

**From:** (b) (6) (OLA)" <(b) (6)>  
**To:** "Jinks, Kevin (OLP)" <(b) (6)> "Blue, Matthew (ODAG)" <(b) (6)>  
(b) (6), (b) (7) (C), (b) (7) (E) per FBI  
(b) (6), (b) (7) (C), (b) (7) (E) per FBI  
(b) (6), (b) (7) (C) per BOP  
**Cc:** "Ford, Christian (OLP)" <(b) (6)> "Ciobanu, Ileana (OLP)" <(b) (6)>  
(b) (6), (b) (7) (C), (b) (7) (E) per FBI  
(b) (6), (b) (7) (C) per BOP

**Subject:** RE: Legislative Update re: Drone-related matters.

**Date:** Sat, 25 Jul 2020 13:48:07 +0000

**Importance:** Normal

**Attachments:** Sen.\_Markey\_Letter\_-\_DOJ\_Protest\_Surveillance\_6.11.20.pdf

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To follow-on to below re Congressional correspondence, attached is a protest-related letter that references drones.

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**From:** (b) (6) (OLA)  
**Sent:** Thursday, July 23, 2020 6:50 PM  
**To:** Jinks, Kevin (OLP) <(b) (6)> Blue, Matthew (ODAG) <(b) (6)>  
(b) (6), (b) (7) (C), (b) (7) (E) per FBI  
(b) (6), (b) (7) (C), (b) (7) (E) per FBI  
(b) (6), (b) (7) (C) per BOP  
**Cc:** Ford, Christian (OLP) <(b) (6)> Ciobanu, Ileana (OLP) <(b) (6)> Hardee, Christopher (NSD) <(b) (6)>  
(b) (6), (b) (7) (C), (b) (7) (E) per FBI  
(b) (6), (b) (7) (C) per BOP  
**Subject:** Legislative Update re: Drone-related matters.

Good evening:

Below is a Legislative Update on Drone Related Matters:

**American Security Drone Act:**

- As noted earlier this week, Rep. Gallagher's amendment 541 to the NDAA (attached) was voted on favorably and now will proceed to Conference. Rep. Gallagher's staff is amenable to discussing the Amendment with DOJ. (b) (5)
- As noted earlier this week, Sen. Scott's Amendment to the NDAA was blocked from inclusion in the NDAA. The amendment is attached. (b) (5)

- In sum, if folks could review and comment on the Rep. Gallagher Amendment and Sen. Scott Amendment by middle of next week, that would work well. We then could provide them to ODAG for review, set up a prep, and then have the call with Rep. Gallagher's staff the week of August 3, 2020. (I know folks are working on preparing for the CUAS briefing on Wed, so perhaps comments could be provided on Thursday COB. Matt could then review on Friday. We could then schedule a prep for August 3 or 4, and shoot to have the phone call with staff at the end of the week on August 6 or 7). I recommend having comments on Sen. Scott's amendment also done by the time of the Rep. Gallagher staff call, as questions could arise about the companion Senate Scott Amendment.

**DOJ's Proposed (b) (5) :**

- DOJ's proposed (b) (5) was submitted to OMB. See the attached email (OLA WK 121465).
- (b) (5)
- OMB has competing priorities with several other bills they are trying to clear at this time. We have asked for expedited review, in any event, but are beholden to OMB's priorities. We will keep you posted.

**CUAS Semi-Annual Briefing:**

- The CUAS semi-annual briefings are scheduled for Wednesday, July 29, 2020 before the House Judiciary, Homeland, Transportation and Infrastructure, and Energy and Commerce Committees and the Senate Judiciary, Homeland, and Commerce, Science and Transportation Committees.
- Briefers are from DOJ, FBI, BOP, DHS, and FAA. The attached outline provides more information on the briefings, including the briefers and the scope. (Note: I inadvertently left off (b)(6), (b)(7)(C) per BOP as one of the briefers. That is corrected on the attached Briefing Information Paper).
- A prep for the briefings will be on Monday, July 27, 2020, at 3:00.

**Recent Congressional Correspondence:**

- We received letters from Rep. Gaetz, HJC Republicans and Sen. Hoeven. Please see the attached email with the correspondence and our responses.
- We also received a letter from Sen. Pallone (see attached). FBI was working on response (from what I understand). Status?
- We also have received protest-related letters. Wanted to flag as a general matter for the upcoming CUAS briefings, if questions are raised re any use of drones in protests.

**Legislative Roll-outs:**

- (b) (5)
- (b) (5)

I hope this is helpful. Please let me know if you have any questions.

Thank you,

(b) (6)

(b) (6)

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

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

**Subject:** FW: [Non-DoD Source] RE: Operations in DC

**Date:** Tue, 9 Jun 2020 15:59:05 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG\_1115\_DoD\_edits.docx

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FYI. OLC will incorporate (where it seems appropriate) and re-circulate.

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**From:** (b)(6) per DOD

**Sent:** Tuesday, June 9, 2020 11:54 AM

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

**Cc:** Gannon, Curtis E. (OLC) <(b) (6)> (b)(6) per DOD

(b)(6) per DOD

Whitaker, Henry C. (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>

**Subject:** RE: [Non-DoD Source] RE: Operations in DC

Steve,

Our edits attached. It's a terrific letter, with judicious, pinpoint improvements from the first version. DoD is GO for you to send; please send us a copy when you transmit and confirm it's okay for us to share the sent version with our State National Guard contacts. Best, (b)(6) per DOD

(b)(6) per DOD

(b)(6) per DOD

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

**Sent:** Tuesday, June 9, 2020 11:17 AM

**To:** (b)(6) per DOD

**Cc:** Gannon, Curtis E. (OLC) <(b) (6)> (b)(6) per DOD

(b)(6) per DOD

Whitaker, Henry C. (OLC) <(b) (6)> Hart, Rosemary (OLC) <(b) (6)>

**Subject:** RE: [Non-DoD Source] RE: Operations in DC

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

(b)(6) per DOD

Attached is the current draft of the letter, which the AG intends to send out in the early afternoon. It's quite close to Friday's draft, but slightly updated to take into account recent developments. Would you please let us know ASAP if DOD has any additional tweaks or comments? thanks, Steve



**From:** (b)(6) per DOD  
**Sent:** Friday, June 5, 2020 6:32 PM  
**To:** Engel, Steven A. (OLC) <(b)(6)>  
**Cc:** Gannon, Curtis E. (OLC) <(b)(6)> (b)(6) per DOD  
(b)(6) per DOD  
Whitaker, Henry C. (OLC) <(b)(6)> Hart, Rosemary (OLC) <(b)(6)>  
**Subject:** RE: [Non-DoD Source] RE: Operations in DC

I figured it might be something silly like that; now you have an ironclad excuse!  
But please do send the final after you've sent it; some of these State Governors are antsier than others.

