

Congress of the United States
Washington, DC 20510

July 17, 2020

The Honorable William Barr
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
Washington, D.C. 20528

Attorney General Barr and Acting Secretary Wolf:

We write today to express our alarm about the authoritarian tactics employed in the streets of Portland by the Department of Justice and Department of Homeland Security.

These tactics include deploying federal agents without identifying insignia in an apparent effort to evade transparency and accountability, snatching people off the street with no apparent reason for apprehension, and using potentially deadly munitions to harm peaceful protesters. These actions are out of control. They are more reflective of tactics of a government led by a dictator, not from the government of our constitutional democratic republic.

Not only must these egregious tactics end immediately, we demand that you remove these federal paramilitary forces from our state. The country has watched recent videos of agents wearing camouflage and body armor, without insignia or other identification, apparently from the U.S. Customs and Border Protection Tactical Unit (BORTAC), apprehending civilians by putting them into unmarked cars. Furthermore, the fact that neither the public, nor local leaders, nor federal representatives for the people of Oregon know who these agents are despite direct inquiries from us and others speaks to the intentional obfuscation of their roles. Federal agents deployed in American cities must wear identifying insignia for public accountability of these grievous acts.

These actions are chillingly reminiscent of autocratic governments that “disappear” critics and opponents. Federal agents only have the authority to make arrests if they have probable cause that a person has violated a federal law. In at least some of these instances, these anonymous law enforcement officers appear to be indiscriminately arresting anyone in downtown Portland who they perceive to be associated with protests, searching them, and then releasing or charging them depending on what they find. Proximity and dress do not constitute probable cause.

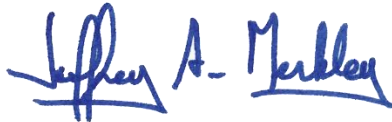
We appreciate the responsibility to protect federal personnel and property, but these tactics, coupled with the violent nature of the federal agents’ crowd control tactics resulting in a peaceful demonstrator being shot in the face on July 11, 2020 by a member of the U.S Marshals Service Special Operating Group (SOG), seem calculated to provoke further conflict, a conclusion reinforced by the President’s efforts to make a political issue out of developments in Portland. The message crafted by the Trump administration to justify this escalation of force and intimidation in Portland borders on propaganda, apparently to serve the President’s perceived political interests. This is unacceptable under our Constitution. There are undoubtedly dangerous acts being committed by a small number of individuals. Yet a Department of Homeland Security press release refers to “violent anarchists” 72 times while describing graffiti. Meanwhile, the President’s re-election campaign is running ads warning of “lawlessness” and “radical left-wing mobs.”

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The American people deserve to know who is giving orders for the disappearance-style arrests or detentions, as well as who has operational command and what the rules of engagement are for federal officers operating in Portland. We live in a democratic republic, not an authoritarian police state and we cannot allow our cities to become occupied zones. The President is working hard to portray himself as a “law and order” figure, but only seems interested in the “order” part of that phrase. You and your agencies work for the people of Oregon and other Americans and you are answerable to them.

These actions represent a complete abuse of power, and we demand that you remove any SOG, BORTAC, Homeland Security Investigations Special Response Team (HSI SRT) agents or other federal agents recently deployed to Oregon immediately. Some of us have already written to you requesting information about your training, tactics, and chain of command, and we reiterate our requests for you to provide that information immediately. We will not tolerate the use of Oregonians as props in President Trump’s campaign-motivated abuse of power.

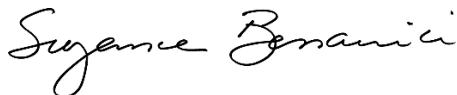
Sincerely,



Jeffrey A. Merkley
United States Senator



Ron Wyden
United States Senator



Suzanne Bonamici
Member of Congress



Earl Blumenauer
Member of Congress