

Congress of the United States
Washington, DC 20515

June 3, 2020

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable David Bernhardt
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington, DC 20240

The Honorable Mark Esper
Secretary
U.S. Department of Defense
1300 Defense Pentagon
Washington, DC 20301

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, DC 20528

Dear Attorney General Barr, Secretary Esper, Secretary Bernhardt, and Acting Secretary Wolf:

On Monday, we watched in horror as federal officers, mounted on horseback and clad in riot gear, used tear gas, pepper spray, smoke canisters, stun grenades, and rubber bullets to forcibly remove peaceful protestors from public space adjacent to the White House. We want to be clear: the use of federal personnel to prevent American citizens from exercising their Constitutional right to peaceably assemble represents a direct threat to our democracy.

The details of the scene are not in serious dispute. On June 1, 2020, Americans protesting police brutality and systemic racism were gathered north of the White House in Lafayette Square. As the President spoke from the Rose Garden—where he described himself as the “President of law and order and an ally of all peaceful protesters”¹—federal law enforcement personnel violently confronted the protestors. Officers in riot gear advanced on the protestors, using tear gas, pepper spray, smoke canisters, stun grenades, and rubber bullets, to clear a path to neighboring St. John’s Church. Shortly after President Trump promised to dispatch “thousands and thousands of heavily armed soldiers, military personnel, and law enforcement officers” to cities across the country, he staged a photo op at the historic religious venue.

Although the nation’s capital was under a 7:00 pm curfew, the confrontation occurred at 6:31 pm. Washington D.C. Mayor Muriel Bowser has since expressed her alarm and outrage at the events: “[We] were very shocked, and quite frankly outraged, that people who were not violating the curfew and who did not seem to have provoked attack were attacked and moved out by federal law enforcement officials to clear the way for the president.”² She has made clear that the Metropolitan Police Department was not involved, as Lafayette Square falls under federal

¹ Statement by President Trump, June 1, 2020, <https://www.whitehouse.gov/briefings-statements/statement-by-the-president-39/>.

² Veronica Stracqualursi, *D.C. mayor says she's 'shocked' and 'outraged' at treatment of peaceful protestors at White House*, CNN, June 2, 2020.

jurisdiction, and the actions were conducted by “federal police.”³ Although the Trump campaign and some federal law enforcement agencies later denied that tear gas and other crowd-clearing devices were used to disperse the protestors at Lafayette Square,⁴ video evidence and eyewitness accounts clearly paint a different picture.⁵

Although no notice has been provided to Congress, we have seen reports that the President has directed an interagency effort, led by the Department of Justice, to coordinate the response to protestors in Washington, D.C. Attorney General Barr is reported to have given the order to clear the protestors from Lafayette Square.⁶ Elements from the United States Secret Service, the United States Marshals Service, the Drug Enforcement Administration, and the United States Park Police were reported to have been present during the incident. Additional federal law enforcement personnel and the National Guard have also been deployed in the streets of Washington.

As America grapples with police brutality, systemic oppression, and racism, we must each do our part to defend the rights guaranteed to us under the Constitution. The First Amendment rights to freedom of speech and assembly are core to what it means to be an American. The protestors at Lafayette Square complied with the curfew set forth by local officials. They were exercising their rights under the First Amendment. They were assembled peacefully and posed no obvious threat.

A wide range of federal law enforcement officials were identified at Lafayette Park on June 1, 2020 including personnel from component agencies under your authority. As the Chairmen of the committees of jurisdiction, we write to ask the following questions relating to the events at Lafayette Square on June 1, 2020:

1. Who gave the order to clear protestors and under what authority?
2. Which federal agencies had a physical presence at Lafayette Square?
3. Which federal agencies were involved or tasked with removing protestors from Lafayette Park or securing the President’s path to St. John’s Church?

³ @MurielBowser, Twitter (June 1, 2020 8:40 pm), <https://twitter.com/MurielBowser/status/1267617085913522177>.

⁴ Abigail Hauslohner, *Trump demands journalists correct stories on the use of tear gas. According to the CDC, it was tear gas*, WASH. POST, June 2, 2020. See also, Statement by U.S. Park Police Acting Chief Gregory T. Monahan, June 2, 2020, https://www.nps.gov/subjects/uspp/6_2_20_statement_from_acting_chief_monahan.htm.

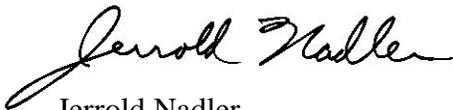
⁵ See e.g., @Springer, Twitter (June 1, 2020, 8:30 pm), <https://twitter.com/springer/status/1267614636330942465>; @MarquardtA, Twitter (June 1, 2020 6:50 pm), <https://twitter.com/MarquardtA/status/1267589282555887617>; Jack Jenkins, Ahead of Trump Bible photo op, police forcibly expel priest from St. John’s church near White House, Religious News Service, June 2, 2020; @hunterw, Twitter (June 2, 2020 12:20 pm), <https://twitter.com/hunterw/status/1267853487267893251>; and Dan Zak et al., ‘This can’t be happening’: An oral history of 48 surreal, violent, biblical minutes in Washington, WASH. POST, June 2, 2020.

⁶ Carol D. Leonnig et al., *Barr personally ordered removal of protesters near White House, leading to use of force against largely peaceful crowd*, WASH. POST, June 2, 2020.

4. What were the specific roles of the respective agencies and law enforcement units involved in clearing the protestors or securing the President's path to St. John's Church?
5. What crowd dispersal measures were authorized for use by the agencies present?
6. What crowd dispersal devices were authorized for use by the agencies present?
7. When was the authorization to use force given to the respective agencies and under what authority? How were those orders communicated down the chain of command?
8. Were the agencies present authorized or advised to use de-escalation tactics when removing the protestors? How was that information communicated down the chain of command?
9. When was the interagency effort established and under what authority?

We request a full response to each of these questions as soon as possible, but no later than June 10, 2020. We also request you arrange a briefing with our respective staff.

Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary



Raúl M. Grijalva
Chairman
House Committee on Natural Resources



Adam Smith
Chairman
House Committee on Armed Services



Bennie G. Thompson
Chairman
House Committee on Homeland Security

cc: The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary
The Honorable Rob Bishop, Ranking Member, House Committee on Natural Resources
The Honorable Mac Thornberry, Ranking Member, House Committee on Armed Services
The Honorable Mike Rogers, Ranking Member, House Committee on Homeland Security