

United States Senate

WASHINGTON, DC 20510-3203

June 5, 2020

Attorney General Barr
Department of Justice

Secretary Esper
Department of Defense

Secretary David Bernhardt
Department of Interior

Acting Secretary Chad F. Wolf
Department of Homeland Security

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

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

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

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

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

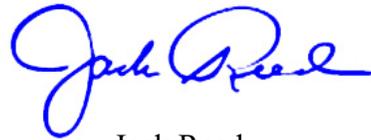
These are incredibly difficult times. Americans across the nation are understandably shaken by all they have experienced and witnessed in recent weeks and months. We expect that each of you will, in addition to providing the information we have requested above, immediately and publicly order your forces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

We look forward to your reply.

Sincerely,



Charles E. Schumer
Democratic Leader



Jack Reed
Ranking Member SASC



Dianne Feinstein
Ranking Member SJC



Mark R. Warner
Vice Chairman SSCI



Gary Peters
Ranking Member HSGAC