

From: "Burns, David P. (NSD)" <(b) (6)>

To: "Engel, Steven A. (OLC)" <(b) (6)> "Antell, Kira M. (OLA)" <(b) (6)> "Boyd, Stephen E. (OLA)" <(b) (6)> "Blue, Matthew (ODAG)" <(b) (6)> "Sofer, Gregg (OAG)" <(b) (6)>

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

Date: Mon, 27 Jul 2020 20:53:48 +0000

Importance: Normal

Also, to correct a comment that I made earlier, we have confirmed that all USMS in Portland are stationed in Hatfield, not other buildings. Apologies for the confusion.

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

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

Sent: Monday, July 27, 2020 4:41 PM

To: Antell, Kira M. (OLA) <(b) (6)> Boyd, Stephen E. (OLA) <(b) (6)> Blue, Matthew (ODAG) <(b) (6)> Sofer, Gregg (OAG) <(b) (6)> Burns, David P. (NSD) <(b) (6)>

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

Here you go:

(b) (5)



From: Antell, Kira M. (OLA) (b) (6)
Sent: Monday, July 27, 2020 4:20 PM
To: Engel, Steven A. (OLC) (b) (6); Boyd, Stephen E. (OLA) (b) (6); Blue, Matthew (ODAG) (b) (6); Sofer, Gregg (OAG) (b) (6); Burns, David P. (NSD) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

I'm making your conforming edits in the letter and should have shortly. Did you have language for the following?

(b) (5)

From: Engel, Steven A. (OLC) (b) (6)
Sent: Monday, July 27, 2020 4:18 PM
To: Boyd, Stephen E. (OLA) (b) (6); Blue, Matthew (ODAG) (b) (6); Antell, Kira M. (OLA) (b) (6); Sofer, Gregg (OAG) (b) (6); Burns, David P. (NSD) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

I edited just the Q&A document. But I can take a pass through the draft letter too.

From: Boyd, Stephen E. (OLA) (b) (6)
Sent: Monday, July 27, 2020 4:13 PM
To: Blue, Matthew (ODAG) (b) (6); Engel, Steven A. (OLC) (b) (6); Antell, Kira M. (OLA) (b) (6); Sofer, Gregg (OAG) (b) (6); Burns, David P. (NSD) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

We're going to get a finalized version together and then evaluate (b) (5).

SB
AAG/OLA
(b) (6)

From: Blue, Matthew (ODAG) (b) (6)
Sent: Monday, July 27, 2020 4:10 PM
To: Engel, Steven A. (OLC) (b) (6); Antell, Kira M. (OLA) (b) (6); Sofer, Gregg (OAG) (b) (6); Burns, David P. (NSD) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

Kira, can we finalize and get this out?

Steve E, thank you.

Matt

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

From: Engel, Steven A. (OLC) (b) (6)
Sent: Monday, July 27, 2020 4:05 PM
To: Blue, Matthew (ODAG) (b) (6); Antell, Kira M. (OLA) (b) (6); Sofer, Gregg (OAG) (b) (6); Burns, David P. (NSD) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

[Here are some quick edits/comments.](#)

From: Blue, Matthew (ODAG) (b) (6)
Sent: Monday, July 27, 2020 3:36 PM
To: Antell, Kira M. (OLA) (b) (6); Engel, Steven A. (OLC) (b) (6); Sofer, Gregg (OAG) (b) (6); Burns, David P. (NSD) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

Steve,

[From OAG, the important place for the edits is in this attachment...](#)

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 27, 2020 3:32 PM
To: Engel, Steven A. (OLC) (b) (6); Sofer, Gregg (OAG) (b) (6); Burns, David P. (NSD) (b) (6); Levi, William (OAG) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Donoghue, Richard (ODAG) (b) (6); Blue, Matthew (ODAG) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

[Will do.](#)

From: Engel, Steven A. (OLC) (b) (6)
Sent: Monday, July 27, 2020 3:31 PM
To: Sofer, Gregg (OAG) (b) (6); Antell, Kira M. (OLA) (b) (6); Burns, David P. (NSD) (b) (6); Levi, William (OAG) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Donoghue, Richard (ODAG) (b) (6); Blue, Matthew (ODAG) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

[In the interest of time, why don't you send me David's edits \(or the latest draft\), and I can work my edits/comments in?](#)

From: Sofer, Gregg (OAG) (b) (6)
Sent: Monday, July 27, 2020 3:30 PM
To: Antell, Kira M. (OLA) (b) (6); Burns, David P. (NSD) (b) (6); Levi, William (OAG) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6); Hovakimian, Patrick (ODAG) (b) (6)

Donoghue, Richard (ODAG) (b) (6); Blue, Matthew (ODAG) (b) (6); Engel, Steven A. (OLC) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

Adding Steven Engel who already sent some, and will have additional, substantive edits. Gregg

From: Antell, Kira M. (OLA) (b) (6)
Sent: Monday, July 27, 2020 3:19 PM
To: Burns, David P. (NSD) (b) (6); Sofer, Gregg (OAG) (b) (6); Levi, William (OAG) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Donoghue, Richard (ODAG) (b) (6); Blue, Matthew (ODAG) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

Thanks so much. Will there be additional edits from OAG?

From: Burns, David P. (NSD) (b) (6)
Sent: Monday, July 27, 2020 1:33 PM
To: Antell, Kira M. (OLA) (b) (6); Sofer, Gregg (OAG) (b) (6); Levi, William (OAG) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Donoghue, Richard (ODAG) (b) (6); Blue, Matthew (ODAG) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

Please see attached my comments to the (b) (5) aspects of the letter.

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

From: Antell, Kira M. (OLA) (b) (6) >
Sent: Monday, July 27, 2020 11:13 AM
To: Sofer, Gregg (OAG) (b) (6) >; Levi, William (OAG) (b) (6); Burns, David P. (NSD) (b) (6)
Cc: Boyd, Stephen E. (OLA) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Donoghue, Richard (ODAG) (b) (6); Blue, Matthew (ODAG) (b) (6)
Subject: RE: Response to HJC Letters on Civil Unrest and Portland

In the interest of providing a draft as soon as possible, please see the current draft response to a number of incoming letters on civil unrest – it is keyed to two particular letters but we plan to use the language more broadly. This contains edits from USMS and ODAG. Please let me know if you have any questions.

Thanks,
Kira

From: Boyd, Stephen E. (OLA) (b) (6)
Sent: Thursday, July 23, 2020 1:18 PM
To: Sofer, Gregg (OAG) (b) (6); Blue, Matthew (ODAG) (b) (6); Herdman, Justin E. (USAOHN) (b) (6); Levi, William (OAG) (b) (6); Delaney, William (USMS) (b) (6); Tyson, Jill C. (DO) (FBI) (b) (6); (b) (7)(E) per FBI; Engel, Steven A. (OLC)

(b) (6); Hovakimian, Patrick (ODAG) (b) (6); Donoghue, Richard (ODAG)

(b) (6)

Cc: Antell, Kira M. (OLA) (b) (6)

Subject: Response to HJC Letters on Civil Unrest and Portland

Team:

We have a large number of incoming letters relating to civil unrest, the Park, and Portland, many of which have House Judiciary Committee members as signatories. As always, we have worked to make sure that our mail from HJC members is as up to date as possible ahead of the hearing, but this set of letters remains outstanding because of the fluid nature of the subject matter and the difficulty pulling together information.

I have asked Kira, copied here, to compile text to use for an interim unified response from the Department. There is much we can't say or provide, but in my judgment some response is better than no response at all—even if the response is based largely on already public statements.

If more is needed, I ask that you please consider a request for assistance on this response a priority. We will of course circulate a draft for review, comment, and edit as usual (to include OAG in this case). I defer to Will but the AG may wish to see this personally. We will send on Monday afternoon.

Thank you in advance for your help on this –

Stephen

Stephen E. Boyd
Assistant Attorney General
U.S. Department of Justice
Washington, D.C.

(b) (6)

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

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

Subject: RE: Maryland and DHS agents

Date: Tue, 21 Jul 2020 22:05:33 +0000

Importance: Normal

Attachments: Ya_Federal_Law_Enforcement_Response_-_1800_06042020.docx

Agreed. We are not getting into that level of granularity. FBI is drafting a (b)(5); (b)(7)(E) per FBI response but I don't have it yet. I think this document may answer some of the questions about what we did – this was from last month.

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

Sent: Tuesday, July 21, 2020 6:01 PM

To: Antell, Kira M. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>

Subject: RE: Maryland and DHS agents

I think they will be asked the following types of questions and will want guidance from the Department on how to respond:

(b) (5)

[REDACTED]

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

Sent: Tuesday, July 21, 2020 5:35 PM

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

Subject: RE: Maryland and DHS agents

We can share an uncleared draft. It has been reviewed by USMS and is currently with FBI. (b) (6) – LMK what you think would be helpful.

From: Hankey, Mary Blanche (OLA) <(b) (6)>
Sent: Tuesday, July 21, 2020 5:33 PM
To: (b) (6) (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)> Antell, Kira M. (OLA) <(b) (6)>
Subject: RE: Maryland and DHS agents

Adding Kira. Talkers are in progress, but I'm not certain they will be ready in time for Rob's meeting.

From: (b) (6) (OLA) <(b) (6)>
Sent: Tuesday, July 21, 2020 4:36 PM
To: Hankey, Mary Blanche (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>
Subject: FW: Maryland and DHS agents

The US Attorney passing along this piece with quotes from Raskin who is anticipated to participate in the briefing on Thursday with Rob Hur and FBI, DEA and ATF SACs. Is there any progress on settling on some TPs for them to use?

From: Hur, Robert (USAMD) <(b) (6)>
Sent: Tuesday, July 21, 2020 4:30 PM
To: (b) (6) (OLA) <(b) (6)>
Subject: Maryland and DHS agents

FYI:

<https://www.marylandmatters.org/2020/07/21/trump-threatens-baltimore-raskin-says-states-appear-defenseless/>

DEPARTMENT OF JUSTICE RESPONSE

Updated 6 PM ET

4 June 2020

FBI	• Additional Legal Authorities: None • Personnel ■ (b)(7)(E) per FBI ■ ■
BOP	• Exercising Existing Legal Authorities ○ Special deputation (USMS) of BOP staff members deployed to Washington, D.C. to enforce federal law and provide protection of the Department of Justice (Main Justice) and other federal buildings. [memo]. Valid to detain and make arrests and protect federal buildings and personnel. Special deputation lasts for 30 days (beginning June 1, 2020). ○ Authority has been used previously, including for Inaugurations. ○ There have been deputations through the USMS, as is typical in mass demonstration situations in Washington, D.C., such as during Inaugurations. The Department has ensured that law enforcement has sufficient resources to protect federal government buildings and personnel and to enforce federal law as needed. • Personnel ○ The BOP has (b)(7)(E), (b)(7)(F) per BOP capable of responding to prison disturbances, and providing assistance to other law enforcement agencies during emergencies. The BOP's (b)(7)(E), (b)(7)(F) per BOP also include (b)(7)(E), (b)(7)(F) per BOP ○ Per the request of the Attorney General, the BOP has dispatched (b)(7)(A)-(C), (b)(7)(F) per BOP to Miami, Florida, and Washington, D.C.
DEA	• Exercising Existing Legal Authorities ○ DEA temporarily has been granted non-Title 21 authority pursuant to 21 U.S.C. § 878(a)(5) [memo]. This designates DEA with the authority to enforce federal law, as necessary, in relation to the protests over the death of George Floyd. The authority is granted nationwide for 14 days.