**From:** Engel, Steven A. (OLC) <(b)(6)> <Caution-mailto:(b)(6)> >  
**Sent:** Friday, June 5, 2020 6:24 PM  
**To:** (b)(6) per DOD <Caution-mailto:(b)(6) per DOD>  
**Cc:** Gannon, Curtis E. (OLC) <(b)(6)> <Caution-mailto:(b)(6)> >; (b)(6) per DOD  
<Caution-mailto:(b)(6) per DOD> >; (b)(6) per DOD  
<Caution-mailto:(b)(6) per DOD> >; (b)(6) per DOD  
<Caution-mailto:(b)(6) per DOD> >; Whitaker, Henry C. (OLC) <(b)(6)> <Caution-mailto:(b)(6)> >; Hart, Rosemary (OLC) <(b)(6)> <Caution-mailto:(b)(6)> >  
**Subject:** Re: [Non-DoD Source] RE: Operations in DC

Aha. Well, that's not the AG's email address ...

Sent from my iPhone

On Jun 5, 2020, at 6:19 PM, (b)(6) per DOD <Caution-mailto:(b)(6) per DOD> wrote:

PS. DC AG's email header pasted below

**From:** Racine, Karl (OAG) <(b)(6)> <Caution-mailto:(b)(6)> >  
**Sent:** Thursday, June 4, 2020 6:07 PM  
**To:** (b)(6) per DOD <Caution-mailto:(b)(6) per DOD> >; (b)(6) William Barr (OAG) <Caution-mailto:(b)(6) William Barr (OAG)> Ney, Paul C Jr HON OSD OGC (USA) (b)(6) per DOD <Caution-mailto:(b)(6) per DOD> >; (b)(6) Mark Meadows (EOP/WHO) <Caution-mailto:(b)(6) Mark Meadows (EOP/WHO)>  
**Cc:** Greenwood, Ashita (OAG) <(b)(6)> <Caution-mailto:(b)(6)> >  
**Subject:** [Non-DoD Source] Urgent Request re National Guard in D.C.  
**Importance:** High

AG Barr, Secretary Esper, and Chief of Staff Meadows –

Attached is a request for information about the presence of certain National Guard and federal law enforcement officials in the District. We would appreciate an expedited response by Saturday due to the exigency of the circumstances.

Best,

Karl

Karl A. Racine  
Attorney General for the District of Columbia  
Office of the Attorney General  
441 4<sup>th</sup> Street, NW, Suite 1100 South  
Washington, DC 20001  
(b)(6)

(b)(6) per DOD

(b)(6) per DOD

(b)(6) per DOD < Caution-mailto:(b)(6) per DOD  
(b)(6) per DOD < Caution-mailto:(b)(6) per DOD >

**From:** (b)(6) per DOD

**Sent:** Friday, June 5, 2020 6:07 PM

**To:** 'Engel, Steven A. (OLC)' <(b) (6) < Caution-mailto:(b) (6) > >; Gannon,  
Curtis E. (OLC) <(b) (6) < Caution-mailto:(b) (6) > >; (b)(6) per DOD  
< Caution-mailto:(b)(6) per DOD > >; (b)(6) per DOD  
< Caution-mailto:(b)(6) per DOD > >  
**Cc:** Whitaker, Henry C. (OLC) <(b) (6) < Caution-mailto:(b) (6) > >; Hart,  
Rosemary (OLC) <(b) (6) < Caution-mailto:(b) (6) > >  
**Subject:** RE: [Non-DoD Source] RE: Operations in DC

Roger that, Steve.

We got a time stamp of 6:07pm yesterday. Can you send us the final PDF version of the letter as soon as you've sent it? We've now been forwarded several of the DC AG letters to state governors, and were planning to forward the AG's letter along with our June 3, 2020 Guidance to the various State National Guard Staff Judge Advocates to help them understand where we're coming from and to frame their responses to their Governors. Those letters all have the same 5pm D Day (June 6) deadline, and so it would have been nice to get the AG's letter today, but obviously he should take as much time as he needs. We'll go send our June 3, 2020 Guidance memo to the troops for now.

Thanks,

(b)(6) per DOD

(b)(6) per DOD

703.693.9904

(b) (6) < Caution-mailto:(b) (6) >  
(b) (6) < Caution-mailto:(b) (6) >

**From:** Engel, Steven A. (OLC) <(b) (6) < Caution-mailto:(b) (6) > >

**Sent:** Friday, June 5, 2020 6:02 PM

**To:** (b)(6) per DOD < Caution-mailto:(b)(6) per DOD > >;  
Gannon, Curtis E. (OLC) <(b) (6) < Caution-mailto:(b) (6) > >; (b)(6) per DOD  
< Caution-mailto:(b)(6) per DOD > >; (b)(6) per DOD  
< Caution-mailto:(b)(6) per DOD > >  
**Cc:** Whitaker, Henry C. (OLC) <(b) (6) < Caution-mailto:(b) (6) > >; Hart,

**Subject:** RE: [Non-DoD Source] RE: Operations in DC

The AG wants to take more time to work on the response, and so, we now plan to send a short letter acknowledging receipt and telling them that we will respond to them shortly. The AG would like to note that we have only received the letter today, even though it was dated yesterday (just so no one thinks we are sitting on the response). Did DOD receive the letter yesterday or today? Steve

**From:** (b)(6) per DOD <[Caution-mailto:\(b\)\(6\) per DOD](#)>  
**Sent:** Friday, June 5, 2020 5:20 PM  
**To:** Gannon, Curtis E. (OLC) <(b)(6)> <[Caution-mailto:\(b\)\(6\) per DOD](#)>; (b)(6) per DOD <[Caution-mailto:\(b\)\(6\) per DOD](#)>; (b)(6) per DOD <[Caution-mailto:\(b\)\(6\) per DOD](#)>  
 <[mailto:\(b\)\(6\) per DOD](#)>  
**Cc:** Engel, Steven A. (OLC) <(b)(6)> <[Caution-mailto:\(b\)\(6\) per DOD](#)>; Whitaker, Henry C. (OLC) <(b)(6)> <[Caution-mailto:\(b\)\(6\) per DOD](#)>; Hart, Rosemary (OLC) <(b)(6)> <[Caution-mailto:\(b\)\(6\) per DOD](#)>  
**Subject:** RE: [Non-DoD Source] RE: Operations in DC

Curtis and OLC team,

Here are our edits, cleared by the GC to send. Thanks for lifting the laboring oar,

(b)(6) per DOD

(b)(6) per DOD  
(b)(6) per DOD < Caution-mailto:(b)(6) per DOD < Caution-Caution-  
mailto:(b)(6) per DOD  
(b)(6) per DOD < Caution-mailto:(b)(6) per DOD > < Caution-Caution-  
mailto:(b)(6) per DOD

[illegible]





Steve,

Wondering if we can touch base at some point or you could point me to someone who is the POC with respect to the AG's coordination of the law-enforcement operations in DC and also who at DOJ is going to handle response to DC AG Racine's letter.

(b)(5) per DOD

I am in and out all day but you can email or call me and I can call or write back.

