



Office of the Attorney General
Washington, D.C. 20530

June 9, 2020

Muriel Bowser
Mayor
The District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Karl A. Racine
Attorney General for the District of Columbia
441 4th Street, NW
Washington, DC 20001

Dear Mayor Bowser and Attorney General Racine:

I respond here to your June 4, 2020 letters to President Trump and to me and other senior officials in his Administration. We appreciate your responsibilities to the citizens of the District of Columbia, and we have the greatest respect for the Metropolitan Police Department ("MPD"), with whom we have long worked cooperatively, and continue to work cooperatively, in performing our respective law enforcement responsibilities at the seat of the government of the United States. The District has a long history of hosting peaceful demonstrations, and had the recent demonstrations remained peaceful and within the control of local law enforcement, the President would never have had any need to augment existing resources for the purpose of restoring law and order.

Unfortunately, that was not the case last week. Starting on Friday, May 29, the District experienced days of violent rioting and looting that caused widespread damage, injured dozens of federal and MPD law enforcement officers, breached the Treasury Department annex, and threatened federal operations around the White House complex. This violence culminated Sunday—reportedly the most violent day of civil unrest in the District in 30 years—when rioters unearthed pavers from Lafayette Park to throw as projectiles against federal law enforcement agents, burned down a structure on federal property in Lafayette Park, and caused a fire in the basement of historic St. John's Church. As the rioters dispersed from the park, the violence continued, with rioters breaking into stores and looting small businesses throughout the city. The television footage of these events—viewed by people across the Nation and around the world—conveyed the impression that the United States was on the brink of losing control of its capital city.

Faced with the prospect of things continuing to get out of hand, the President requested that we immediately expand the resources available to operate in the District—including by

working with the District of Columbia National Guard ("DCNG") and with State officials to make their National Guard personnel available. This was a temporary response to an escalating security crisis. Our objectives were to ensure that the rioting would end, that federal government functions would continue, and that law and order in the Nation's capital would be restored. Surely you understand that the President could not stand idly by when unrest at the seat of the federal government threatened the safety of federal law enforcement officers and the operations of the United States government. By the same token, now that federal and local law enforcement personnel—assisted by the citizen soldiers of the National Guard—have successfully stemmed further rioting, the President has made clear that our response should be adjusted accordingly. We are pleased that, thanks to our collective efforts, we have restored law and order for the people of this city, including those law-abiding citizens who have been participating in peaceful demonstrations. As your repeated requests (including as recently as yesterday) for additional support indicate, the mission of securing the District requires continued cooperation among the MPD, the federal government, and the National Guard. We will continue to meet that task together, as the people of this city expect and deserve.

I can assure you that all of the federal and National Guard personnel operating within the District have been doing so consistent with authorities provided under federal law and the law of the District of Columbia. We have deployed personnel from the major law enforcement components of the Department of Justice, including the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the Drug Enforcement Administration ("DEA"); the Bureau of Prisons ("BOP"); and the U.S. Marshals Service ("USMS"). Each of those agencies acts within the scope of its federal authorities, and where useful and appropriate, we have assigned additional duties to the agencies to assist in the enforcement of federal law. For instance, we have assigned additional law enforcement responsibility to DEA under 21 U.S.C. § 878(a)(5), and USMS has deputized officers from the Department of Homeland Security and from BOP, including its Special Operations Response Teams, to assist in the enforcement of federal law. *See* 28 U.S.C. §§ 561, 566.

The federal response has also benefited from the assistance of DCNG and National Guard units from other States. The DCNG has been operating pursuant to the request of a number of responsible officials, including a request from the U.S. Park Police and a joint request of the United States Marshal for the Superior Court of the District of Columbia and the Chief Deputy United States Marshal, District of Columbia, as authorized by D.C. Code § 49-103. At the direction of the President, the Secretary of Defense also requested assistance from out-of-state National Guard personnel, pursuant to 32 U.S.C. § 502(f), which authorizes States to send forces to assist the "[s]upport of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense." I understand that the MPD deputized members of the DCNG and National Guard members from other States to act as special police in the District under D.C. Code § 5-129.03, and therefore, the District should have information concerning those National Guard personnel who have been operating in the city. Where necessary, the USMS also employed its authority to deputize National Guard personnel to act as deputy marshals in enforcing federal law.

Consistent with the President's direction, the Secretary of Defense assigned to out-of-state National Guard personnel the mission of protecting federal functions, persons, and property within the District of Columbia. That mission includes the protection of federal properties from

destruction or defacement (including through crowd control, temporary detention, cursory search, measures to ensure the safety of persons on the property, and establishment of security perimeters, consistent with the peaceful exercise of First Amendment rights); protection of federal officials, employees, and law enforcement personnel from harm or threat of bodily injury; and protection of federal functions, such as federal employees' access to their workplaces, the free and safe movement of federal personnel throughout the city, and the continued operation of the U.S. mails. Each of those units operated under the control of their respective State commanders, who have operated through a coordinated and centralized command center.

Let me assure you that the President shares your interest in returning to a situation where such additional forces are unnecessary to maintain law and order in the District. Indeed, on Sunday, the President directed the National Guard personnel from other States to begin their withdrawal. We support the right of demonstrators to exercise their First Amendment rights peacefully, and we are pleased that, since the deployment of these additional personnel, there has been not been any widespread rioting or looting in the District. We will continue to work closely with the MPD in coordinating our activities in the District, and we look forward to the full return of normal operations within the District.

Sincerely,

A handwritten signature in black ink, appearing to read "WP Barr", with a stylized, cursive script.

William P. Barr
Attorney General