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Updated 6 PM ET

4 June 2020

	○ There have been 27 similar instances of non-Title 21 authority provided to DEA in the last 15 years for disaster relief (e.g., hurricanes and floods), assistance to federal counterparts in the aftermath of serious crimes (Boston bombing, Pulse Nightclub, Las Vegas, etc.), and major events where people will gather (e.g., sporting events, Pope's visit, etc.). ● Personnel ○ Upon request, providing support to federal, state, and local partners in affected areas throughout the U.S., including to assist with site security, identification of subjects inciting violence or the destruction of property, and efforts responding to other violations of federal law. ○ Investigating Title 21 offenses, including theft of controlled substances from looted pharmacies. ○ On May 31, DEA deployed approximately (b)(7)(E) per DEA special agents in the D.C. area to accompany the Metropolitan Police Department (MPD) and National Guard units at traffic posts. Upon request, DEA increased personnel deployments to (b)(7)(E) per DEA on June 1, and (b)(7)(E) per DEA on June 2 and 3. ○ Activated multiple quick response teams in the Washington, D.C. metropolitan area to respond to high-risk situations and any requests for assistance requiring specialized training, including Emergency Medical Services (EMS). ○ Providing analytic support and sharing information in real-time with federal, state, and local partners.
ATF	● Exercising Existing Firearm, Explosive and Arson Legal Authorities ● Personnel ○ The ATF Washington and Baltimore Field Divisions deployed 35 Special Agents to the Department of Justice Robert F. Kennedy Headquarters Building from May 29-31 for building security operations. ○ The ATF Special Response Team (SRT) and other Special Agents have been deployed in Washington, D.C. for enforcement operations from May 30 to the present. ○ The National Response Team (NRT) is processing multiple arson scenes in Minneapolis and Saint Paul, Minnesota, and Washington D.C. ○ The FBI's Joint Terrorism Task Forces (JTTF) are engaged and supporting coordination and information sharing related to the federal law enforcement response to events related to the unrest. ATF representatives assigned to JTTFs are coordinating intelligence sharing and investigative response with the FBI across the country.

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DEPARTMENT OF JUSTICE RESPONSE

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4 June 2020

	○ ATF agents are coordinating with Federal, state and local LE partners to provide assistance, as needed. ○ ATF agents are assisting state and local agencies in numerous metropolitan areas with enforcement operations involving criminal activity associated with the unrest including arsons, firearms, explosives and thefts from Federal Firearms Licensees (FFLs). • Other ○ As of June 3rd, ATF has responded to at least (b)(7)(E) per ATF FFL burglaries linked to the civil unrest. At least (b)(7)(E) per ATF firearms have been stolen in these thefts. ○ ATF has sent more than (b)(7)(E) per ATF alerts to FFLs in areas impacted by civil unrest. Additionally, ATF Industry Operations Investigators (IOIs) have proactively reached out by telephone to FFLs in impacted areas to reinforce best practices and measures to secure firearms from theft. ATF's proactive measures and resulting steps taken by FFLs to secure firearms have proven highly successful; no firearms have been successfully stolen in several of the FFL burglaries to which ATF has responded. ○ ATF is investigating the origin and cause or is providing investigative support to state and local law enforcement and fire service organizations at approximately 847 suspected incendiary fires in 37 cities. ATF has the only federally trained and certified fire investigators in the U.S. Government. ○ ATF has responded to at least (b)(7)(E) per ATF incidents involving the illegal use of explosives associated with the unrest; the majority of these incidents involved the use of explosive materials to gain entry to ATM machines during thefts. ○ ATF has responded to assist in the investigation of numerous shooting scenes at disturbances in dozens of cities; assistance has included conducting urgent firearm traces and collection and processing of shell casings and ballistic evidence for DNA analysis and entry into NIBIN. ○ Shooting investigations that ATF has assisted in include the May 29th shooting of two Federal Protective Service officers at the Ronald V. Dellums Federal Building (Oakland, California), in which one officer was killed and another seriously wounded. ATF's role included processing of all ballistic evidence for DNA and National Integrated Ballistic Information Network analyses.
USMS	• Exercising Existing Legal Authorities ○ DAG order authorizing USMS to deploy USM in response to nationwide violent unrest.

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- Attorneys General have previously asked the USMS to perform such functions outside its usual statutory remit of protecting courthouses, judges, witnesses, etc. A recent example was the use of the USMS to enforce the CDC's quarantine zones for U.S. citizens who were repatriated from Wuhan, China, or cruise ships.
- Special deputation (USMS) of 1000+ DHS law enforcement personnel from CBP, ICE, and TSA [memo]. Valid to detain and make arrests and protect federal buildings and personnel. Special deputation lasts for 30 days (beginning June 1, 2020).
 - Used previously, including for Inaugurations.
- Personnel
 - As of June 3, 2020, the USMS has over (b)(7)(E) per USMS deputies deployed across the country in support of various law enforcement missions related to civil unrest.
 - On May 29-31, 2020, the USMS deployed (b)(7)(E) per USMS Deputy U.S. Marshals, including members of the (b)(7)(E) per USMS, to the Department of Justice Robert F. Kennedy building. These personnel provided specialized support to the Justice Protective Service as well as enhanced security for designees from the Office of the Attorney General and Deputy Attorney General due to the elevated threat level.
 - On May 28, 2020, the USMS deployed (b)(7)(E) per USMS additional Deputies and (b)(7)(E) per USMS members to Minneapolis to assist federal law enforcement operations. These personnel have integrated with local Marshals Service resources as well as agents from the FBI and ATF to conduct federal investigations.
 - On May 30, 2020, the USMS deployed members of the Pacific Southwest Regional Fugitive Task Force and our regional Mobile Command Vehicle to Oakland, CA to assist in the shooting investigation of two contract Federal Protective Service employees at the Oakland, CA Federal building.
 - On May 31, the USMS deployed (b)(7)(E) per USMS members of the (b)(7)(E) per USMS to the Eastern District of Pennsylvania to assess current USMS operations and recommend changes to operational techniques and procedures to enhance the safety of the Federal Judiciary as well as that of local law enforcement.

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	○ On June 1, 2020, the USMS deployed greater than (b)(7)(E) per USMS personnel to the National Capitol Region in support of the federal law enforcement operation to maintain the rule of law in the District of Columbia. These personnel performed key functions in support of the United States Park Police. ○ On June 2, 2020, in the aftermath of the shooting of four local law enforcement officers, the USMS deployed (b)(7)(E) per USMS personnel from the (b)(7)(E) per USMS as well as (b)(7)(E) per USMS to St. Louis, Missouri. These personnel have integrated with other state and local law enforcement resources and will provide specialized support to the integrated law enforcement strategy.
COPS	• While the COPS Office is not involved with any actions to address the recent riots and protests, it does make technical assistance on policing mass demonstrations available to law enforcement agencies through the Collaborative Reform Initiative Technical Assistance Center (CRI-TAC). • In previous years, the COPS Office has also produced reports like the following: ○ 2017: Maintaining First Amendment Rights and Public Safety in North Minneapolis: An After-Action Assessment of the Police Response to Protests, Demonstrations, and Occupation of the Minneapolis Police Department's Fourth Precinct – https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-W0836
CRS	• CRS is currently in communication with federal, state, and local government officials, as well as community and faith leadership, in approximately 30 U.S. cities, in response to the demonstrations sparking from the death of George Floyd. • (b)(3) per CRS (42 USSC 2000g-2) • Continues to communicate with community leaders regarding community issues and concerns in anticipation of requests for support over the coming weeks and months as communities move on to conducting listening sessions and developing actions to address the tensions that underlie the civil unrest.
OJP	• The Bureau of Justice Assistance (BJA) has several options for providing emergency funding for states impacted by civil unrest: • Emergency Federal Law Enforcement Assistance (EFLEA) - provides necessary assistance to (and through) a state government to provide an adequate response to an uncommon situation which requires law enforcement,

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	which is or threatens to become of serious or epidemic proportions, and with respect to which state and local resources are inadequate to protect the lives and property of citizens, or to enforce the criminal law. • Budget modifications for current Justice Assistance Grant (JAG) funding - BJA is proactively contacting State Administering Agencies to assure them that their JAG grants can be used to address law enforcement needs related to the riots. Merely submitting a budget modification is all that is required. • Additionally, the Office for Victims of Crime (OVC) has Resources/Funding Options for Emergency Response Funding. ○ From 2017 to 2019, Minnesota received a total of \$128,822,225 in federal assistance and compensation funding that the State administers and allocates to fund different victim assistance service programs and its state-run victim compensation program. ○ Minnesota is currently providing more than \$400,000 in VOCA Victim Assistance funding to the Minneapolis City Attorney's Office and St. Paul City Attorney's Office to support crime victims.
--	--

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

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

Subject: RE: Maryland and DHS agents

Date: Wed, 22 Jul 2020 15:34:04 +0000

Importance: Normal

Attachments: Y- Federal_Law_Enforcement_Involvement_in_Civil_Unrest_v5_NOT_CLEARED.docx

This includes USMS edits but not FBI's yet. Again, not final.

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

Sent: Wednesday, July 22, 2020 11:28 AM

To: Antell, Kira M. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>

Subject: RE: Maryland and DHS agents

Kira-

Is there an updated version of the TP? Thanks

From: (b) (6) (OLA)

Sent: Tuesday, July 21, 2020 6:13 PM

To: Antell, Kira M. (OLA) <(b) (6)> Hankey, Mary Blanche (OLA) <(b) (6)> (b) (6) (OLA) <(b) (6)>

Subject: RE: Maryland and DHS agents

If we can (b) (5)

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

Sent: Tuesday, July 21, 2020 6:06 PM

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

Subject: RE: Maryland and DHS agents

Duplicative Material, 23-cv-1207_20-01806_000491

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

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

Subject: AG delegation memo (and two other examples)

Date: Wed, 3 Jun 2020 16:16:27 +0000

Importance: Normal

Attachments: Boston_Marathon_-_March_2017.pdf; ATT00001.htm; DEA_Request_for_Non-Title_21_Authority_-_New_Jersey_Funeral_-_December_2019.pdf; ATT00002.htm; George_Floyd_Protests_-_DEA_Request_to_DOJ.pdf; ATT00003.htm

Same here — FYSA, but let's coordinate on how you respond.