Best,

(b)(6) per DOD

(b)(6) per DOD

(b)(6) per DOD

(b) (6) < Caution-mailto:(b) (6) > < Caution-Caution-mailto:(b) (6) > < Caution-Caution-Caution-mailto:(b) (6) > < Caution-Caution-Caution-mailto:(b) (6) >  
(b) (6) < Caution-mailto:(b) (6) > < Caution-Caution-Caution-mailto:(b) (6) > < Caution-Caution-Caution-mailto:(b) (6) >

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

**To:** "Philbin, Patrick F. EOP/WHO" <(b) (6)>

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

**Subject:** AG letter

**Date:** Tue, 9 Jun 2020 15:18:00 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG\_1115.docx

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Pat: Attached is a slightly updated draft of the AG's letter, which he plans to send out early this pm. Would you let us know if WHCO will have any comments/edits? Thanks! Steve

**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: (202) 514-9700

(b) (6)

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

**To:** "Levi, William (OAG)" <(b) (6)> "Engel, Steven A. (OLC)"  
<(b) (6)> "Sofer, Gregg (OAG)" <(b) (6)>

**Subject:** Revised Mayor Letter

**Date:** Tue, 9 Jun 2020 14:40:09 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG\_1730.docx; ATT00001.htm

---

Here's a revised letter (changes tracked in redline) making the addition noted by Will and those suggested by Gregg.

Begin forwarded message:

**From:** "Michel, Christopher (OSG)" <(b) (6)>

**Date:** June 9, 2020 at 10:38:31 AM EDT

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

**Subject:** Revised Mayor Letter

---

Christopher G. Michel  
Assistant to the Solicitor General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

(b) (6)



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

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

**Subject:** RE: Revised Mayor Letter

**Date:** Tue, 9 Jun 2020 15:12:16 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG\_1115.docx

---

Here's the latest, which accepts the edits with a few tweaks.

Will, we should run this letter by WHCO and DOD OGC. Do you think this version is ready, or should we wait on the AG's review?

---

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

**Sent:** Tuesday, June 9, 2020 10:56 AM

**To:** Sofer, Gregg (OAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)> Michel, Christopher (OAG) <(b) (6)>

**Subject:** RE: Revised Mayor Letter

I don't have a citation either for (b) (5), other than what Chris notes

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**From:** Sofer, Gregg (OAG) <(b) (6)>

**Sent:** Tuesday, June 9, 2020 10:55 AM

**To:** Engel, Steven A. (OLC) <(b) (6)> Michel, Christopher (OAG) <(b) (6)> Levi, William (OAG) <(b) (6)>

**Subject:** RE: Revised Mayor Letter

(b) (5)

). Gregg

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

**Sent:** Tuesday, June 9, 2020 10:50 AM

**To:** Michel, Christopher (OAG) <(b) (6)> Levi, William (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)>

**Subject:** RE: Revised Mayor Letter

I'm not sure we need to (b) (5)

(b) (5)

I will tweak the new sentences, but want to make sure I know the factual predicate.

Another question – I added (b) (5)

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**From:** Michel, Christopher (OAG) <(b) (6)>

**Sent:** Tuesday, June 9, 2020 10:40 AM

**To:** Levi, William (OAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)>

**Subject:** Revised Mayor Letter

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000304

**From:** "Engel, Steven A. (OLC)" <(b) (6)>  
**To:** "Levi, William (OAG)" <(b) (6)> "Sofer, Gregg (OAG)"  
<(b) (6)> "Michel, Christopher (OAG)" <(b) (6)>  
**Cc:** "Kunasek, Hannah (OAG)" <(b) (6)>

**Subject:** RE: Revised Mayor Letter

**Date:** Tue, 9 Jun 2020 16:20:55 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG\_1215.docx

---

Here's the current draft, which includes a few tweaks from DOD and from OLC. Still waiting to hear from WHCO on the letter.

---

**From:** Levi, William (OAG) <(b) (6)>  
**Sent:** Tuesday, June 9, 2020 11:15 AM  
**To:** Engel, Steven A. (OLC) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Michel, Christopher (OAG) <(b) (6)>  
**Cc:** Kunasek, Hannah (OAG) <(b) (6)>  
**Subject:** RE: Revised Mayor Letter

We are good to go, so please circulate to whoever you think appropriate. We can then get it out. Adding Hannah.

---

**From:** Engel, Steven A. (OLC) <(b) (6)>  
**Sent:** Tuesday, June 9, 2020 11:12 AM  
**To:** Levi, William (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Michel, Christopher (OAG) <(b) (6)>  
**Subject:** RE: Revised Mayor Letter

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000308

**From:** "Engel, Steven A. (OLC)" <(b) (6)>  
**To:** "Levi, William (OAG)" <(b) (6)> "Sofer, Gregg (OAG)"  
<(b) (6)> "Michel, Christopher (OAG)" <(b) (6)>  
**Cc:** "Kunasek, Hannah (OAG)" <(b) (6)>

**Subject:** RE: Revised Mayor Letter

**Date:** Tue, 9 Jun 2020 16:26:57 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG.docx

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WHCO signed off on the letter with one nit. Subject to any other comments/edits from this group, we can get this signed and out the door.

---

**From:** Engel, Steven A. (OLC)  
**Sent:** Tuesday, June 9, 2020 12:21 PM  
**To:** Levi, William (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Michel, Christopher (OAG) <(b) (6)>  
**Cc:** Kunasek, Hannah (OAG) <(b) (6)>  
**Subject:** RE: Revised Mayor Letter

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000313

**From:** "Engel, Steven A. (OLC)" <(b) (6)>  
**To:** "Levi, William (OAG)" <(b) (6)>  
**Cc:** "Sofer, Gregg (OAG)" <(b) (6)> "Michel, Christopher (OAG)"  
<(b) (6)> "Kunasek, Hannah (OAG)" <(b) (6)>

**Subject:** RE: Revised Mayor Letter

**Date:** Tue, 9 Jun 2020 16:47:47 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG.docx

---

Sure! Hannah caught one nit, which is corrected in this version.

---

**From:** Levi, William (OAG) <(b) (6)>  
**Sent:** Tuesday, June 9, 2020 12:46 PM  
**To:** Engel, Steven A. (OLC) <(b) (6)>  
**Cc:** Sofer, Gregg (OAG) <(b) (6)> Michel, Christopher (OAG) <(b) (6)> Kunasek,  
Hannah (OAG) <(b) (6)>  
**Subject:** Re: Revised Mayor Letter

Thanks Steve!

On Jun 9, 2020, at 12:27 PM, Engel, Steven A. (OLC) <(b) (6)> wrote:

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000317

**From:** "Engel, Steven A. (OLC)" <(b) (6)>  
**To:** "Kunasek, Hannah (OAG)" <(b) (6)>  
**Cc:** "Levi, William (OAG)" <(b) (6)> "Michel, Christopher (OAG)" <(b) (6)> "Sofer, Gregg (OAG)" <(b) (6)>

**Subject:** RE: Revised Mayor Letter

**Date:** Tue, 9 Jun 2020 16:54:02 +0000

**Importance:** Normal

**Attachments:** 6-9-20\_Letter\_to\_Mayor-AG.docx

---

I am signed off on this version, attached. Will, OK with you to finalize?

---

**From:** Kunasek, Hannah (OAG) <(b) (6)>

**Sent:** Tuesday, June 9, 2020 12:49 PM

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

**Subject:** RE: Revised Mayor Letter

When the final version is ready please let me know and I can print on AG letterhead and have it auto-penned. Thank you!

