



Duckworth Joins Harris, Colleagues to Demand Answers on Federal Law Enforcement Presence in American Cities

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WASHINGTON, DC— U.S. Senator Tammy Duckworth (D-IL) joined Senator Kamala Harris (D-CA) and 15 of their colleagues in sending a letter to Acting Secretary of Homeland Security Chad Wolf, Acting Commissioner of Customs and Border Protection Mark Morgan and Acting Director of U.S. Immigration and Customs Enforcement Matthew Albence demanding answers about the use of federal law enforcement against protestors expressing their constitutional First Amendment rights.

“Over the past week, multiple reports have emerged of federal authorities arresting demonstrators without any explanation in Portland, Oregon. These federal law enforcement officers have reportedly acted without displaying any identification or badges, and using unmarked vehicles, to detain individuals. Federal agents are reportedly using tear gas, rubber bullets, and acoustic weapons against demonstrators,” the senators wrote.

They continued, “It is essential to understand precisely which DHS personnel are involved in these activities, relevant policies and procedures, and mechanisms for accountability in the event that personnel engage in misconduct.”

“People have taken to the streets to exercise their First Amendment rights and call for racial justice after the killing of George Floyd by individuals in the Minneapolis Police Department. The reported federal law enforcement actions in Portland, Oregon raise serious concerns in light of your statements implying that such actions will be replicated across the nation, including in Oakland, California. We therefore request that DHS, CBP, ICE, and FPS respond to all questions in the June 5 letter, along with the below questions, by July 28, 2020,” the senators concluded.

The senators asked a range of questions, including how many people federal law enforcement has detained, what documentation was being preserved on arrests, the list of equipment used by officers, and how DHS has addressed any complaints they have received. This letter follows a [letter](#) that Senators Duckworth and Harris, Representatives Scanlon and Vargas, and 96 members of Congress sent to CBP and ICE asking questions about the federal deployment of law enforcement and their use of force. Yesterday, Senators Duckworth and Durbin [sent a letter](#) to President Trump calling on him to refrain from sending federal agents into Chicago to conduct policing activities that are traditionally handled by local law enforcement and reiterating their 2017 suggestions of how Trump could work in partnership with local officials to provide support and resources to assist in public safety, violence prevention and economic development efforts.

Today's letter was also signed by Senators Ron Wyden (D-OR), Jeff Merkley (D-OR), Cory A. Booker (D-NJ), Richard Blumenthal (D-CT), Ed Markey (D-MA), Sheldon Whitehouse (D-RI), Mazie Hirono (D-HI), Amy Klobuchar (D-MN), Patrick Leahy (D-VT), Christopher Murphy (D-CT), Martin Heinrich (D-NM), Chris Van Hollen (D-MD), Tom Udall (D-MN), Elizabeth Warren (D-MA), Bob Menendez (D-NJ), and Bernie Sanders (I-VT).

Full text of the letter is available [here](#) and below.

Dear Acting Secretary Wolf, Acting Commissioner Morgan, and Acting Director Albence:

We write today regarding deeply disturbing reports of U.S. Department of Homeland Security (DHS) personnel arresting, searching, and detaining individuals participating in demonstrations and protests.

Over the past week, multiple reports have emerged of federal authorities arresting demonstrators without any explanation in Portland, Oregon. These federal law enforcement officers have reportedly acted without displaying any identification or badges, and using unmarked vehicles, to detain individuals. Federal agents are reportedly using tear gas, rubber bullets, and acoustic weapons against demonstrators. Demonstrators report feeling “terrified” because unidentified individuals in camouflage were driving around areas of Portland in unmarked vehicles grabbing individuals off the street. One demonstrator reported that the experience is “like being preyed upon.” A Navy veteran was reportedly beaten with a baton, sprayed in the face with a chemical irritant, and suffered a broken hand. Pregnant mothers, standing at protests with their arms linked, were reportedly teargassed.

It is essential to understand precisely which DHS personnel are involved in these activities, relevant policies and procedures, and mechanisms for accountability in the event that personnel engage in misconduct.

DHS includes U.S. Customs and Border Protection (CBP) (including Border Patrol Tactical Unit, or BORTAC), U.S. Immigration and Customs Enforcement (ICE) (including Homeland Security Investigations, or HSI), and the Federal Protective Service (FPS), each of which has been involved in the federal response to demonstrations nationwide since DHS first commenced these deployments. On June 5, 2020, Sen. Harris, Rep. Scanlon, and Rep. Vargas along with 96 members of Congress wrote to CBP and ICE asking them a number of questions about these deployments, including what identification and equipment personnel are carrying, what forms of force they are authorized to use, how they are protecting the public's constitutional rights and safety, and what surveillance they are conducting during these deployments. On June 25, 2020, during a hearing of the Senate Homeland Security and Governmental Affairs Committee, Acting CBP Commissioner Morgan was questioned about concerns with these deployments. To date, CBP and ICE have not responded to the letter. In the meantime, deployments have continued, including under a newly formed task force created by Executive Order 13933, and multiple reports have emerged of people experiencing the sheer terror of being arrested by unidentified law enforcement for exercising their constitutional right to protest.

People have taken to the streets to exercise their First Amendment rights and call for racial justice after the killing of George Floyd by individuals in the Minneapolis Police Department. The reported federal law enforcement actions in Portland, Oregon raise serious concerns in light of your statements implying that such actions will be replicated across the nation, including in Oakland, California. We therefore request that DHS, CBP, ICE, and FPS respond to all questions in the June 5 letter, along with the below questions, by July 28, 2020:

1. How many individuals have been detained or arrested for any period of time, regardless of whether charges were eventually filed, as part of these deployments? For each individual, please provide their age, the basis for the arrest or detention, the location, whether any charges were filed and, if so, what those charges were.
2. What documentation do you maintain relating to arrests made by federal law enforcement at protests?
3. Please provide a list of each form of force and all equipment that DHS personnel have utilized in connection with these deployments, including but not limited to: tear gas, smoke, rubber bullets, pepper spray, and/or flash bangs. For each piece of equipment, please include the source.

4. How many complaints have been received by DHS, ICE, CBP, or FPS in connection with these deployments? How many complaints have been forwarded to the DHS Office of Inspector General? Please provide descriptions of the nature of each complaint, including whether the complaint involved an allegation of non-compliance with 8 C.F.R. § 287.8, which requires DHS immigration officers to identify themselves as “an immigration officer who is authorized to execute an arrest” and “state that the person is under arrest and the reason for the arrest.”

How has DHS, ICE, CBP, and FPS responded to the complaints?

5. Have DHS, ICE, CBP, or FPS conducted investigations into the public reports of federal law enforcement officers’ conduct, including but not limited to the reports discussed above? Please provide any documentation relating to such investigations along with their current statuses.
6. How many federal law enforcement agents are currently deployed in response to protests? Please provide a breakdown by component and subdivision within DHS, including but not limited to CBP, BORTAC, ICE, HSI, and FPS, as well as their locations and dates of deployment.
7. For each component or subdivision, please provide the specific authority under which the component or subdivision is acting and a description of how these deployments advance the component or subdivision’s core mission.
1. For each component or subdivision, please include any statutory authorities that DHS would attempt to invoke in connection with the deployments.

Thank you for your prompt attention to this matter.