U. S. Department of Justice
Drug Enforcement Administration

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.

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

Concurring Components
None

DISAPPROVE: _____

Non-concurring Components
None

OTHER: _____

DATE: _____

From: "Gannon, Curtis E. (OLC)" <(b) (6)>

To: "Bissex, Rachel (OAG)" <(b) (6)> "Thiemann, Robyn L (DEA)"
(b)(6), (b)(7)(C) per DEA

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

Subject: RE: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 19:11:05 +0000

Importance: Normal

The attachment didn't come through.

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

From: Bissex, Rachel (OAG) <(b) (6)>

Sent: Sunday, May 31, 2020 3:10 PM

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

Cc: Weinsheimer, Bradley (ODAG) <(b) (6)> Gleason, Robert (Chris) (DEA)

(b)(6), (b)(7)(C) per DEA Liskamm, Amanda N. (ODAG) <(b) (6)> Elieson, Dayle

(DEA) (b)(6), (b)(7)(C) per DEA; Gannon, Curtis E. (OLC) <(b) (6)> Engel, Steven A.

(OLC) <(b) (6)>

Subject: Re: AG delegation to DEA - federal non-drug authority

Adding Curtis and Steve as they are already working a similar delegation for USMS.

> On May 31, 2020, at 3:03 PM, Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA wrote:

>

> Brad -

>

> Good to talk to you. Please find attached the memo I referenced. Do not hesitate to let me know if you have any questions.

>

> Thanks,

> RT

>

> <George Floyd Protests - DEA Request to DOJ.docx>

>

From: "Bissex, Rachel (OAG)" <(b) (6)>

To: "Gannon, Curtis E. (OLC)" <(b) (6)> "Engel, Steven A. (OLC)" <(b) (6)>

Bcc: "Bissex, Rachel (OAG)" <(b) (6)>

Subject: Fwd: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 19:12:18 -0000

Importance: Normal

Attachments: George_Floyd_Protests_-_DEA_Request_to_DOJ.docx; ATT00001.htm

Begin forwarded message:

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

Date: May 31, 2020 at 3:03:24 PM EDT

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

Cc: "Gleason, Robert (Chris) (DEA)" (b)(6), (b)(7)(C) per DEA, "Bissex, Rachel (OAG)"

<(b) (6)>, "Liskamm, Amanda N. (ODAG)" (b) (6) "Elieson, Dayle (DEA)" (b)(6), (b)(7)(C) per DEA

Subject: AG delegation to DEA - federal non-drug authority

Duplicative Material, Bates Number 23-cv-1207_20-01806_000508



U. S. Department of Justice
Drug Enforcement Administration

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.

APPROVE: _____

Concurring Components

None

DISAPPROVE: _____

Non-concurring Components

None

OTHER: _____

DATE: _____

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

To: "Engel, Steven A. (OLC)" <(b) (6)> "Gannon, Curtis E. (OLC)" <(b) (6)>

Subject: FW: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 19:19:36 -0000

Importance: Normal

Attachments: George_Floyd_Protests_-_DEA_Request_to_DOJ.docx; ATT00001.htm

Not sure if Rachel sent the attachment, but here it is.

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

Sent: Sunday, May 31, 2020 3:03 PM

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

Cc: Gleason, Robert (Chris) (DEA) <(b)(6), (b)(7)(C) per DEA>; Bissex, Rachel (OAG) <(b) (6)>

Liskamm, Amanda N. (ODAG) <(b) (6)> Elieson, Dayle (DEA) <(b)(6), (b)(7)(C) per DEA>

Subject: AG delegation to DEA - federal non-drug authority

Duplicative Material, Bates Number 23-cv-1207_20-01806_000508

From: (b)(6) Brad Weinsheimer (ODAG)

To: Seth DuCharme <(b) (6)>

Subject: Fwd: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 16:57:52 -0400

Importance: Normal

Is there need to specifically check with the DAG? I am happy to sign off and am equally confident the DAG would agree with the approval.

Begin forwarded message:

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

Date: May 31, 2020 at 4:54:11 PM EDT

To: "Gannon, Curtis E. (OLC)" <(b) (6)>

Cc: "Thiemann, Robyn L (DEA)" <(b)(6), (b)(7)(C) per DEA> "Engel, Steven A. (OLC)"

<(b) (6)> "Bissex, Rachel (OAG)" <(b) (6)> "Gleason, Robert (Chris)

(DEA)" <(b)(6), (b)(7)(C) per DEA> "Liskamm, Amanda N. (ODAG)" <(b) (6)>

"Elieson, Dayle (DEA)" <(b)(6), (b)(7)(C) per DEA> "DuCharme, Seth (ODAG)"

<(b) (6)>

Subject: Re: AG delegation to DEA - federal non-drug authority

The delegation to me (also Seth and Pat) is broadly for special deputations, without specific reference to any statute. Historically, we have interpreted that to include these types of approvals as well. I am prepared to approve on that basis unless OLC believes a delegation specific to this statute is required.

On May 31, 2020, at 4:50 PM, Gannon, Curtis E. (OLC) <(b) (6)> wrote:

OLC is comfortable that the DAG could approve this memo as it is written. If Brad's further delegation from the DAG encompasses this, then that too would be fine by us.

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

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

Sent: Sunday, May 31, 2020 4:48 PM

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

Cc: Bissex, Rachel (OAG) <(b) (6)> Weinsheimer, Bradley (ODAG)

<(b) (6)> Gleason, Robert (Chris) (DEA) <(b)(6), (b)(7)(C) per DEA>

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

<(b)(6), (b)(7)(C) per DEA> Gannon, Curtis E. (OLC) <(b) (6)> DuCharme, Seth (ODAG) <(b) (6)>

Subject: Re: AG delegation to DEA - federal non-drug authority

Hi Team -

DEA is staging with MPD between now and 6pm. Possible to expedite to get a signature ASAP?

Thanks,

Robyn

Robyn L Thiemann

Chief of Staff

DEA

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

On May 31, 2020, at 3:25 PM, Engel, Steven A. (OLC) (JMD) (b) (6) wrote:

We'll consult internally and circle back.

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

From: Bissex, Rachel (OAG) (b) (6) >

Sent: Sunday, May 31, 2020 3:21 PM

To: Weinsheimer, Bradley (ODAG) (b) (6)

Cc: Engel, Steven A. (OLC) (b) (6); Gleason, Robert (Chris) (DEA) (b)(6), (b)(7)(C) per DEA; Liskamm, Amanda N. (ODAG) (b) (6); Elieson, Dayle (DEA) (b)(6), (b)(7)(C) per DEA; Gannon, Curtis E. (OLC) (b) (6); DuCharme, Seth (ODAG) (b) (6); Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA

Subject: Re: AG delegation to DEA - federal non-drug authority

Defer to OLC

On May 31, 2020, at 3:17 PM, Weinsheimer, Bradley (ODAG) <(b) (6)>
wrote:

Rachel and Steve: I can approve, as I typically approve deputation requests from the USMS or requests for law enforcement authority relating to, for example, national security special events (Super Bowl, etc.). Let me know if you would like me to approve it or would prefer to handle it in a different way under the circumstances. Thanks, Brad.

Brad Weinsheimer

Associate Deputy Attorney General

Cell: (b) (6)

(b) (6)

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

From: Bissex, Rachel (OAG) (b) (6)

Sent: Sunday, May 31, 2020 3:10 PM

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

Cc: Weinsheimer, Bradley (ODAG) (b) (6); Gleason, Robert (Chris) (DEA) (b)(6), (b)(7)(C) per DEA; Liskamm, Amanda N. (ODAG) (b) (6); Elieson, Dayle (DEA) (b)(6), (b)(7)(C) per DEA; Gannon, Curtis E. (OLC) <(b) (6)>; Engel, Steven A. (OLC) <(b) (6)>

Subject: Re: AG delegation to DEA - federal non-drug authority

Duplicative Material, Bates Number 23-cv-1207_20-01806_000508

From: (b)(6) Brad Weinsheimer (ODAG)

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

Subject: Re: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 16:55:37 -0400

Importance: Normal

Stand by. I am making sure OLC is comfortable. But the issue is not whether you will get approval, but who will give it.

On May 31, 2020, at 4:53 PM, Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA wrote:

Does this mean that I should now bother you about this? I'm an expert at bothering.

Begin forwarded message:

From: "Gannon, Curtis E. (OLC) (JMD)" (b) (6)

Date: May 31, 2020 at 4:51:35 PM EDT

To: "Thiemann, Robyn L" (b)(6), (b)(7)(C) per DEA, "Engel, Steven A. (OLC) (JMD)"

(b) (6)

Cc: "Bissex, Rachel (OAG) (JMD)" (b) (6) "Weinsheimer, Bradley (ODAG) (JMD)"

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

"Liskamm, Amanda N. (ODAG) (JMD)" (b) (6), "Elieson, Dayle"

(b)(6), (b)(7)(C) per DEA, "DuCharme, Seth (ODAG) (JMD)" (b) (6)

Subject: RE: AG delegation to DEA - federal non-drug authority

Duplicative Material, Bates Number 23-cv-1207_20-01806_000513

From: "Bissex, Rachel (OAG)" <(b) (6)>
To: "Thiemann, Robyn L (DEA)" (b)(6), (b)(7)(C) per DEA
Bcc: "Bissex, Rachel (OAG)" <(b) (6)>
Subject: Re: AG delegation to DEA - federal non-drug authority
Date: Sun, 31 May 2020 21:15:20 -0000
Importance: Normal

Excellent!