---

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

**Sent:** Tuesday, June 9, 2020 12:48 PM

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

**Cc:** Sofer, Gregg (OAG) <(b) (6)> Michel, Christopher (OAG) <(b) (6)> Kunasek, Hannah (OAG) <(b) (6)>

**Subject:** RE: Revised Mayor Letter

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000321

**From:** "Kupec, Kerri (OPA)" <(b) (6)>  
**To:** "Ahern, Bill (OAG)" <(b) (6)> "William Barr" <(b) (6)>  
<(b) (6)> <(b) (6)>  
**Cc:** "Watson, Theresa (OAG)" <(b) (6)> "Levi, William (OAG)"  
<(b) (6)>

**Subject:** Statements and Press Conference Transcription

**Date:** Fri, 05 Jun 2020 22:51:05 -0000

**Importance:** Normal

**Attachments:** Transcription\_PressConference\_June5\_Floyd\_Riots.docx;  
June\_4\_Press\_Conf\_Opening\_Stmt\_v.3\_(003).docx; Statements\_Floyd\_Riots.docx

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Please find attached the following:

- Transcription of June 5 Press Conference (includes remarks from all component heads)
- Your June 5 Press Conference Remarks with handwritten edits incorporated
- All of the statements the Department has put out on Floyd and riots

The White House has informed me there is no transcription of your call. They sent me an audio link at 6 pm.

(b) (6)

(b) (6) ) I've assigned an OPA staffer to transcribe it tonight  
and will send to you as soon as it is finished (tonight).

**Kerri Kupec**

Director of Communications & Public Affairs  
U.S. Department of Justice

(b) (6)

(b) (6)

**From:** "Engel, Steven A. (OLC)" <(b) (6)>  
**To:** "Escalona, Prim F. (OLA)" <(b) (6)>  
**Cc:** (b) (6) (OLA)" <(b) (6)>

**Subject:** RE: MMB Letter to President Trump

**Date:** Fri, 5 Jun 2020 20:59:06 +0000

**Importance:** Normal

**Attachments:** 6-5-20\_Letter\_to\_Mayor-AG\_1630.docx

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FYI, here's the draft letter, which is currently being reviewed by OAG and ODAG.

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**From:** Escalona, Prim F. (OLA) <(b) (6)>  
**Sent:** Friday, June 5, 2020 1:25 PM  
**To:** Engel, Steven A. (OLC) <(b) (6)>  
**Cc:** (b) (6) (OLA) <(b) (6)>  
**Subject:** FW: MMB Letter to President Trump

Steve,

This letter is officially coming over from the White House for us to respond on behalf of the President. They sent it over early because they want a response to go out ASAP. ODAG has asked if OLC can take the pen on the first draft. Could your team pull something together?

Thanks,  
Prim

---

**From:** (b) (6) (OLA) <(b) (6)>  
**Sent:** Friday, June 5, 2020 11:16 AM  
**To:** Escalona, Prim F. (OLA) <(b) (6)>  
**Subject:** Fwd: MMB Letter to President Trump

Received this from the WH - they are sending this incoming over via ES but want DOJ to respond on behalf of the President ASAP. It is from Mayor Bowser saying the state of emergency in DC is over as of this morning. Who should I sent to/flag for?

(b) (6)  
Office of Legislative Affairs  
U.S. Department of Justice

Begin forwarded message:

**From:** "Taylor, Elizabeth A. EOP/WHO" <(b) (6)>  
**Date:** 5 June 2020, 8:35:57 AM, GMT-4  
**To:** (b) (6) (OLA)" <(b) (6)>  
**Subject:** Fwd: MMB Letter to President Trump

Good morning (b) (6),

I just sent this letter to be officially staffed To DOJ for response via WH correspondence. Flagging this also for you as it needs to be responded to ASAP.



Let me know if you have any questions, thanks!

Elizabeth

Sent from my iPhone

Begin forwarded message:

**From:** "Hoelscher, Douglas L. EOP/WHO" <(b) (6)>  
**Date:** June 5, 2020 at 7:37:54 AM EDT  
**To:** "Crozer, William F. EOP/WHO" <(b) (6)> "Taylor, Elizabeth A. EOP/WHO" <(b) (6)>  
**Cc:** "Sandoloski, Sean M. EOP/WHO" <(b) (6)> "Philbin, Patrick F. EOP/WHO" <(b) (6)>  
**Subject:** FW: MMB Letter to President Trump

William and Elizabeth -- Please staff this out immediately to DOJ to respond on behalf of POTUS.

Thanks,  
Doug

---

**From:** Kinlow, Eugene (EOM) <(b) (6)>  
**Sent:** Thursday, June 4, 2020 11:32 PM  
**To:** Crozer, William F. EOP/WHO <(b) (6)> Hoelscher, Douglas L. EOP/WHO <(b) (6)>  
**Cc:** Kingland, Declan (EOM) <(b) (6)>  
**Subject:** MMB Letter to President Trump

Sirs,

Attached please find a letter from DC Mayor Bowser to President Trump.

If you have any questions, please advise.

**Eugene D. Kinlow**

Director, Office of Federal and Regional Affairs  
Executive Office of Mayor Muriel E. Bowser

(b) (6) (Office)  
(b) (6) (Mobile)  
(b) (6)

**From:** "Liskamm, Amanda N. (ODAG)" <(b) (6)>

**To:** (b)(6) per ATR (ATR) (b) (6)

**Cc:** "Delaplane, Camellia Assefi (OAG)" <(b) (6)> "Downer, Matthew (OLP)" <(b) (6)>

**Subject:** RE: Info Requests

**Date:** Thu, 04 Jun 2020 03:55:28 -0000

**Importance:** Normal

---

Also, can you include the following in the Memo:

**Buzzfeed Article**

- The headline of the article states "The DEA has been given Permission to Investigate People Protesting George Floyd's Death".
  - The article alleges this will allow DEA to collect intelligence on people participating in protests and this is order grants extraordinary power to DEA.
  - The article alleges that that kind of monitoring and information sharing may well constitute unwarranted investigation of people exercising their constitutional rights to seek justice.
- 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."
  - The DEA was granted the authority to provide support to enforce federal criminal laws in the wake of protests arising from the death of George Floyd.
  - This authority was granted to help maintain and/or restore order.
  - (b) (5)

---

**From:** Liskamm, Amanda N. (ODAG)

**Sent:** Wednesday, June 3, 2020 11:18 PM

**To:** (b)(6) per ATR (ATR) <(b) (6)>

**Cc:** Delaplane, Camellia Assefi (OAG) <(b) (6)> Downer, Matthew (OLP)

<(b) (6)>

**Subject:** Info Requests

Hey (b)(6) per ATR,

I will send you the latest version of the Memo in a bit, but we have a more urgent request for help. Can you help pull together the following data:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

(b) (5)

I've cc'ed Matt who is working with Zach on this ahead of the press conference tomorrow. If you can send back to both of us, that would be great! Anything interesting can be added to the AG/DAG Memo as well. Thanks so much  
(b)(6) per ATR !!

