)" <(b) (6)> "Purdy, Nikita (JMD)" <(b) (6)> "Lucas, Daniel (JMD)" <(b) (6)>

Subject: RE: Outstanding CJS Questions_Minneapolis

Date: Thu, 4 Jun 2020 01:18:38 +0000

Importance: Normal

Attachments: Outstanding_CJS_Questions_Minneapolis_-_PFE_-_LG.docx

Taylor – please see attached.

From: Escalona, Prim F. (OLA) <(b) (6)>
Sent: Wednesday, June 3, 2020 8:42 PM
To: Goldschmidt, Lauren (OLA) <(b) (6)> Purdy, Nikita (JMD) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)>
Subject: RE: Outstanding CJS Questions_Minneapolis

Yes. Please just send to taylor and she will update

From: Goldschmidt, Lauren (OLA) <(b) (6)>
Sent: Wednesday, June 3, 2020 8:05 PM
To: Escalona, Prim F. (OLA) <(b) (6)> Purdy, Nikita (JMD) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)>
Subject: RE: Outstanding CJS Questions_Minneapolis

Is there still time to update this? I just spoke to CRT and need to change something...

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Sent: Wednesday, June 3, 2020 1:38 PM
To: Escalona, Prim F. (OLA) <(b) (6)> Purdy, Nikita (JMD) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)> Hanson, Alan R. (JMD) <(b) (6)> Pings, Anne (OLA) <(b) (6)> <(b) (6)> <(b) (6)> (OLA) <(b) (6)>
Cc: Hankey, Mary Blanche (OLA) <(b) (6)>
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