> On May 31, 2020, at 5:14 PM, Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA wrote:
>
> Brad is signing. He is also clearing with the DAG now as we speak, just to be certain. We should have approval momentarily.
>
>> On May 31, 2020, at 5:09 PM, Bissex, Rachel (OAG) (JMD) <(b) (6)> wrote:
>>
>> Agreed!!!!!!
>>
>>> On May 31, 2020, at 5:08 PM, Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA wrote:
>>>
>>> This is why people hate lawyers, BTW.
>>>
>>>> On May 31, 2020, at 5:08 PM, Bissex, Rachel (OAG) (JMD) <(b) (6)> wrote:
>>>>
>>>> Yes please
>>>>
>>>>> On May 31, 2020, at 5:07 PM, Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA wrote:
>>>>>
>>>>> The DAG is at DOJ in the Command Center and I can just send a flipping copy there, if easier. Should we just do that??
>>>>>
>>>>>> On May 31, 2020, at 5:04 PM, Engel, Steven A. (OLC) (JMD) (b) (6) > wrote:
>>>>>>
>>>>>> OLC is ok with brad approving, if that has been ODAG practice.
>>>>>>
>>>>>> Sent from my iPhone
>>>>>>
>>>>>>> On May 31, 2020, at 5:01 PM, Bissex, Rachel (OAG) (b) (6) > wrote:
>>>>>>>
>>>>>>> Need an answer to this ASAP.
>>>>>>>
>>>>>>>> On May 31, 2020, at 4:54 PM, Weinsheimer, Bradley (ODAG) (b) (6) wrote:
>>>>>>>>

Duplicative Material, Bates Number 23-cv-1207_20-01806_000513

From: "Bissex, Rachel (OAG)" <(b) (6)>
To: "Weinsheimer, Bradley (ODAG)" <(b) (6)>
Cc: "Engel, Steven A. (OLC)" <(b) (6)> "Gannon, Curtis E. (OLC)" <(b) (6)> "Thiemann, Robyn L (DEA)" (b)(6), (b)(7)(C) per DEA, "Gleason, Robert (Chris) (DEA)" (b)(6), (b)(7)(C) per DEA, "Liskamm, Amanda N. (ODAG)" <(b) (6)> "Elieson, Dayle (DEA)" (b)(6), (b)(7)(C) per DEA, "DuCharme, Seth (ODAG)" <(b) (6)>

Subject: Re: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 21:16:00 +0000

Importance: Normal

Thank you!!

> On May 31, 2020, at 5:15 PM, Weinsheimer, Bradley (ODAG) <(b) (6)> wrote:
>
> Confirmed, and I also specifically confirmed with the DAG that I have the delegation. It is approved.
>
>> On May 31, 2020, at 5:07 PM, Bissex, Rachel (OAG) <(b) (6)> wrote:
>>
>> Brad, please confirm whether this has been ODAG practice. If it has, please sign ASAP and let DEA know when/if it has been signed.
>>
>>> On May 31, 2020, at 5:04 PM, Engel, Steven A. (OLC) <(b) (6)> wrote:
>>>

Duplicative Material, Bates Number 23-cv-1207_20-01806_000517

From: "Bissex, Rachel (OAG)" <(b) (6)>

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

Subject: Fwd: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 21:16:54 +0000

Importance: Normal

FYI - delegation of authority done for DEA. No need for AG to sign or for us to do autopen.

Begin forwarded message:

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

Date: May 31, 2020 at 5:15:34 PM EDT

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

Cc: "Engel, Steven A. (OLC)" <(b) (6)> "Gannon, Curtis E. (OLC)"

<(b) (6)> "Thiemann, Robyn L (DEA)" (b)(6), (b)(7)(C) per DEA, "Gleason,

Robert (Chris) (DEA)" (b)(6), (b)(7)(C) per DEA, "Liskamm, Amanda N. (ODAG)"

<(b) (6)> "Elieson, Dayle (DEA)" (b)(6), (b)(7)(C) per DEA "DuCharme, Seth

(ODAG)" <(b) (6)>

Subject: Re: AG delegation to DEA - federal non-drug authority

Duplicative Material, Bates Number 23-cv-1207_20-01806_000518

From: (b)(6) Brad Weinsheimer (ODAG)

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

Cc: "Gleason, Robert (Chris) (DEA)" (b)(6), (b)(7)(C) per DEA, "Liskamm, Amanda N. (ODAG)" <(b) (6)> "Elieson, Dayle (DEA)" (b)(6), (b)(7)(C) per DEA

Subject: Re: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 17:18:12 -0400

Importance: Normal

This request is approved. I will send the signed memo back this evening. Thanks, Brad.

> On May 31, 2020, at 3:03 PM, Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA > wrote:

Duplicative Material, Bates Number 23-cv-1207_20-01806_000508

From: "Weinsheimer, Bradley (ODAG)" <(b) (6)>
To: "Thiemann, Robyn L (DEA)" (b)(6), (b)(7)(C) per DEA
Cc: "Gleason, Robert (Chris) (DEA)" (b)(6), (b)(7)(C) per DEA, "Bissex, Rachel (OAG)" <(b) (6)>, "Liskamm, Amanda N. (ODAG)" <(b) (6)>, "Elieson, Dayle (DEA)" (b)(6), (b)(7)(C) per DEA

Subject: RE: AG delegation to DEA - federal non-drug authority

Date: Sun, 31 May 2020 23:45:39 +0000

Importance: Normal

Attachments: George_Floyd_Protests_-_DEA_Request_to_DOJ.pdf

Here is the signed memo. Thanks, Brad.

From: Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA
Sent: Sunday, May 31, 2020 3:03 PM
To: Weinsheimer, Bradley (ODAG) <(b) (6)>
Cc: Gleason, Robert (Chris) (DEA) (b)(6), (b)(7)(C) per DEA; Bissex, Rachel (OAG) <(b) (6)>
Liskamm, Amanda N. (ODAG) <(b) (6)> Elieson, Dayle (DEA) (b)(6), (b)(7)(C) per DEA
Subject: AG delegation to DEA - federal non-drug authority

Duplicative Material, Bates Number 23-cv-1207_20-01806_000508



U. S. Department of Justice
Drug Enforcement Administration

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.

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

Concurring Components
None

DISAPPROVE: _____

Non-concurring Components
None

OTHER: _____

DATE: _____

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

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

Cc: "Gleason, Robert (Chris)" (b)(6), (b)(7)(C) per DEA, "Bissex, Rachel (OAG) (JMD)"
<(b) (6)> "Liskamm, Amanda N. (ODAG) (JMD)"
<(b) (6)> "Elieson, Dayle" (b)(6), (b)(7)(C) per DEA

Subject: Re: AG delegation to DEA - federal non-drug authority

Date: Mon, 1 Jun 2020 00:10:29 +0000

Importance: Normal

Thank you, Brad!

On May 31, 2020, at 7:45 PM, Weinsheimer, Bradley (ODAG) (JMD) <(b) (6)>
wrote:

Duplicative Material, Bates Number 23-cv-1207_20-01806_000521

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

To: "Sofer, Gregg (OAG)" <(b) (6)> "Terwilliger, Zachary (USAVAE)"
(b)(6), (b)(7)(C) per EOUSA

Subject: FW: Federal law enforcement assets - Federal response support

Date: Sun, 31 May 2020 18:14:14 -0000

Importance: Normal

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

(b) (6)

From: Thiemann, Robyn L <(b) (6)>

Sent: Sunday, May 31, 2020 2:03 PM

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

Cc: DuCharme, Seth (ODAG) <(b) (6)>

Subject: Re: Federal law enforcement assets - Federal response support

Duplicative Material, Bates Number 23-cv-1207_20-01806_000002

From: "Creegan, Erin (ODAG)" (b) (6)

To: "Antell, Kira M. (OLA)" (b) (6)

Subject: FW:

Date: Tue, 21 Jul 2020 09:15:43 -0400

Importance: Normal

Attachments: Y-_Federal_Law_Enforcement_Involvement_in_Civil_Unrest.docx

FYI, there is a passage that says: (b) (5)

Could just (b) (5)

From: Blue, Matthew (ODAG) (b) (6)

Sent: Monday, July 20, 2020 5:27 PM

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

Subject:

Matt

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

From: (b) (6) (OLA)"(b) (6)
To: "Barnett, Gary (OAG)"(b) (6), "Bissex, Rachel (OAG)"
(b) (6)
Cc: "Smith, Stephanie K. (JMD)"(b) (6), "Grieco, Christopher (ODAG)"
(b) (6), "Hodes, Jarad (ODAG)"(b) (6), "Duhamel,
Louise (JMD)"(b) (6), "Levi, William (OAG)"
(b) (6), "Sofer, Gregg (OAG)"(b) (6)

Subject: RE: For Approval to Release - BOP/GAO Follow Up Question re: Protest (103690)

Date: Fri, 12 Jun 2020 13:43:01 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_-_1800_06042020.docx

All,

For reference, attached is the information we provided to Congress last Friday. Per the BOP excerpt therein, I would suggest editing the first response to GAO as follows:

“Yes. Per the request of the Attorney General, the BOP dispatched Crisis Management Teams, including Special Operations Response Teams, to Miami, Florida, and Washington, D.C.”

Also, I would change “were” to “have been” in Q2:

SORT teams ~~were~~ have been utilized along with other LE for security and crowd control. (Note: Locations are stated above)

(b) (6)
Senior Counsel
Office of Legislative Affairs
U.S. Department of Justice
(b) (6) direct
(b) (6) mobile

From: Barnett, Gary (OAG)(b) (6)
Sent: Friday, June 12, 2020 1:31 PM
To: Bissex, Rachel (OAG)(b) (6)
Cc: Smith, Stephanie K. (JMD)(b) (6); (b) (6) (OLA)(b) (6); Grieco,
Christopher (ODAG)(b) (6); Hodes, Jarad (ODAG)(b) (6); Duhamel, Louise (JMD)
(b) (6); Levi, William (OAG)(b) (6); Sofer, Gregg (OAG)(b) (6)
Subject: Re: For Approval to Release - BOP/GAO Follow Up Question re: Protest (103690)

Thanks.

Plus Gregg.

When did BOP provide this response? Are there still sort team members in DC?

On Jun 12, 2020, at 1:28 PM, Bissex, Rachel (OAG) (b) (6) wrote:

+ Will and Gary

Sent from my iPhone

On Jun 12, 2020, at 1:25 PM, Smith, Stephanie K. (JMD) (b) (6) > wrote:

Good Afternoon,

Please let me know if the below response (in RED) from BOP concerning the recent protest is approved for release to GAO. Thank you.

