

July 22, 2020

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

Dear Acting Secretary Wolf,

Last week, I sent you a letter requesting critical information on the deployment of Department of Homeland Security (DHS) personnel around the country in response to widespread protests against systemic racism. This letter also expressed concerns that protesters' First Amendment-protected speech may be chilled and that DHS personnel may be diverted from their important national security missions.¹ Since I wrote to you last week, escalating DHS actions have raised additional questions and increased the urgency for robust congressional oversight of the situation.

Recent reports indicate DHS has put approximately 2,000 officials on standby from Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, and the Coast Guard to be quickly deployed into American cities.² Reportedly, federal agents in Portland, Oregon, unlawfully detained peaceful demonstrators in unmarked vehicles without explanation.³ Two days ago, and against the wishes of local elected leaders in my home state of Michigan, President Trump announced he is considering sending more federal personnel into multiple major cities, including Detroit, where homicide rates have been falling for decades. He stated:

I'm going to do something—that, I can tell you. Because we're not going to let New York, Chicago, Philadelphia, Detroit, and Baltimore ... We're going to have more federal law enforcement—that, I can tell you.⁴

To provide Congress and the public a complete picture of these deployments and the potential effect on DHS's core law enforcement and national security missions, please detail the legal authorities and policy justifications DHS is relying on to support these actions. Please also describe the role of DHS in Operation Legend by answering the same questions stated in my July 14 letter as applied to that initiative. Please provide this information as soon as possible, but no

¹ Letter from Ranking Member Gary Peters, Senate Homeland Security and Governmental Affairs Committee, to Acting Secretary Chad Wolf, Department of Homeland Security (July 14, 2020).

² Peter Baker, et al. *Trump Threatens to Send Federal Law Enforcement Forces to More Cities*, New York Times (July 20, 2020) (<https://www.nytimes.com/2020/07/20/us/politics/trump-chicago-portland-federal-agents.html>).

³ *Id.*

⁴ <https://www.detroitnews.com/story/news/politics/2020/07/20/trump-considers-more-federal-law-enforcement-detroit-protests/3287770001/>

later than August 3, 2020. Additionally, for your convenience please find below the initial requests from the July 14 letter:

1. Please identify the number and component-affiliation of DHS personnel deployed in response to these protests, as well as those deployed as part of the DHS Protecting American Communities Task Force. Please include the following:
 - a. The location, duration, and specific mission of each deployment.
 - b. The legal authority under which each deployment was made and any legal interpretation of that authority, including opinions issued by the Office of Legal Counsel at the Department of Justice or the General Counsel's office at the Department of Homeland Security.
 - c. How each component and DHS as a whole has tracked requests for assistance or resources from other agencies, including requests for personnel and equipment.
 - d. All objections, if any, made by state or local authorities to DHS deployments, the bases for those objections, and DHS's responses.
 - e. The missions the deployed personnel were carrying out prior to deployment.
2. How much did these deployments cost, broken down by component? Please specify which funds were used.
3. Please provide any rules, regulations, or guidance that govern DHS personnel while on deployment in support of non-DHS agencies. Please include, but do not limit your response to, the following:
 - a. Any policies governing the uniforms that deployed personnel must wear, including whether they must identify the personnel's component and under what authority that policy may be overridden.
 - b. Any policies governing whether deployed personnel must identify themselves or their components when asked by members of the public.
 - c. Any policies governing allowable use of force.
 - d. Any standard training on crowd control and any additional training provided to personnel prior to deployment.
4. Please provide the number and a brief description of any use of force DHS personnel engaged in related to the protests, including those involving tear gas, pepper spray, batons, tasers, flash-bang grenades, or firearms; the status of any investigations related to those incidents; and the number and description of all complaints filed related to use of force by DHS personnel at the protests.
5. Please provide a full accounting of the use of DHS-owned or component-owned drones, facial recognition technology, social media monitoring, and other surveillance tools in support of agencies responding to the protests, including what information was collected, what information has been retained, what information has been shared with entities outside of DHS, whether any personally identifiable information was collected, and the legal authority relied on to engage in this surveillance.

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6. Please describe all DHS involvement in any deployments of Federal military or National Guard troops, including in any discussions about activating the National Guard authorities pertaining to Homeland Security Activities as set out in 32 U.S.C. §§ 901 *et seq.* If DHS was involved in these discussions, please describe why those authorities were not utilized.
7. To the extent DHS used contractors in place of or to augment DHS personnel, please describe such uses and include these personnel in your responses to the items above.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”⁵ Additionally, Senate Resolution 70 (116th Congress) authorizes the Committee to investigate “the efficiency and economy of operations of all branches of the Government.”⁶

Thank you for your prompt attention to this matter.

Sincerely,



Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs

⁵ S. Rule XXV(k)(2) (B); *see also* S. Res. 445, 108th Cong (2004).

⁶ S. Res. 70, 116th Cong. §12(e)(1)(A) (2019) (enacted).