Amanda

**From:** (b) (6) (OLA)" <(b) (6)>

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

**Subject:** RE:

**Date:** Thu, 4 Jun 2020 13:05:17 +0000

**Importance:** Normal

**Attachments:** Federal\_Law\_Enforcement\_Response\_to\_2020\_Riots\_-\_PERSONNEL\_UPDATED.docx;  
Outstanding\_CJS\_Questions\_Minneapolis\_-\_PFE.docx

---

Updated docs! Chad was the only one who didn't get back to me for personnel update.

---

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

**Sent:** Thursday, June 4, 2020 8:52 AM

**To:** (b) (6) (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>

**Subject:** RE:

(b) (6) –

Can you send me the two updated documents when you can?

Thanks!

---

**From:** (b) (6) (OLA) <(b) (6)>


**Sent:** Wednesday, June 3, 2020 9:20 PM

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

**Subject:** RE:

(b) (6) – after speaking with CRT, this is language we are going to use. (This is also the language I just updated in the CJS document I just sent you, I am not sure if this email chain is for something different, so just sending again) -

(b) (5)



---

**From:** (b) (6) (OLA)

**Sent:** Wednesday, June 3, 2020 5:04 PM

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

**Subject:** RE:

Waiting to hear back from them.

---

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

**Sent:** Wednesday, June 3, 2020 4:43 PM

**To:** (b) (6) (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>

**Subject:** RE:

Yes please do.

---

**From:** (b) (6) (OLA) <(b) (6)>

**Sent:** Wednesday, June 3, 2020 4:42 PM

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

**Subject:** RE:

Sure, but do you want me to ask CRT (b) (5)

? Also, is this for CJS or another inquiry?

---

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

**Sent:** Wednesday, June 3, 2020 4:40 PM

**To:** (b) (6) (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>

**Subject:** RE:

(b) (6) —

Can you (b) (5)

---

**From:** (b) (6) (OLA) <(b) (6)>

**Sent:** Wednesday, June 3, 2020 4:21 PM

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

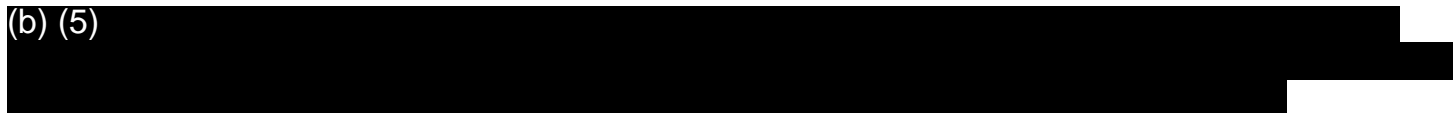
**Subject:** RE:

<https://www.justice.gov/usao-mn/pr/joint-statement-united-states-attorney-erica-macdonald-and-fbi-special-agent-charge>

CRT info:

(b) (5)

(b) (5)



---

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

**Sent:** Wednesday, June 3, 2020 4:12 PM

**To:** (b) (6) (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>

**Subject:**

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000259



## Outstanding CJS Questions

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

(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)

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

5. **Senate Minority-Jennifer Eskra:** What is the Department doing generally to respond?

(b) (5)

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)

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)

9. **Senate Majority-Brian Daner:** What does "even greater law enforcement resources and support in the region tonight" entail? (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)

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)

**From:** "Weinsheimer, Bradley (ODAG)" <(b) (6)>  
**To:** "Thiemann, Robyn L (DEA)" <(b) (6)>  
**Cc:** "Bissex, Rachel (OAG)" <(b) (6)> "Gannon, Curtis E. (OLC)" <(b) (6)> "Escalona, Prim F. (OLA)" <(b) (6)> "Bacon, Antoinette T. (ODAG)" <(b) (6)> "Hovakimian, Patrick (ODAG)" <(b) (6)> "Kupec, Kerri (OPA)" <(b) (6)> "Terwilliger, Zachary (USAVAE)" <(b)(6), (b)(7)(C) per EOUSA> "Levi, William (OAG)" <(b) (6)>

**Subject:** RE: Delegations of authority

**Date:** Wed, 3 Jun 2020 16:55:17 +0000

**Importance:** Normal

**Embedded:** RE: \_ODAG\_memo\_for\_BOP

---

Yes, deputized through the USMS (so slightly different). Here is an example. Note this language in the email: As I understand it, the deputation is based on the same language that has been used in other national security special events, such as the Inauguration. The deputation is for 30 days and includes authority for all Title 18 offenses as well as to protect and defend federal buildings and personnel. It does not convey authority to participate in federal drug investigations unless deputized by the DEA or FBI, nor authority while off-duty. I understand the USMS Office of General Counsel has reviewed the scope of mission and has concluded that it contains the necessary authorities.

The point is, this is typically done in DC for major demonstration situations.

---

**From:** Thiemann, Robyn L <(b)(6), (b)(7)(C) per DEA>  
**Sent:** Wednesday, June 3, 2020 12:49 PM  
**To:** Weinsheimer, Bradley (ODAG) <(b) (6)>  
**Cc:** Bissex, Rachel (OAG) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)> Escalona, Prim F. (OLA) <(b) (6)> Bacon, Antoinette T. (ODAG) <(b) (6)> Hovakimian, Patrick (ODAG) <(b) (6)> Kupec, Kerri (OPA) <(b) (6)> Terwilliger, Zachary (USAVAE) <(b)(6), (b)(7)(C) per EOUSA> Levi, William (OAG) <(b) (6)>  
**Subject:** Re: Delegations of authority

Are there other delegations? BOP, etc?

On Jun 3, 2020, at 12:46 PM, Weinsheimer, Bradley (ODAG) (JMD) <(b) (6)> wrote:

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000011

**From:** "Escalona, Prim F. (OLA)" <(b) (6)>  
**To:** "Hanson, Alan R. (JMD)" <(b) (6)>  
**Cc:** "Stephen E. Boyd (OLA)" <(b) (6)> <(b) (6)>  
**Subject:** RE: Outstanding CJS Questions\_Minneapolis  
**Date:** Thu, 04 Jun 2020 13:45:53 -0000  
**Importance:** Normal  
**Attachments:** Federal\_Law\_Enforcement\_Response\_to\_2020\_Riots\_-\_PERSONNEL\_UPDATED\_-\_PFE.docx

---

Alan,  
This is complete and isn't approved, but I wanted to share with you to get an idea of where we are headed.

Thanks!  
Prim

---

**From:** Hanson, Alan R. (JMD) <(b) (6)>  
**Sent:** Thursday, June 4, 2020 9:38 AM  
**To:** Escalona, Prim F. (OLA) <(b) (6)>  
**Cc:** (b) (6) (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>  
Purdy, Nikita (JMD) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)>  
**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Agreed on your prioritization, Prim Thanks much.

---

**From:** Escalona, Prim F. (OLA) <(b) (6)>  
**Sent:** Thursday, June 4, 2020 9:30 AM  
**To:** Purdy, Nikita (JMD) <(b) (6)> (b) (6) (OLA) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)>  
**Cc:** (b) (6) (OLA) <(b) (6)> Hanson, Alan R. (JMD) <(b) (6)>  
**Subject:** RE: Outstanding CJS Questions\_Minneapolis

We will look at this, but right now we are focusing on getting them a general update.