++++++**GAO's Follow-up Question**++++++

In light of recent and ongoing events, we have a follow up question for your tactical team:

1. *Has your tactical team (Special Operations Response Team) been used or deployed to help address recent civil unrest and protests in late May and early June 2020? Or, is your agency planning to use or deploy your tactical team for this purpose?*

BOP Response: *Yes, on May 30, 2020 SORT members were deployed to Washington DC and Miami. SORT members are still deployed in Washington DC.*

- a. *If so, please describe the deployments, including locations (city) and a general description of the team's activities and purpose.*

BOP Response: *SORT teams were utilized along with other LE for security and crowd control. (Note: Locations are stated above)*

- b. *If not, were other agency personnel used to help address recent civil unrest and protests in late May and early June 2020?*

Stephanie Kennedy Smith
Audit Liaison Specialist
Audit Liaison Group
Internal review and Evaluation Office
Justice Management Division
145 N Street, N.E.
2 Con - Suite 8W-300
Washington, D.C. 20530

(b) (6)

From: "Grieco, Christopher (ODAG)" (b) (6)

To: "Mascott, Jenn (ODAG)" (b) (6), "Plack, Laura (ODAG)"
(b) (6)

Subject: FW: FLASH - Need Quick Review of the attached

Date: Thu, 04 Jun 2020 13:20:15 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_to_2020_Riots_-_PERSONNEL_UPDATED_-_PFE.docx; ATT00001.htm

USMS edits

From: "Grieco, Christopher (ODAG)" (b) (6)
To: "Thiemann, Robyn L (DEA)" (b)(6), (b)(7)(C) per DEA
Cc: "Plack, Laura (ODAG)" (b) (6), "Mascott, Jenn (ODAG)" (b) (6)

Subject: FW: Overview of DOJ Response

Date: Thu, 04 Jun 2020 11:04:49 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_to_2020_Riots_-_PERSONNEL_UPDATED_-_PFE.docx

Hi Robyn,

Can you just put eyes on the DEA section of this and confirm that it is accurate and up to date. Please let us know by 1:30 today.

Thank you

From: Escalona, Prim F. (OLA) (b) (6)
Sent: Thursday, June 4, 2020 10:37 AM
To: Mascott, Jenn (ODAG) (b) (6); Plack, Laura (ODAG) (b) (6); Grieco, Christopher (ODAG) (b) (6)
Subject: Overview of DOJ Response

Duplicative Material, Bates Number 23-cv-1207_20-01806_000408

From: "Plack, Laura (ODAG)" (b) (6)

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI (b)(6) "Taibleson, Benjamin (USAWIE)" (b) (6)

Cc: "Mascott, Jenn (ODAG)" (b) (6) >, "Grieco, Christopher (ODAG)" (b) (6)

Subject: FW: Overview of DOJ Response

Date: Thu, 04 Jun 2020 11:09:23 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_to_2020_Riots_-_PERSONNEL_UPDATED_-_PFE.docx

(b)(6), (b)(7)(C) per FBI / Ben –

OLA wants to use this document to answer questions coming from the Hill. We want to double check this info is accurate, particularly with regards to the personnel numbers. I've copy and pasted the below FBI section. They want this cleared this afternoon so if you could let us know by 1:30 pm it would be much appreciated.

(b)(5) per FBI

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

Sent: Thursday, June 4, 2020 10:37 AM

To: Mascott, Jenn (ODAG) (b) (6) Plack, Laura (ODAG) (b) (6); Grieco, Christopher (ODAG) (b) (6)

Subject: Overview of DOJ Response

Duplicative Material, Bates Number 23-cv-1207_20-01806_000408

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

To: "Grieco, Christopher (ODAG) (JMD)" (b) (6)

Cc: "Thiemann, Robyn L" (b)(6), (b)(7)(C) per DEA, "Mascott, Jenn (ODAG) (JMD)" (b) (6), "Plack, Laura (ODAG) (JMD)" (b) (6)

Subject: RE: Overview of DOJ Response

Date: Thu, 04 Jun 2020 13:37:37 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_to_2020_Riots_DEA_EDITS.docx

Hi all –

Attached please find a few edits/updates from DEA. Thanks!

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

Executive Assistant (AX)
Office of the Administrator
Drug Enforcement Administration
Mobile: (b)(6), (b)(7)(C) per DEA

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

Sent: Thursday, June 4, 2020 11:19 AM

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

Subject: Fwd: Overview of DOJ Response

Begin forwarded message:

From: "Grieco, Christopher (ODAG)" (b) (6)

Date: June 4, 2020 at 11:04:49 AM EDT

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

Cc: "Plack, Laura (ODAG)" (b) (6), "Mascott, Jenn (ODAG)" (b) (6)

Subject: FW: Overview of DOJ Response

Duplicative Material, Bates Number 23-cv-1207_20-01806_000531

From: (b) (6) (OLA)" (b) (6)

To: (b) (6) (OLA)" (b) (6)

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

Date: Wed, 03 Jun 2020 14:11:04 -0400

Importance: Normal

Thanks, (b) (6)!

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

Sent: Wednesday, June 3, 2020 10:32 AM

To: (b) (6) (OLA) (b) (6)

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

Will you please log?

Thanks!

(b) (6)

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

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

To: (b) (6) (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

Duplicative Material, Bates Number 23-cv-1207_20-01806_000355

From: (b)(6) per ATR (ATR)" (b) (6)
To: "Downer, Matthew (OLP)" (b) (6); (b)(6) per ATR (ATR)"
(b) (6)
(b) (6), "O'Donnell, Bridget (CRM)"
Subject: RE: Info Requests
Date: Thu, 04 Jun 2020 08:15:15 -0400
Importance: Normal
Attachments: 2020-06-04_Prep_Memo_(8.14am).docx

Added to the attached memo (in red).

From: Downer, Matthew (OLP)
Sent: Thursday, June 4, 2020 7:50 AM
To: (b)(6) per ATR (ATR) (b) (6); O'Donnell, Bridget (CRM)
(b) (6); (b)(6) per ATR (ATR) (b) (6)
Subject: FW: Info Requests

Can you incorporate a case citation / very short summary on (b) (5) per Amanda's email and the attached?

Also, let's go with red text (rather than tracked changes) for anything added since the 6:30 version of the memo.

Thank you!

Matthew P. Downer
Senior Counsel
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Office: (b) (6)
Cell: (b) (6)
Email: (b) (6)

From: Liskamm, Amanda N. (ODAG) (b) (6)
Sent: Thursday, June 4, 2020 6:57 AM
To: Downer, Matthew (OLP) (b) (6)
Subject: FW: Info Requests

Duplicative Material, Bates Number 23-cv-1207_20-01806_000441

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

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Cc: (b) (6) (OLA)"(b) (6) >, (b)(6), (b)(7)(C), (b)(7)(E) per FBI
(b) (6) (OLA)"(b) (6)

Subject: Briefing Paper on Federal Law Enforcement and Civil Unrest

Date: Tue, 21 Jul 2020 17:05:05 -0400

Importance: Normal

Attachments: Y-_Federal_Law_Enforcement_Involvement_in_Civil_Unrest_v4_NOT_CLEARED.docx

Hi (b)(6), (b)(7)(C) per FBI

Attached is a briefing paper for the hearing that we are working on. It would be helpful if FBI could:

(b)(5) per FBI

To the extent possible, we'd love to send this to ENC midday tomorrow so we welcome any edits/comments as soon as possible.

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: (b) (6) (OLA)"(b) (6)

Cc: (b) (6) (OLA)"(b) (6), (b) (6)
(OLA)"(b) (6)

Subject: RE: Operation Legend

Date: Thu, 30 Jul 2020 09:52:30 -0400

Importance: Normal

Attachments: Y-_Federal_Law_Enforcement_Involvement_in_Civil_Unrest_v5_NOT_CLEARED.docx

This has a section on Legend. Do you think she would need more than this? We gave her this version last Thursday.

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

From: (b) (6) (OLA)"(b) (6)

Sent: Thursday, July 30, 2020 9:27 AM

To: Antell, Kira M. (OLA)"(b) (6)

Cc: (b) (6) (OLA)"(b) (6); (b) (6) (OLA)
(b) (6)

Subject: Operation Legend

Kira,

No need to call back.

The Skimm, my "dummy" news subscription for the morning mentioned operation legend in a sub-bullet for federal LE presence at protests. ENC doesn't have anything on this yet, does she? If not, (b) (6) said she could pull a paper together easily. Let us know if that would be helpful.

(b) (6)

From: (b) (6) (OLA)"(b) (6)"
To: "Antell, Kira M. (OLA)"(b) (6), (b) (6) (OLA)"
(b) (6)
Cc: (b) (6). (OLA)"(b) (6)"

Subject: RE: Operation Legend

Date: Thu, 30 Jul 2020 10:28:03 -0400

Importance: Normal

Attachments: Y-_Federal_Law_Enforcement_Involvement_in_Civil_Unrest_v5_NOT_CLEARED.docx

I made a few edits to the Legend section.

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

From: Antell, Kira M. (OLA)(b) (6)
Sent: Thursday, July 30, 2020 9:53 AM
To: (b) (6) (OLA)(b) (6)
Cc: (b) (6). (OLA)(b) (6); (b) (6) (OLA)
(b) (6)
Subject: RE: Operation Legend

Duplicative Material, Bates Number 23-cv-1207_20-01806_000549

From: (b) (6) (OLA)"(b) (6)

To: (b) (6) (OLA)"(b) (6), "Antell, Kira M. (OLA)"
(b) (6), (b) (6) (OLA)"(b) (6)

Subject: RE: Operation Legend

Date: Thu, 30 Jul 2020 11:00:55 -0400

Importance: Normal

Attachments: Y-_Federal_Law_Enforcement_Involvement_in_Civil_Unrest_v5_NOT_CLEARED+dd.docx

I added a bullet on the last page under recommended responses in case helpful!

(b) (6)

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

From: (b) (6) (OLA)"(b) (6)

Sent: Thursday, July 30, 2020 10:28 AM

To: Antell, Kira M. (OLA)"(b) (6); (b) (6) (OLA)"(b) (6)

Cc: (b) (6) (OLA)"(b) (6)

Subject: RE: Operation Legend

Duplicative Material, Bates Number 23-cv-1207_20-01806_000556

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

To: (b) (6) (OLA)" (b) (6)

Subject: Hovakimian QFR

Date: Wed, 29 Jul 2020 10:47:51 -0400

Importance: Normal

Attachments: Hovakimian_QFR.docx

Hi (b) (6)

Can you please take a look at this and perhaps clean up and add anything you think is missing? If you feel we need more for any of the responses, please flag it in a comment bubble.

Thanks,
Kira

[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?
2. What authority do federal law enforcement agents have to deploy into a community?
3. How is this initiative different than last year’s Operation Relentless Pursuit? If merely a rebranding, why was that necessary?
4. How will the Justice Department work with city officials to ensure cooperation and coordination and legal guardrails?
5. Which agencies are represented on the ground? How many of each? How will they be deployed? What are their rules of engagement?

[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:

[OLA does not have responses to these]

- 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.

[OLA is not aware of any – Perhaps a question for USMS?]

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)

(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)

(b) (5)

(b) (5)

From: (b) (6) (OLA)"(b) (6)

To: "Antell, Kira M. (OLA)"(b) (6)

Subject: RE: Hovakimian QFR

Date: Wed, 29 Jul 2020 12:26:31 -0400

Importance: Normal

Attachments: Hovakimian_QFR.docx

Very minor suggestions redlined. Will FBI have the surveillance answers?

