

United States Senate

June 15, 2020

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Inspector General Horowitz,

We write to request an immediate investigation into Attorney General William Barr's and the Department of Justice's (DOJ) roles in directing the use of force – including the use of tear gas or a similar gas, rubber bullets, pepper balls, and batons – to suppress peaceful protesters around Lafayette Square in Washington, D.C., on June 1, 2020.¹ This misuse of force is all the more alarming given that the Attorney General appears to have issued this order to allow President Trump to walk across the street from the White House for a political photo-op in front of St. John's Church.² Notably, Attorney General Barr was not only on the scene less than an hour before the use of force to clear peaceful protesters, but he also participated in President Trump's photo op, posing for pictures in front of the church.

We further ask that you investigate Attorney General Barr's and DOJ's roles in deploying federal law enforcement and security agencies to seemingly suppress protests and intimidate protesters throughout the country who are peacefully exercising their First Amendment rights.³ In the wake of the brutal murders of George Floyd, Breonna Taylor, and Ahmaud Arbery, Americans all across our country are calling for an end to police brutality and a transformation of systems that perpetuate injustice and inequality. In response, President Trump has vowed to “dominate” the protesters.

The Attorney General and his Justice Department appear to be following through on the President's vow by mobilizing agents from the Federal Bureau of Investigation (FBI); the Federal Bureau of Prisons (BOP); the U.S. Marshals; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration (DEA); and possibly other agencies, against peaceful protests. Some of these federal agents appear to have participated in using force

¹ Carol D. Leonnig, Matt Zapotosky, Josh Dawsey and Rebecca Tan, *Barr personally ordered removal of protesters near White House, leading to use of force against largely peaceful crowd*, WASH. POST (June 2, 2020), https://www.washingtonpost.com/politics/barr-personally-ordered-removal-of-protesters-near-white-house-leading-to-use-of-force-against-largely-peaceful-crowd/2020/06/02/0ca2417c-a4d5-11ea-b473-04905b1af82b_story.html.

² Matt Zapotosky, *Barr seeks to dissociate himself from move on demonstrators outside Lafayette Square*, N.Y. TIMES (June 5, 2020), https://www.washingtonpost.com/national-security/barr-seeks-to-dissociate-himself-from-move-on-demonstrators-outside-lafayette-park/2020/06/05/47cb96b6-a78e-11ea-bb20-ebf0921f3bbd_story.html.

³ Zolan Kanno-Youngs and Katie Benner, *Trump Deploys the Full Might of Federal Law Enforcement to Crush Protests*, N.Y. TIMES (June 3, 2020), <https://www.nytimes.com/2020/06/02/us/politics/trump-law-enforcement-protests.html>.

to remove protesters from the area around Lafayette Square on June 1, 2020. According to eyewitness accounts and video footage, federal agents from these agencies, and other agencies, advanced on peaceful protesters with smoke canisters, pepper balls, riot shields, batons, and officers on horseback, with little warning before the 7 p.m. curfew. They fired rubber bullets at protesters, even as the protesters were retreating. They dropped canisters of gas to explode within several feet of a hundred people or more. They pushed protestors over and even struck a news camera crew with batons. These actions warrant an immediate investigation.

Moreover, we are concerned by the deployment of federal agents who are trained to deal with prison riots, hostage situations, or other similar circumstances, but not adequately trained in protecting the constitutional rights of Americans engaged in peaceful protests. These concerns are amplified by the fact that some of the federal officers were deployed in generic riot gear without displaying any identifying insignia and refused to identify themselves when asked. The lack of identifying information undermines accountability and furthers the distrust of law enforcement.

We are also deeply troubled by reports that the Justice Department has temporarily expanded the authority of DEA to “conduct covert surveillance” and collect intelligence on Americans exercising their constitutional rights to protest the murder of George Floyd.⁴ According to BuzzFeed News, the Justice Department also authorized DEA to share intelligence with local and state law enforcement authorities and intervene in a law enforcement role at protests. This expansion of DEA authority appears to be a misuse of DOJ’s powers that warrants further investigation.

We believe that the concerning actions we have identified warrant immediate investigation by your office, as they raise serious questions about misconduct, abuse of power, and waste by the Justice Department. Moreover, there appears to be no question about your office’s jurisdiction in this matter.

Therefore, as detailed above, we urge your office to investigate the roles of Attorney General Barr and the Department of Justice in directing the use of force, including tear gas and rubber bullets, against peaceful protesters near Lafayette Square on June 1, 2020; deploying federal agents to suppress protests and intimidate peaceful protesters; and expanding the authority of DEA to conduct covert surveillance of protesters.

Sincerely,



Mazie K. Hirono
United States Senator



Richard Blumenthal
United States Senator

⁴ Jason Leopold and Anthony Cormier, *The DEA Has Been Given Permission To Investigate People Protesting George Floyd’s Death*, BUZZFEED NEWS (June 3, 2020), <https://www.buzzfeednews.com/article/jasonleopold/george-floyd-police-brutality-protests-government?bfsource=relatedmanual>.



Edward J. Markey
United States Senator

/s/ Jeffrey A. Merkley
United States Senator

/s/ Thomas R. Carper
United States Senator

/s/ Chris Van Hollen
United States Senator



Benjamin L. Cardin
United States Senator



Kamala D. Harris
United States Senator

/s/ Tim Kaine
United States Senator



Ron Wyden
United States Senator



Bernard Sanders
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Amy Klobuchar
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Sheldon Whitehouse
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/s/ Richard J. Durbin
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/s/ Kirsten Gillibrand
United States Senator

/s/ Tammy Duckworth
United States Senator



Patrick Leahy
United States Senator

/s/ Mark R. Warner
United States Senator



Christopher A. Coons
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United States Senator