(b) (6) – can you add this to the CJS document and we will see what we can do?

---

**From:** Purdy, Nikita (JMD) <(b) (6)>  
**Sent:** Thursday, June 4, 2020 9:29 AM  
**To:** Escalona, Prim F. (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>  
Lucas, Daniel (JMD) <(b) (6)>  
**Cc:** (b) (6) (OLA) <(b) (6)> Hanson, Alan R. (JMD) <(b) (6)>  
**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Good morning all,

We received some additional questions from CJS this morning. Please see below. Thanks!

CJS (Senate Minority-Jennifer Eskra):

Why aren't DOJ LEOs identifying themselves? Were they told or given prior approval/authorization to remove their identifying agency information? Most tactical gear including shields and BPVs have the agency name on it. There seems to be no accountability here.

<https://www.washingtonpost.com/politics/2020/06/03/dangerous-new-factor-an-uneasy-moment-unidentified-law-enforcement-officers/>

---

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

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000283

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

**To:** (b) (6) (OLA)" <(b) (6)>

**Subject:** RE: Outstanding CJS Questions\_Minneapolis

**Date:** Thu, 04 Jun 2020 15:00:43 -0000

**Importance:** Normal

**Attachments:** Federal\_Law\_Enforcement\_Response\_to\_2020\_Riots\_-\_PERSONNEL\_UPDATED\_-\_PFE.docx

---

Not at the moment, but I'm sure there will be something!

Just so you have it, attached is the latest version of the doc. I've sent it to ODAG for clearance

---

**From:** (b) (6) (OLA) <(b) (6)>

**Sent:** Thursday, June 4, 2020 10:50 AM

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

**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Is there anything you need right now?

---

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

**Sent:** Thursday, June 4, 2020 10:00 AM

**To:** (b) (6) (OLA) <(b) (6)>

**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Let's hold. I'm trying to find out if we have a press statement.

---

**From:** (b) (6) (OLA) <(b) (6)>

**Sent:** Thursday, June 4, 2020 10:00 AM

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

**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Do you want me to start reaching out to the components about this question or hold?

---

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

**Sent:** Thursday, June 4, 2020 9:30 AM

**To:** Purdy, Nikita (JMD) <(b) (6)> (b) (6) (OLA) <(b) (6)> Lucas, Daniel (JMD) <(b) (6)>

**Cc:** (b) (6) (OLA) <(b) (6)> Hanson, Alan R. (JMD) <(b) (6)>

**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000345

**From:** (b) (6) (OLA)" <(b) (6)>

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

**Subject:** FW: Outstanding CJS Questions\_Minneapolis

**Date:** Thu, 4 Jun 2020 20:20:39 +0000

**Importance:** Normal

**Attachments:** Outstanding\_CJS\_Questions\_Minneapolis\_-\_June\_4.docx

---

Added to doc.

---

**From:** Purdy, Nikita (JMD) <(b) (6)>

**Sent:** Thursday, June 4, 2020 4:15 PM

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

Lucas, Daniel (JMD) <(b) (6)>

**Cc:** (b) (6) (OLA) <(b) (6)> Hanson, Alan R. (JMD) <(b) (6)>

**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Hi all,

We received the below additional questions from Senate Minority. Thank you!

CJS:

We need a data call on training and non-lethal use of force. How are agents, deputies and correctional officers being trained in terms of dealing with non-LEOs (to include civilians, inmates, detainees, suspects, etc) on use of force, de-escalation techniques, use of non-lethal force, etc? What does that training look like—is it part of basic training? How many hours? Are there required refresher or advanced trainings?

What types of non-lethal use of force (including but not limited to tear gas, pepper spray and rubber bullets) used by each of these components? Are they required to keep track of when they are deployed?

Do all DOJ LE components have a use of force policy and can we have those?

---

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

**Sent:** Thursday, June 4, 2020 9:30 AM

**To:** Purdy, Nikita (JMD) (b) (6); (b) (6) (OLA) (b) (6); Lucas, Daniel (JMD) (b) (6)

**Cc:** (b) (6) (OLA) (b) (6); Hanson, Alan R. (JMD) (b) (6)

**Subject:** RE: Outstanding CJS Questions\_Minneapolis

Duplicative Material, Bates Number 23-cv-1207\_20-01806\_000345

## Outstanding CJS Questions

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

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**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

5. **Senate Minority-Jennifer Eskra:** What is the Department doing generally to respond?

(b) (5)

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)

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9. **Senate Majority-Brian Daner:** What does "even greater law enforcement resources and support in the region tonight" entail? (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)

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."

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)

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)

15. **Senate Minority-Jennifer Eskra:** Why aren't DOJ LEOs identifying themselves? Were they told or given prior approval/authorization to remove their identifying agency information? Most tactical gear including shields and BPVs have the agency name on it. There seems to be no accountability here.

<https://www.washingtonpost.com/politics/2020/06/03/dangerous-new-factor-an-uneasy-moment-unidentified-law-enforcement-officers/>

16. **Senate Minority:** We need a data call on training and non-lethal use of force. How are agents, deputies and correctional officers being trained in terms of dealing with non-LEOs (to include civilians, inmates, detainees, suspects, etc) on use of force, de-escalation techniques, use of non-lethal force, etc? What does that training look like—is it part of basic training? How many hours? Are there required refresher or advanced trainings?

17. **Senate Minority:** What types of non-lethal use of force (including but not limited to tear gas, pepper spray and rubber bullets) used by each of these components? Are they required to keep track of when they are deployed?

18. **Senate Minority:** Do all DOJ LE components have a use of force policy and can we have those?

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

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

**Subject:** Fwd: Examples of other times we've received AG delegation of fed LE authority beyond drug crimes

**Date:** Wed, 3 Jun 2020 16:12:12 +0000

**Importance:** Normal

---

Let's coordinate before you use this; we are drafting up TPs and I'll share.

Begin forwarded message:

**From:** "Gleason, Robert (Chris)" (b)(6), (b)(7)(C) per DEA

**Date:** June 3, 2020 at 11:59:25 AM EDT

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

**Cc:** "Elieson, Dayle" (b)(6), (b)(7)(C) per DEA "Dearden, Dawn N" (b)(6), (b)(7)(C) per DEA  
(b)(6), (b)(7)(C), (b)(7)(F) per DEA

**Subject:** RE: Examples of other times we've received AG delegation of fed LE authority beyond drug crimes

Here is a non-exhaustive list of times we have been given this authority:

1. Security at Super Bowl XXXIX in Miami, Florida – February 2005
2. Assistance after Hurricane Katrina – August 2005
3. Assistance after Hurricane Rita – September 2005
4. Security at various events in Phoenix (Insight Bowl, Tempe Block Party, Fiesta Bowl, Fiesta National Championship Game, Super Bowl XLII, and PGA FBR Open) – December 2006 – January 2007
5. Security at Boston July 4th Celebration – July 2013
6. Assistance after Hurricane Matthew in Haiti – October 2016
7. Security at Boston Marathon – April 2017
8. Security at Boston July 4th Celebration – July 2017
9. Security at Chicago Marathon – October 2017
10. Assistance in Aftermath of Las Vegas Shooting – October 2017
11. Security at funeral of NJ Detective Joseph Seals (threats to retaliate at event to be attended by high government officials) - December 2019

Robert C. (Chris) Gleason

Deputy Chief Counsel

Drug Enforcement Administration

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

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.