Talked with DD about draft responses to the Operation Legend component and she's working on it.

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

Sent: Wednesday, July 29, 2020 10:48 AM

To: (b) (6) (OLA)(b) (6)

Subject: Hovakimian QFR

Duplicative Material, Bates Number 23-cv-1207_20-01806_000570

[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?
2. What authority do federal law enforcement agents have to deploy into a community?
3. How is this initiative different than last year’s Operation Relentless Pursuit? If merely a rebranding, why was that necessary?
4. How will the Justice Department work with city officials to ensure cooperation and coordination and legal guardrails?
5. Which agencies are represented on the ground? How many of each? How will they be deployed? What are their rules of engagement?

[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:

[OLA does not have responses to these]

- 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.

[OLA is not aware of any – Perhaps a question for USMS?]

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)

(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)

(b) (5)

(b) (5)

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

To: (b) (6) (OLA)" (b) (6) (b) (6) (OLA)"
(b) (6) (b) (6) (OLA)"
(b) (6) (b) (6) (OLA)"
(b) (6) (b) (6) (OLA)" (b) (6)
"Rubens, William B. (OLA)" (b) (6), "Norgren-Markley, Danielle
(OLA)" (b) (6)

Cc: (b) (6) (OLA)" (b) (6), (b) (6) (OLA)"
(b) (6)

Subject: RE: Component Review for Accuracy

Date: Thu, 30 Jul 2020 12:06:48 -0400

Importance: High

Attachments: Raskin_July22_Response_DRAFT_07302020v4.docx

Apologies, I unintentionally omitted (b) (6) and (b) (6) for awareness.

From: Antell, Kira M. (OLA)

Sent: Thursday, July 30, 2020 12:01 PM

To: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6);
(b) (6) (OLA) (b) (6); (b) (6) (OLA)
(b) (6); (b) (6) (OLA) (b) (6); Rubens, William B. (OLA)
(b) (6); Norgren-Markley, Danielle (OLA) (b) (6)

Subject: Component Review for Accuracy

Good morning,

Attached is a draft letter responding to the unrest. It is keyed to two Raskin letters but we plan to use it for a variety of outstanding correspondence. It have been closely reviewed by OLC, ODAG, and OAG but I want components to do a quick verification of the appropriate sections as to accuracy.

Could you please send JUST the relevant portions to the right folks at components for a very fast review by 3:00 today? Factual corrections only.

- USMS probably needs to see the whole letter (they wrote most the USMS portion but want them to verify the rest as to USMS).
- BOP, ATF, DEA, and FBI need to review just the insignia portion. (literally 2 paragraphs)
- EOUSA needs to review the USAO-OR portion (USAO-OR provided it but it has been edited).
- (b) (6) should review the Legend Portion.
- Danielle are you able to review to make sure nothing is directly inconsistent with AG's testimony this week (I went through once but it would be helpful if you have time – if not, it is fine).

Again, please do not send the full letter (except to USMS). I'm trying to limit a burden on components. The goal is to send back to OAG/ODAG tonight and then to the Hill tomorrow. If you have any issues (or I missed someone), please let me know.

Thanks!
Kira

Kira Antell

Office of Legislative Affairs

Department of Justice

o: (b) (6)

c: (b) (6)

From: (b) (6) (OLA)" (b) (6)

To: "Antell, Kira M. (OLA)" (b) (6)

Subject: RE: Component Review for Accuracy

Date: Thu, 30 Jul 2020 12:27:46 -0400

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020v4. (b) (6) edit.docx

Hi!! One proposed edit from me on page 7, and one comment to note on page 8 with a possible clarifying edit.

Thanks!!

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

Sent: Thursday, July 30, 2020 12:07 PM

To: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6);

(b) (6) (OLA) (b) (6); (b) (6) (OLA)

(b) (6); (b) (6) (OLA) (b) (6); Rubens, William B. (OLA)

(b) (6); Norgren-Markley, Danielle (OLA) (b) (6)

Cc: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6)

Subject: RE: Component Review for Accuracy

Importance: High

Duplicative Material, Bates Number 23-cv-1207_20-01806_000582

From: (b) (6) (OLA)"(b) (6)
To: "Antell, Kira M. (OLA)"(b) (6), (b) (6) (OLA)"
(b) (6), (b) (6) (OLA)"(b) (6),
(b) (6) (OLA)"(b) (6), (b) (6) (OLA)"
(b) (6), "Rubens, William B. (OLA)"(b) (6),
"Norgren-Markley, Danielle (OLA)"(b) (6)
Cc: (b) (6) (OLA)"(b) (6), (b) (6) (OLA)"
(b) (6)
Subject: RE: Component Review for Accuracy
Date: Thu, 30 Jul 2020 15:33:01 -0400
Importance: Normal
Attachments: Raskin_July22_Response_DRAFT_07302020v4_-(b) (6).docx

No edits from BOP, just minor nits in the attached.

From: Antell, Kira M. (OLA) (b) (6)
Sent: Thursday, July 30, 2020 3:30 PM
To: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6)
(b) (6) (OLA) (b) (6); (b) (6) (OLA)
(b) (6); (b) (6) (OLA) (b) (6); Rubens, William B. (OLA)
(b) (6); Norgren-Markley, Danielle (OLA) (b) (6)
Cc: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6)
Subject: RE: Component Review for Accuracy

Thanks Danielle and (b) (6). Has anyone else heard back from their components?

From: Antell, Kira M. (OLA)
Sent: Thursday, July 30, 2020 12:07 PM
To: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6);
(b) (6) (OLA) (b) (6); (b) (6) (OLA)
(b) (6); (b) (6) (OLA) (b) (6); Rubens, William B. (OLA)
(b) (6); Norgren-Markley, Danielle (OLA) (b) (6)
Cc: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6)
Subject: RE: Component Review for Accuracy
Importance: High

Duplicative Material, Bates Number 23-cv-1207_20-01806_000582

From: (b) (6) (OLA)"(b) (6)

To: "Antell, Kira M. (OLA)"(b) (6)

Subject: RE: Component Review for Accuracy

Date: Thu, 30 Jul 2020 16:25:59 -0400

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020v4_ATF_LAD.docx

ATF made one edit to the Op Legend section, nothing on the Insignia Section.

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

Sent: Thursday, July 30, 2020 3:30 PM

To:(b) (6) (OLA)(b) (6) ;(b) (6) (OLA)(b) (6)

(b) (6) (OLA)(b) (6) ;(b) (6) (OLA)

(b) (6) ;(b) (6) (OLA)(b) (6) ; Rubens, William B. (OLA)

(b) (6) ; Norgren-Markley, Danielle (OLA)(b) (6)

Cc:(b) (6) (OLA)(b) (6) ;(b) (6) (OLA)(b) (6)

Subject: RE: Component Review for Accuracy

Duplicative Material, Bates Number 23-cv-1207_20-01806_000601

From: (b) (6) (OLA)"(b) (6)

To: "Antell, Kira M. (OLA)"(b) (6)

Subject: RE: Component Review for Accuracy

Date: Fri, 31 Jul 2020 15:02:26 -0400

Importance: Normal

Attachments: Raskin_July22_Response_DRAFT_07302020v4_ja_redline_comments.docx

Additional edits from Joe Allen. Not sure if its too late...

From: (b) (6) (OLA)

Sent: Thursday, July 30, 2020 4:26 PM

To: Antell, Kira M. (OLA)"(b) (6)

Subject: RE: Component Review for Accuracy

Duplicative Material, Bates Number 23-cv-1207_20-01806_000610

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

Subject: FW: Civil unrest TPs

Date: Mon, 20 Jul 2020 10:25:06 -0400

Importance: Normal

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

+(b) (6)

(b) (6), in short, Patrick Hovakimian is looking for a paper on Civil Unrest (including Portland). Kira has started a draft paper for Erin Nealy Cox's upcoming hearing that we can send to Patrick once finished. Is this something under your scope that you're able to help finish, or do you know who in ODAG we ought to reach out to?

Thanks!

(b) (6)

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

From: Antell, Kira M. (OLA) (b) (6)
Sent: Monday, July 20, 2020 10:05 AM
To: (b) (6) (OLA) (b) (6); (b) (6) (OLA)
(b) (6)
Cc: (b) (6) (OLA) (b) (6)
Subject: RE: Civil unrest TPs

I was going to ask you guys who we think could finish it? Any ideas?

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

From: (b) (6) (OLA) (b) (6)
Sent: Monday, July 20, 2020 10:04 AM
To: Antell, Kira M. (OLA) (b) (6) >; (b) (6) (OLA)
(b) (6)
Cc: (b) (6) (OLA) (b) (6) >
Subject: RE: Civil unrest TPs

I think it's ok to keep it how you have it. When do you think we can get it to Patrick?

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

From: Antell, Kira M. (OLA) (b) (6)
Sent: Monday, July 20, 2020 10:03 AM
To: (b) (6) (OLA) (b) (6); (b) (6) (OLA)
(b) (6)
Cc: (b) (6) (OLA) (b) (6)
Subject: RE: Civil unrest TPs

Yes - but it is far from done. Do you think it needs to be completely standalone? I shave it together with surveillance, monuments, etc.

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

From: (b) (6) (OLA) (b) (6)
Sent: Monday, July 20, 2020 9:50 AM
To: Antell, Kira M. (OLA) (b) (6); (b) (6) (OLA)
(b) (6)
Cc: (b) (6) (OLA) (b) (6)
Subject: FW: Civil unrest TPs

Do we have a Portland paper in the works??

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

From: Hovakimian, Patrick (ODAG) (b) (6)
Sent: Sunday, July 19, 2020 1:10 PM
To: Boyd, Stephen E. (OLA) (b) (6) >
Cc: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6) >;
Antell, Kira M. (OLA) (b) (6)
Subject: Re: Civil unrest TPs

Thanks — this is very helpful.

Patrick Hovakimian

(b) (6)

> On Jul 19, 2020, at 12:49 PM, Boyd, Stephen E. (OLA) (b) (6) wrote:

>

> I don't have the full book with me but here are a few somewhat related papers. (b) (6) and (b) (6) may know of something more specific.

>

> Also, we are prepping for another hearing more specific to that topic, so Kira or others here may have additional info already drafted.

>

>

> SB

> AAG/OLA

> (b) (6)

>

>

> -----Original Message-----

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

> Sent: Sunday, July 19, 2020 12:40 PM

> To: Boyd, Stephen E. (OLA) (b) (6)

> Subject: Civil unrest TPs

>

> Hey - are there any TPs or prep materials on civil unrest/Portland for the AG that you might be able to share with me?

