



TESTIMONY
OF
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U.S. DEPARTMENT OF HOMELAND SECURITY
REGARDING A HEARING ON
“OVERSIGHT OF DHS PERSONNEL DEPLOYMENTS TO RECENT PROTESTS”

BEFORE THE

U.S. SENATE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

August 6, 2020
Washington, D.C.

Chairman Johnson, Ranking Member Peters, and distinguished members of the Committee:

Thank you for the opportunity to testify today regarding the Department of Homeland Security's (DHS) statutory role in protecting federal facilities and the men and women who conduct business within them.

For over 40 years, the Federal Protective Service (FPS) has protected federal property around the country. They have done so with little fanfare or recognition—largely because of the cooperative relationships they have with state and local law enforcement.

As you know, Congress directs the Secretary of Homeland Security to “protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government, and the persons on the property.” 40 U.S.C. § 1315. This statute leaves no room for interpretation—inaction is not an option for DHS.

At DHS, we are sworn to protect and defend the U.S. Constitution, including our First Amendment right to peaceably assemble. We support those who lawfully exercise their Constitutional rights. At the same time, we must protect our communities and our institutions by holding criminals accountable for their actions.

For more than 60 days, violent criminals, opportunists and anarchists have attacked the federal seat of justice in Portland, Oregon: the Mark O. Hatfield Courthouse. For more than 60 days, criminals violently attacked federal law enforcement officers who carried out their statutory mission.

During this time period, DHS law enforcement officers received almost no assistance from state and local law enforcement in Portland. They were left to defend the courthouse besieged by attempts of arson and constant destruction. This circumstance should never have happened. Local law enforcement should have partnered with DHS at the earliest possible moment.

Instead, our law enforcement officers were assaulted with, among other weapons, mortar-style commercial grade fireworks, accelerants, IEDs, sledgehammers, concrete, and slingshots. Officers have suffered chemical burns, bloody wounds, and attacks with blinding lasers, leaving some of our colleagues with eye injuries. The security fence we installed to protect the Courthouse and our officers has been repeatedly attacked with power tools in a dangerous attempt to topple the barrier.

To be clear—these are not the actions of peaceful protesters, they are the actions of criminals.

From July 4 to 31 Federal Officers and Agents have suffered a combined total of 277 injuries, which include the following:

- 113 officers and agents have reported eye-injuries; many due to being targeted with commercial grade laser devices causing “momentary-blindness, blurred-vision, dark spots in their vision and headaches.”

- An FPS Special Agent received an injury to his foot by coming in contact with nails that were purposely placed immediately adjacent to the front entrance of the Mark O. Hatfield Courthouse.
- An FPS Special Agent received several burns to his torso and extremities from an undetermined liquid that was thrown at him by a violent rioter.
- A Deputy U.S. Marshal was bludgeoned in the head with a sledgehammer.
- An FPS Inspector was injured by a commercial grade firework receiving several lacerations and 3rd degree burns – the fireworks burned through his uniforms and PPE.
- 142 additional DHS Officers have reported receiving minor burns, lacerations, being hit over the head with a sledgehammer, or hearing issues resulting from the fireworks.

Some elected officials and those in the media have tried to smear our law enforcement officers, who are performing their jobs valiantly and consistent with the law and use of tactics and procedures. They have called our law enforcement professionals “stormtroopers,” the “Gestapo” and “thugs.” These are offensive and irresponsible terms.

Despite inaccurate descriptions of the Department’s actions and false criticisms leveled against DHS on a near constant basis, here are the facts:

- All DHS law enforcement personnel deployed to Portland are trained in the appropriate use of tactics and procedures to conduct missions while protecting civil liberties and promoting public safety and the safety of our officers. Further, we have the necessary oversight mechanisms from the Office of the Inspector General, the Office for Civil Rights and Civil Liberties, and the respective Offices of Professional Responsibility at DHS Components to review any allegations of misconduct, including alleged violations of civil rights or civil liberties.
- All DHS law enforcement deployed wear their respective uniform with the appropriate insignia –including clearly visible “POLICE” markings, along with patches and badges identifying their agency. The names of agents are no longer displayed as they are the target of recent doxing incidents. Instead, officers wear alphanumeric codes as personal identifiers.
- It is a common de-escalation tactic for law enforcement officers with probable cause to arrest suspected criminals away from volatile crowds. This practice protects the officers and the suspected criminal from unnecessary potential attacks. Unmarked vehicles routinely are used as part of these de-escalation tactics, as violent actors across the country have intentionally attacked marked police vehicles and attempted to set them on fire, creating significant danger for the public and for our officers.

After 60 days of nightly violence, the Governor agreed to send in Oregon State Police to begin patrolling the Portland streets, clearing the parks that served as staging grounds for nightly

violent and criminal assaults. As was expected, the violence quickly dissipated and while there remains violence targeted towards local law enforcement, the federal facilities have fared much better.

At the city level, we continue to see a lack of coordination and information sharing with the Portland Police Bureau. Recently, the Portland City Council has prohibited local police cooperation, support, and information sharing with federal law enforcement. This is dangerous and counterproductive.

Before concluding, I would also like to briefly address an incident, recently brought to my full attention, regarding the DHS's Office of Intelligence and Analysis dissemination of journalists' open-source information to state and local law enforcement partners. On learning of this incident, I immediately directed an independent OIG investigation into the matter, reassigned the Acting Undersecretary and have taken additional, proactive measures to prevent this from ever happening again and to hold individuals accountable for their actions.

In closing, Mr. Chairman, let me affirm to the Committee and the American People that DHS will not shy away from our responsibilities to ensure public safety and security through the protection of federal property and our officers. While we prefer to partner with state and local authorities, we must continue to enforce federal law and hold those who break it accountable.

I look forward to responding to your questions. Thank you.