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

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

Sent: Wednesday, June 3, 2020 11:28 AM

To: Gleason, Robert (Chris) (b)(6), (b)(7)(C) per DEA

Cc: Elieson, Dayle (b)(6), (b)(7)(C) per DEA; Dearden, Dawn N (b)(6), (b)(7)(C) per DEA; (b)(6), (b)(7)(C), (b)(6), (b)(7)(C)

Subject: Examples of other times we've received AG delegation of fed LE authority beyond drug crimes

Hi Chris -

Can you give us a few examples of when DEA has previously been delegated non-drug Federal LE authority by the AG? I know these:

Boston Marathon response

SuperBowl

Anything else immediately come to mind? Has there been a "natural disaster" to which we responded (hurricane response, perhaps)? Thanks.

RT

**From:** (b) (6) (OLA) <(b) (6)>

**To:** "Escalona, Prim F. (OLA)" <(b) (6)> "Greer, Megan L. (OLA)" <(b) (6)> "Hankey, Mary Blanche (OLA)" <(b) (6)>

**Subject:** RE: Priority Oversight Request — DEA Reportedly Sought and Received New Investigative Authorities

**Date:** Wed, 3 Jun 2020 14:30:27 +0000

**Importance:** Normal

**Attachments:** DEA-Memo-George-Floyd-Protests-31-May-2020.pdf

---

It is attached and is all over Twitter. It is signed by Brad Weinsheimer.

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

**Sent:** Wednesday, June 03, 2020 10:28 AM

**To:** (b) (6) (OLA) <(b) (6)> Greer, Megan L. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)>

**Subject:** RE: Priority Oversight Request — DEA Reportedly Sought and Received New Investigative Authorities

We got the same inquiry from CJS. Apparently there is a DAG memo?

---

**From:** (b) (6) (OLA) <(b) (6)>

**Sent:** Wednesday, June 3, 2020 10:24 AM

**To:** Greer, Megan L. (OLA) <(b) (6)> Escalona, Prim F. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)>

**Subject:** FW: Priority Oversight Request — DEA Reportedly Sought and Received New Investigative Authorities

Good morning Ladies –

Not sure who / how you want to handle this request from HPSCI to DEA.

---

**From:** (b)(6), (b)(7)(C), (b)(7)(F) per DEA

**Sent:** Wednesday, June 03, 2020 10:08 AM

**To:** (b) (6) (OLA) <(b) (6)>

**Subject:** FW: Priority Oversight Request — DEA Reportedly Sought and Received New Investigative Authorities

Good Morning (b) (6) – We received an “oversight” request for information from HPSCP reading our involvement with providing support to the civil unrest. Considering we may not be the only LE DOJ component that receives this type of inquiry, please advise how you would like us to proceed.

FYSA – Both DEA and DOJ declined to comment to BuzzFeed when their reporters contact CPN and OPA about the article they were writing.

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

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**From:** Sikorskyj, Lucian <(b) (6)>

**Sent:** Tuesday, June 2, 2020 11:36 PM

**To:** Bleich, David J <(b) (6)>

**Cc:** Bitar, Maher <(b) (6)> Bennett, Wells <(b) (6)> Wu, William <(b) (6)>

**Subject:** Priority Oversight Request — DEA Reportedly Sought and Received New Investigative Authorities

Good evening Dave,

I hope that this e-mail finds you and your loved ones healthy and safe.

The Committee has a priority oversight request for more information regarding recent media reporting that the DEA has sought and received from the DOJ non-Title 21 authority, to enforce criminal laws and provide support to law enforcement “in the wake of protests arising from the death of George Floyd.” Our understanding is based primarily on the referenced article by Buzzfeed News, which included a copy of a memorandum sent from the DEA to DOJ.

The attached memorandum indicates that DEA Special Agents and Task Force Officers will use the newly granted authority to: conduct covert surveillance; share intelligence with federal, state, local, and tribal counterparts; intervene as Federal law enforcement officers “in protests”; and engage in investigative and enforcement activity including, but not limited to, conducting interviews, conducting searches, and making arrests.

### **Questions:**

- 1) Is the Buzfeed reporting accurate, including the cited and attached DEA memorandum? Can you provide an official copy of the memorandum to the Committee?
- 2) Who or what prompted DEA to request the new authority?
- 3) Why is the authority necessary to carry out the DEA’s mission?
- 4) How has the DEA used such authority since DOJ’s approval on May 31, 2020? Please describe in detail — citing specific use cases and actual examples linked to the underlying authority — of how the DEA conducted such activities and provided support to federal, state, local, or tribal law enforcement.
- 5) How does the DEA intend to use such authority in the future? Please describe in detail — citing specific use cases and examples linked to the underlying authority — of how the DEA conducted such activities and provided support to federal, state, local, or tribal law enforcement.
- 6) Does the DEA intend to request an extension of the authority beyond the 14 days requested in the memorandum? If so, why and for how long?
- 7) What actions has the DEA taken or intends to take in order to notify congressional oversight committees, including our Committee, of activities authorized or related to this memorandum and any subsequent extensions thereof?
- 8) Has the DEA produced any intelligence products — Intelligence Information Reports (IIRs); situational, tactical, or strategic reports; or any other operational cables or leads to other departments or agencies — related to or in the wake of protests arising from the death of George Floyd?

### **Background**

#### **The DEA Has Been Given Permission To Investigate People Protesting George Floyd’s Death**

Updated June 2, 2020 at 6:48 p.m. ET

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

DEA Request for Temporary Designation of Non-Title 21 Authority Pursuant to 21 U.S. Code § 878 (a)(5) (as reported by the Buzfeed article referenced above)





U. S. Department of Justice  
Drug Enforcement Administration

[www.dea.gov](http://www.dea.gov)

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: This memorandum seeks approval for the DEA to provide support on a nationwide basis to enforce federal criminal laws in the wake of protests arising from the death of George Floyd. DEA requests this authority on a nationwide basis for a period of fourteen days commencing immediately.

DISCUSSION: On May 25, 2020, George Floyd died in Minneapolis, Minnesota, after a police officer kept his knee on the right side of Mr. Floyd's neck for over eight minutes while Mr. Floyd was handcuffed and lying face down on a city street during an arrest. This incident has spawned widespread protests across the nation, which, in some instances, have included violence and looting. Police agencies in certain areas of the country have struggled to maintain and/or restore order.

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. As the federal crimes being committed in the wake of Mr. Floyd's death are largely not drug-related, DEA's ability to assist our counterparts is limited. Under 21 U.S.C. §878(a)(5), however, the Attorney General is authorized to designate DEA to perform other law enforcement duties as he may deem appropriate. Accordingly, in order for DEA to assist to the maximum extent possible in the federal law enforcement response to protests which devolve into violations of federal law, DEA requests that it be designated to enforce any federal crime committed as a result of protests over the death of George Floyd. DEA requests this authority on a nationwide basis for a period of fourteen days.