>

> Patrick Hovakimian

> (b) (6)

> <06 - Lafayette Park Protests.docx>

> <17 - CRT - Color of Law and Excessive Force.docx>

> <19 - Police Reform.docx>

From: (b) (6) (OLA)"(b) (6)"
To: "Antell, Kira M. (OLA)"(b) (6), (b) (6) (OLA)"
(b) (6)
Cc: (b) (6) (OLA)"(b) (6), (b) (6) (OLA)"
(b) (6)

Subject: RE: Civil unrest TPs

Date: Mon, 20 Jul 2020 10:54:47 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_-_1800_06042020.docx

It would be helpful to discuss - perhaps this afternoon? In the meantime, in case you don't already have it, I'm attaching here a document that was shared with appropriators in June (so it's dated at this point and does not include Portland). Prim had been the one herding the cats on all the info included.

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

From: Antell, Kira M. (OLA) (b) (6)
Sent: Monday, July 20, 2020 10:39 AM
To: (b) (6) (OLA) (b) (6); (b) (6) (OLA) (b) (6)
Cc: (b) (6) (OLA) (b) (6); (b) (6) (OLA)
(b) (6) >
Subject: RE: Civil unrest TPs

Thanks (b) (6) -- (b) (6), I know the issue of civil unrest inquiries is an open one. I have been working this from the SJC Hearing angle but it is clearly coming up in a variety of ways. I spoke to Bill Delaney this morning at USMS about their involvement in Portland. LMK if you want to talk about how to manage this. I suggested to MBH that we discuss it on our check in call today.

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

From: (b) (6) (OLA) (b) (6)
Sent: Monday, July 20, 2020 10:25 AM
To: (b) (6) (OLA) (b) (6)
Cc: Antell, Kira M. (OLA) (b) (6); (b) (6) (OLA) (b) (6);
(b) (6) (OLA) (b) (6)
Subject: FW: Civil unrest TPs

Duplicative Material, Bates Number 23-cv-1207_20-01806_000628

From: "Michel, Christopher (OSG)" (b) (6)

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

Subject: Letter

Date: Mon, 08 Jun 2020 16:30:40 -0400

Importance: Normal

Attachments: 6-5-20_Letter_to_Mayor-AG_1730_(cm).docx

Christopher G. Michel
Assistant to the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
(b) (6)

From: (b) (6) (OLA)"(b) (6)

To: "Antell, Kira M. (OLA)"(b) (6), (b) (6) (OLA)"
(b) (6)

Subject: Correspondence for hearing prep

Date: Mon, 20 Jul 2020 09:54:30 -0400

Importance: Normal

Attachments: 2020.6.3. _Smith_Nadler_Grijalva_Thompson.pdf; 2020.06.05. _Murphy_- _Antifa.pdf;
2020.06.05. _Sinema_- _Lafayette_Square.pdf; 2020.06.05. _Schumer_-
_Inappropriate_Mobilization.pdf; 2020.06.09. _Eshoo_- _Protest_Surveillance.pdf;
2020.06.11. _Markey_Surveillance_Protest_Letter.pdf; Hirono_COVID-
19_4414015_Incoming_Letter.pdf; 2019.07.23_DOJ_Antifa_Letter.pdf;
2020.06.15.CBM_JR_SFL_to_Barr-DOJ_and_Wray-
FBI_reWhite_Supremacists_at_Protests_(002).pdf;
2020.06.23. _Ltr_to_AG_Barr_re_Prosecuting_Rioters.pdf;
2020.06.16. _Hern_ANTIFA_letter_to_DOJ.pdf

Kira and (b) (6) –

Happy Monday. Attached is a sampling of the correspondence we have received that addresses Antifa, white supremacist groups, Lafayette Park, surveillance of protesters and federal law enforcement response to protests. We have not sent responses to any of these letters. I have highlighted the letters that came from subcommittee members. This is a trimmed down list from what we received, let me know if you think it should be trimmed down even more.

7/23/19 Cruz - Antifa

5/1 Hirono – hate crimes

6/3 Smith, Nadler – Lafayette Park

6/5 Rep. Murphy – Antifa

6/5 Sinema – Lafayette Park

6/5 Schumer – federal LE deployment

6/9 Eshoo – surveillance of protesters

6/11 Markey – surveillance of protesters

6/15 Maloney, Raskin – white supremacist groups, Antifa

6/16 Hern - Antifa

6/23 Roy – Antifa, prosecuting protesters

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

Sent: Friday, July 17, 2020 1:52 PM

To: (b) (6) (OLA)(b) (6)

Subject: RE: Incomings

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

Sent: Friday, July 17, 2020 1:27 PM

To: (b) (6) (OLA)(b) (6)

Subject: RE: Incomings

Can you please pull these letters as well? Its for hearing prep. Thanks!

7/17 Leahy

6/24 Torres

6/11 Nadler, Bass
6/11 Markey
6/10 brown
6/10 Lieu
6/8 Eshoo
6/5 Schumer
6/5 Sinema
6/5 Murphy
6/4 Pelosi
6/4 Cicilline

6/3 Nadler

From: (b) (6) (OLA) (b) (6)
Sent: Friday, July 17, 2020 11:38 AM
To: (b) (6) (OLA) (b) (6)
Cc: Cress, Brian (OLA) (b) (6)
Subject: RE: Incomings

[Here you go](#)

From: (b) (6) (OLA) (b) (6) >
Sent: Friday, July 17, 2020 11:13 AM
To: (b) (6) (OLA) (b) (6) >
Cc: Cress, Brian (OLA) (b) (6) >
Subject: Incomings

Brian (b) (6)

Can you please pull and send me the following incomings:

6/23/20 - Incoming from Reps. Roy, Budd, King, Harris, Gohmert, Duncan, Wright, Gosar, Cline, Gaetz, Weber, Fulcher, Hice
6/16/20 - Rep. Hern
6/15/20 - Chairwoman Maloney, Chairman Raskin, Chairman Lynch
6/12/20 - RM Shaheen
6/10/20 - RM Jordan
6/2/20 - Thompson
7/23/19 - Cruz

Thanks!

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

From: "Grieco, Christopher (ODAG)" (b) (6)

To: "Plack, Laura (ODAG)" (b) (6), "Mascott, Jenn (ODAG)"
(b) (6)

Subject:

Date: Thu, 04 Jun 2020 12:26:52 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_to_2020_Riots_-_PERSONNEL_UPDATED.docx

Edits from BOP and COPS. OJP has signed off on their section

Date: Thu, 04 Jun 2020 14:19:52 -0400

Importance: Normal

- DEA temporarily has been granted non-Title 21 authority pursuant to 21 U.S.C. § 878(a)(5) [memo]. This designates DEA to enforce federal law, as necessary, in relation to the protests over the death of George Floyd. The authority is granted nationwide for 14 days.

From: (b) (6) . (OLA)" (b) (6)

To: (b) (6) (OLA)" (b) (6)

Subject: RE: Quick question

Date: Thu, 25 Jun 2020 13:47:03 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_-_1800_06042020.docx

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

Sent: Thursday, June 25, 2020 1:38 PM

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

Cc: (b) (6) (OLA) (b) (6)

Subject: FW: Quick question

Adding (b) (6) –
We can discuss

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

Sent: Thursday, June 25, 2020 9:12 AM

To: (b) (6) (OLA) (b) (6)

Subject: FW: Quick question

(b) (6) – Any thoughts on this inquiry? I have not responded, but it makes my Spidey sense go up. Thanks – (b)(6), (b)(7)(C), (b)(7)(F) per DEA

From: Lieupo, Kelly (Feinstein) (b) (6)

Sent: Wednesday, June 24, 2020 5:15 PM

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

Subject: Quick question

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

I just tried giving you a quick call...can you tell me whether DEA has procedures governing the collection and handling of information about U.S. persons that are similar to the FBI's domestic investigations manual or the oversight procedures governing the intelligence community? If so, are they public?

Thanks so much!

Kelly Lieupo
Staff Director
U.S. Senate Caucus on International Narcotics Control
Senator Dianne Feinstein
(b) (6)
(b) (6)

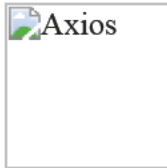
From: Mike Allen (b) (6)

To: (b)(6) Stephen Boyd (OLA)

Subject: Axios AM: Mike's Top 10 — Protests, virus stoke surveillance — Soak in this photo — How late-night hosts handle protests

Date: Wed, 03 Jun 2020 06:49:20 -0400

Importance: Normal



[View in browser](#)

Axios AM

By Mike Allen · Jun 03, 2020

Good Wednesday morning. *Situational awareness:* Yesterday's massive protests (60,000 in Houston) were largely peaceful. Last night, the nation's streets were the calmest they have been in five nights. Looting was vastly reduced in a boarded-up Manhattan.

- **AP tallies** more than 9,000 arrests nationwide since unrest began Thursday.
- **Protests have been held** in at least 140 U.S. cities, per the N.Y. Times.

Breaking: "Republican voters ousted U.S. Rep. Steve King on Tuesday, delivering an end to the two decades of controversy [and racist remarks] he brought to his heavily conservative district." (*Des Moines Register*)

- **The establishment** got him: The U.S. Chamber of Commerce helped build a coalition to pound the message that King had been ineffective.

1 big thing: The slippery slope of protest surveillance

 Illustration of surveillance cameras surrounding a protester.

Illustration: Aida Amer/Axios

The U.S. government is using the nationwide protests to justify high-tech surveillance, and the coronavirus has led to acceptance of tracing and tracking apps and other intrusive technology around the world.

- **Why it matters:** As we saw in the aftermath of 9/11, Americans are willing to accept erosions of freedom during a national emergency that may not be fully rolled back when the crisis recedes.

In a two-page DEA memo posted by BuzzFeed News yesterday, acting Administrator Timothy Shea requested two weeks of authority from Attorney General Bill Barr for "covert surveillance" and other techniques to investigate "any federal crime committed as a result of protests over the death of George Floyd."

President Trump's tweet saying the administration will treat antifa (anti-fascist) activists like terrorists could be a green light to step up electronic monitoring of progressive activists' communications, Axios tech editor Kyle Daly points out.

- **That declaration** gives law enforcement tacit approval to use a plethora of tech tools to monitor protesters and left-leaning activists. Antifa is so amorphous that authorities could take a free hand in deciding who to include.

P.S. With the coronavirus mostly under control in China, "officials are looking for new uses for the government software that's now on many phones," the N.Y. Times reported last week.

- [Share this story.](#)



2. The biggest crisis since 1968

Illustration of Civil Rights marchers with

Illustration: Aida Amer/Axios. Underlying photo, showing civil rights activists and National Guardsmen in Memphis, Tenn., in 1968: Bettmann Archive/Getty Images

1968 has been on a lot of people's minds lately — another year of protests, violence and upheaval that tore America apart, Axios managing editor David Nather [writes](#).

- **"Yes, this year** is worse than 1968. Plus it's not even half over!" said CFR President Richard Haass, author of the new [book](#), "The World: A Brief Introduction."

The big picture: The demonstrations in the streets have a parallel in the mass demonstrations of 1968, as do the racism and police brutality.

- **We've seen cities** burning in both years, and fearsome police crackdowns.
- **And both times**, there was a "law and order" Republican promising to end the violence — back then, presidential candidate Richard Nixon.

What's different this time:

- **We're also in the middle of a pandemic**, when everyone's nerves are already frayed over the more than 100,000 Americans who have lost their lives — and over the skyrocketing unemployment set in motion by the lockdown. "Twice as many Americans died in the past

four months of COVID-19 as did in the entire Vietnam War," Haass notes.

- **Everything is being captured** in real time on social media as well as cable news.
- **Thankfully, 2020 has not been** a year of war and assassinations — two key differences that have led some historians to conclude that 1968 was a bigger year of upheaval.

The bottom line ... Historian Jon Meacham told Axios: "In this convulsive moment, let's not say: 'This isn't who we are.' ... Who do we want to be?"

- [Share this story.](#)



3. Soak this in



By permission of Martha Raddatz

Martha Raddatz, ABC News chief global affairs correspondent, [tweeted](#) this photo that she took at 6:45 p.m. yesterday: "Your Lincoln Memorial this evening."



4. Pics du jour



Photo: Brent Stirton/Getty Images

Above, a demonstrator hugs a member of the National Guard during a march yesterday in Los Angeles.

Below, the front page of today's N.Y. Post.



[N.Y. Post](#)



5. Smart Brevity on tear gas



Photo: [@NathanBacaTV](#)/Twitter

The U.S. Park Police released a [statement](#) yesterday saying that smoke canisters and pepper balls, but not tear gas, were used to [clear demonstrators](#) ahead of President Trump's walk to St. John's Church on Monday.

- **Why it matters:** Some Trump supporters are using questions about what chemical agent was used to raise doubt about [photographic](#) and [video](#) evidence that peaceful protesters were [violently ejected](#).

Nathan Baca — an investigative reporter for WUSA Channel 9, the CBS station in D.C. — [tweeted](#) that when the Park Police "says they didn't use 'CS or CN' tear gas, technically that's correct. 'OC' gas canisters used instead. Causes same tears, tight breath and comes out green."

- **Baca wrote** of the photo above: "This is not a smoke canister. I picked this off the street after it was launched at us Monday."



6. George W. Bush on America's "shocking failure"

Former President George W. Bush said in a [statement](#):

Laura and I are anguished by the brutal suffocation of George Floyd and disturbed by the injustice and fear that suffocate our country. Yet we have resisted the urge to speak out, because this is not the time for us to lecture. It is time for us to listen. It is time for America to examine our tragic failures — and as we do, we will also see some of our redeeming strengths.

[Keep reading.](#)



7. RNC ISO new convention city

The RNC is scrambling for a new convention host after President Trump [tweeted](#) that North Carolina's coronavirus restrictions will make Charlotte unworkable, Axios' Jonathan Swan and Alayna Treene [report](#).

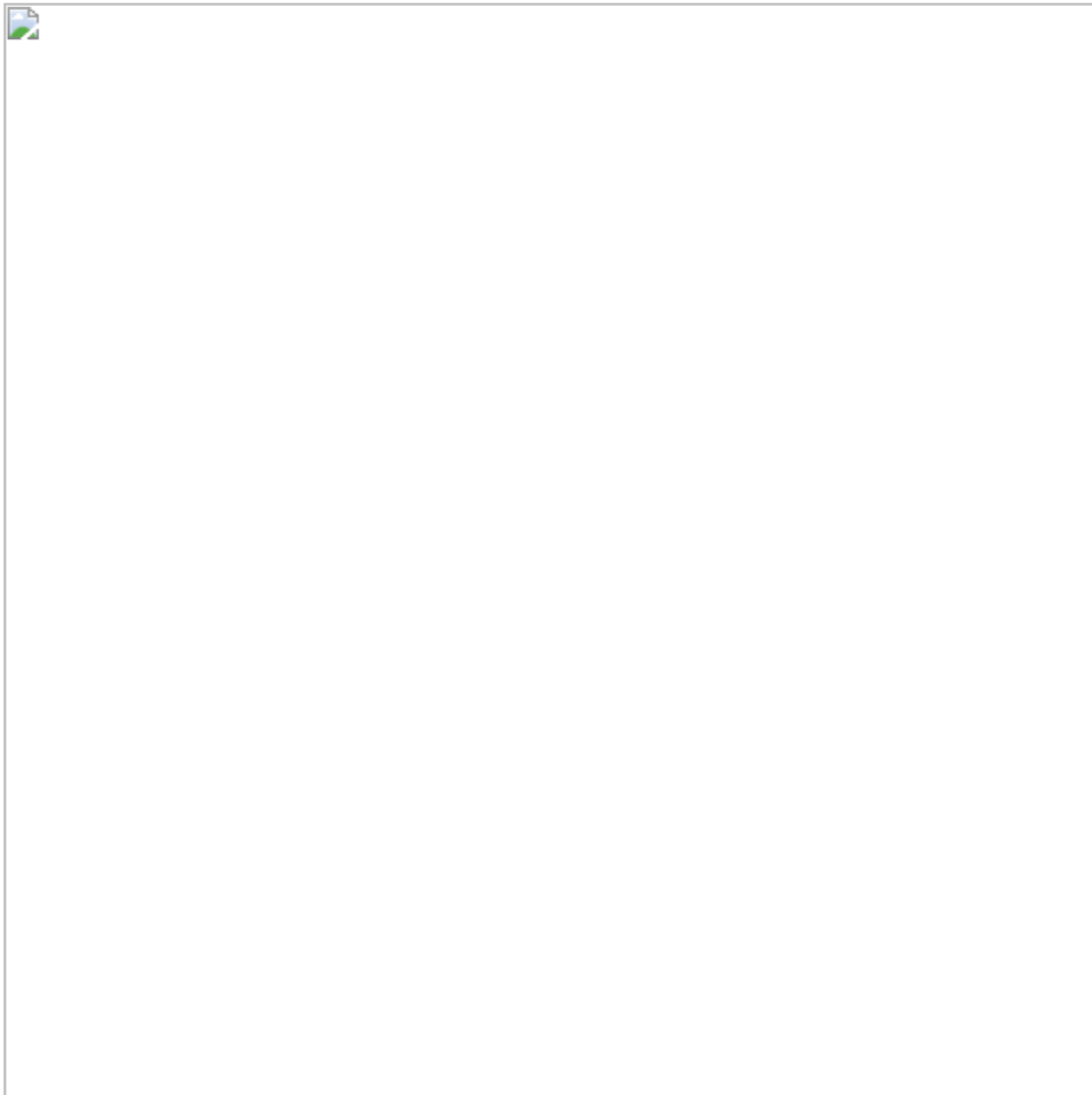
- **The organization** still hopes to conduct the convention's "official business" in Charlotte, an RNC spokesperson said.
- **But the part** that most Americans think about the convention — the spectacle of the speakers and the president accepting the Republican

nomination itself — may be held in a different state with more relaxed COVID-19 laws.

Florida is the most likely new venue.



8. Coronavirus hospitalizations keep falling



Data: [COVID Tracking Project](#), [Harvard Global Health Institute](#). (Alabama, Florida, Hawaii, Idaho, Kansas, Nebraska, Tennessee and Puerto Rico haven't reported hospitalizations consistently.)

Chart: Andrew Witherspoon/Axios

The number of people hospitalized with COVID-19 continues to decline, particularly in New York and other northeastern states that were among the hardest hit by the virus, Axios' Bob Herman and Andrew Witherspoon [report](#).

- **Roughly 34,000 people** diagnosed or being evaluated for COVID-19 were in the hospital at the beginning of June — down from 40,000 in the middle of May, according to state data compiled by the [COVID Tracking Project](#).

[Share this graphic.](#)



9. SoftBank to launch \$100M fund backing companies led by people of color



Illustration: Aida Amer/Axios

SoftBank COO Marcelo Claure will say in a letter to employees later today that the global technology investment company, based in Japan, will create a \$100 million fund that "will only invest in companies led by founders and entrepreneurs of color," Axios Markets editor Dion Rabouin [writes](#).

- **Claure writes:** "When it comes to diversity, SoftBank absolutely has to do better as an employer, investor, and partner. Our leadership ranks and board aren't diverse enough."

The big picture: The fund is part of a sea change from talk to action for well-heeled financial institutions.

- **Bank of America** announced a \$1 billion four-year program to "address economic and racial inequality," including funding for virus testing, support for minority-owned small businesses and investment in affordable housing.

P.S. First look ... The U.S. Chamber of Commerce, the world's largest business organization, today announces a national initiative on inequality of opportunity, launching with a town hall on June 25.

- **Chamber President** Suzanne Clark said: "As a nation, we must address this issue with a robust plan of action." Go deeper.



10. Late-night hosts turn serious



Screenshot via YouTube

Six of America's late-night TV hosts — five of them white men — say they and others need to do more than talk about racism, AP's David Bauder writes.

- **It has become a ritual** — a somewhat inexplicable one, as TBS' Conan O'Brien noted — for these comics to come on the air after acts of terrorism, school shootings or other national traumas to try and make sense of them.
- **"Today feels very different,"** O'Brien said Monday night. "It doesn't feel right to talk about my feelings of sadness and anger. That truly feels inadequate and somehow wrong."

Trevor Noah of Comedy Central's "The Daily Show" grew up in South Africa with a white father and black mother.

- **"Try to imagine** how it feels to be a black person when they watch themselves be looted every day," Noah said.



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A A A

Subject: FW: Federal Law Enforcement Response to 2020 Riots - PERSONNEL UPDATED + edits from components + ODAG (Clean)

Date: Thu, 04 Jun 2020 17:10:57 -0400

Importance: Normal

Attachments: Federal_Law_Enforcement_Response_to_2020_Riots_-_PERSONNEL_UPDATED+_edits_from_components+_ODAG_(Clean).docx

SB

AAG/OLA

(b) (6)

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

Sent: Thursday, June 4, 2020 5:06 PM

To: Boyd, Stephen E. (OLA) (b) (6)

Subject: Federal Law Enforcement Response to 2020 Riots - PERSONNEL UPDATED + edits from components + ODAG (Clean)

This is ODAG cleared. Do I need to clear with OAG?