If this request is granted, DEA Special Agents and Task Force Officers will, as necessary: (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.



**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.

GERARD  
WEINSHEIMER

Digitally signed by  
GERARD WEINSHEIMER  
Date: 2020.05.31  
15:26:12 -04'00'

**APPROVE:** \_\_\_\_\_

Concurring Components

None

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

Non-concurring Components

None

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

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



**From:** "Engel, Steven A. (OLC)" <(b) (6)>  
**To:** "Terwilliger, Zachary (USAVAE)" <(b)(6), (b)(7)(C) per EOUSA>, "Hovakimian, Patrick (ODAG)" <(b) (6)>, "Weinsheimer, Bradley (ODAG)" <(b) (6)>  
**Cc:** "Feith, Daniel (ODAG)" <(b) (6)>, "Gannon, Curtis E. (OLC)" <(b) (6)>, "DuCharme, Seth (ODAG)" <(b) (6)>, "Blue, Matthew (ODAG)" <(b) (6)>, "Levi, William (OAG)" <(b) (6)>, "Whitaker, Henry C. (OLC)" <(b) (6)>, "Hart, Rosemary (OLC)" <(b) (6)>

**Subject:** Delegations/authority

**Date:** Mon, 1 Jun 2020 19:50:32 +0000

**Importance:** Normal

**Attachments:** DAG\_Order\_re\_USMS.pdf

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We need to make sure that all federal law enforcement personnel who will be operating tonight have the necessary authority to do so. Yesterday, we provided authority to USMS and DEA. Do we need to provide additional delegations to ATF, BOP, or any other federal law enforcement that plan to deploy tonight? Can ODAG consult with those agencies, if and as necessary?

**From:** "Gannon, Curtis E. (OLC)" <(b) (6)>  
**To:** "Weinsheimer, Bradley (ODAG)" <(b) (6)> "Plack, Laura (ODAG)" <(b) (6)>  
**Cc:** "Levi, William (OAG)" <(b) (6)> "Bissex, Rachel (OAG)" <(b) (6)> "Smith, Andrew (USMS)" <(b) (6)> "DuCharme, Seth (ODAG)" <(b) (6)> "Sofer, Gregg (OAG)" <(b) (6)> "Hovakimian, Patrick (ODAG)" <(b) (6)> "Engel, Steven A. (OLC)" <(b) (6)>

**Subject:** RE:

**Date:** Sun, 31 May 2020 22:19:32 +0000

**Importance:** Normal

**Attachments:** Draft\_Order\_for\_USMS\_re\_Civil\_Unrest\_Deployment+\_olc.docx

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The DEA memo was a slightly different beast (a memo from DEA requesting permission under a specific statute). We have drafted an AG Order. See attached (which Laura hasn't yet seen).

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**From:** Weinsheimer, Bradley (ODAG) <(b) (6)>  
**Sent:** Sunday, May 31, 2020 6:14 PM  
**To:** Plack, Laura (ODAG) <(b) (6)>  
**Cc:** Levi, William (OAG) <(b) (6)> Gannon, Curtis E. (OLC) <(b) (6)> Bissex, Rachel (OAG) <(b) (6)> Smith, Andrew (USMS) <(b) (6)> DuCharme, Seth (ODAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Hovakimian, Patrick (ODAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)>  
**Subject:** Re:

I can approve by email if needed.

On May 31, 2020, at 6:09 PM, Plack, Laura (ODAG) <(b) (6)> wrote:

DAG is still here and said if it will be ready soon, he will sign, otherwise he will have Brad e-sign (which I understand he did for a similar DEA memo – adding Brad).

---

**From:** Levi, William (OAG) <(b) (6)>  
**Sent:** Sunday, May 31, 2020 6:07 PM  
**To:** Gannon, Curtis E. (OLC) <(b) (6)>  
**Cc:** Bissex, Rachel (OAG) <(b) (6)> Smith, Andrew (USMS) <(b) (6)> DuCharme, Seth (ODAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Hovakimian, Patrick (ODAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)> Plack, Laura (ODAG) <(b) (6)>  
**Subject:** Re:

The marshals are out on the street now in dc so we need to get this done ASAP I think.

On May 31, 2020, at 6:05 PM, Gannon, Curtis E. (OLC) <(b) (6)> wrote:

Okay. We were drafting it as an AG order. Should we set it up for the DAG's signature?

---

**From:** Bissex, Rachel (OAG) <(b) (6)>  
**Sent:** Sunday, May 31, 2020 6:04 PM  
**To:** Gannon, Curtis E. (OLC) <(b) (6)>  
**Cc:** Levi, William (OAG) <(b) (6)> Smith, Andrew (USMS) <(b) (6)> DuCharme, Seth (ODAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Hovakimian, Patrick (ODAG) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)> Plack, Laura (ODAG) <(b) (6)>  
**Subject:** Re: RE:

Thanks, Curtis. We just need the DAG or Brad to sign tonight before they go home since USMS will need this authority tonight.

On May 31, 2020, at 5:59 PM, Gannon, Curtis E. (OLC) <(b) (6)> wrote:

Yes, I think so. We're revising a draft that Laura Plack worked up. It will authorize enforcement of federal criminal laws and the protection of federal property and personnel. (b) (5)

[REDACTED]

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**From:** Levi, William (OAG) <(b) (6)>  
**Sent:** Sunday, May 31, 2020 5:52 PM  
**To:** Smith, Andrew (USMS) <(b) (6)> DuCharme, Seth (ODAG) <(b) (6)> Bissex, Rachel (OAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Hovakimian, Patrick (ODAG) <(b) (6)>  
**Cc:** Gannon, Curtis E. (OLC) <(b) (6)> Engel, Steven A. (OLC) <(b) (6)>  
**Subject:** Re:

Are we good here for tonight?

On May 31, 2020, at 2:56 PM, Smith, Andrew (USMS) <(b) (6)> wrote:

All,  
I apologize but I have a quick teleconference with my Director and then will reach out regarding an AG delegation of authority. Thanks.  
Respectfully,  
AS

Andrew C. Smith  
Assistant Director  
United States Marshals Service  
(b) (6) office

----- Original message -----

From: "Gannon, Curtis E. (OLC)" <(b) (6)>  
Date: 5/31/20 2:55 PM (GMT-05:00)  
To: "Levi, William (OAG)" <(b) (6)> "Engel, Steven A. (OLC)"  
<(b) (6)> "Smith, Andrew (USMS)" <(b) (6)>  
Subject: RE:

I'm trading emails with Laura Plack in ODAG, and may talk with her shortly. Happy to talk with Andrew before or after that. I'm at (b) (6).

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

From: Levi, William (OAG) <(b) (6)>  
Sent: Sunday, May 31, 2020 2:41 PM  
To: Engel, Steven A. (OLC) <(b) (6)> Smith, Andrew (USMS) <(b) (6)>  
Cc: Gannon, Curtis E. (OLC) <(b) (6)>  
Subject:

Steve — connecting you with the assistant director at USMS. They need a little help getting up and running.