

“Desecrating Old Glory: Investigating How the Pro-Hamas Protests Turned National Park Service Land into a Violent Disgrace”

**Statement of Kenneth Spencer
Chairman, United States Park Police Fraternal Order of Police
before the
House Committee on Natural Resources, Subcommittee on Oversight and
Investigations
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Good morning Chairman Gosar, Ranking Member Stansbury, and Members of the Subcommittee on Oversight and Investigations, my name is Kenneth Spencer and my testimony this afternoon is delivered in my capacity as the Chairman of the United States Park Police Fraternal Order of Police (“USPPFOP”). Simply put, our organization represents the interests of the approximately 350 sworn law enforcement officers of the United States Park Police (“USPP”). I am honored to be here today and very thankful for this opportunity to share the USPPFOP’s views on, and lessons learned from, the dangerous and destructive protests in and around Columbus Circle on July 24, 2024.

By way of background, in addition to my capacity as the Chairman of the USPPFOP, I serve as a Master Patrol Officer for the USPP. In my nearly 15 years with the agency, with the help from my brothers and sisters at the USPP and in other law enforcement departments, I have survived first-hand experiences with several serious and large-scale incidents where crowd control was difficult and public safety was in jeopardy. Events like the one in July are predictable and, in years long gone by, the US Park Police was rightfully viewed as the world’s foremost law enforcement organization that protected First Amendment rights of the protesters while, at the same time, ensured the safety of the community and protected national landmarks that adorn much of the federal land under our jurisdiction. Sadly, due to decades of neglect by the National Park Service, Department of the Interior and the United States Congress, our Agency’s ability to effectively manage such events is significantly diminished, leading to disappointing and dangerous outcomes and the Answer Coalition event represents just the tip of the iceberg for future dangerous events given the state of our political climate.

Before my time with the USPP, I proudly served in the United States Air Force as a Law Enforcement Area Supervisor and Nuclear Weapons Security Escort Team Leader with the United States Air Force Security Forces. During these years, I was deployed in support of Operation Enduring Freedom and Iraqi Freedom, completing missions in multiple locations throughout Iraq and Kuwait. I firmly believe my background and experience with such “powder keg” environments involving large populations is directly relevant to the discussion here today.

United States Park Police

The United States Park Police was created by President George Washington in 1791. The Force functions as a unit of the National Park Service (“NPS”) with jurisdiction in urban federal parks, including federal lands throughout the District of Columbia and the Washington Metropolitan Area, San Francisco, and New York City. In Washington, DC, we share the same duties, responsibilities, and arrest authority as our brothers and sisters in the DC Metropolitan Police Department. Our mission is to provide quality law enforcement to safeguard lives, protect our national treasures and symbols of democracy, and preserve the natural and cultural resources entrusted to us.

On average, USPP officers protect 160,000 daily visitors to our parks, patrol a geographic area of over 30,000 acres across 3 urban metropolitan regions, and more than 75 miles of highway. Notably, we are, or at least once were, the world’s leading law enforcement agency when it comes to supporting large scale special events and other First Amendment activities.

Importantly, our agency’s mission includes icon protection. Our officers proudly protect the Statue of Liberty, the Golden Gate National Recreation Area, the Washington Monument, the Lincoln Memorial, the Jefferson Memorial and many others, including the statue of Justice John Marshall in John Marshall Park and the Christopher Columbus Memorial Fountain in Columbus Circle.

United States Park Police Fraternal Order of Police

The United States Park Police Fraternal Order of Police, for the last 30 years, serves as the exclusive representative for bargaining unit employees of the USPP. We negotiate collective bargaining agreements as necessary and administer the labor-management agreement between the officers and the National Park Service. On a day-to-day basis, the USPPFOP communicates the challenges facing USPP officers to our senior management leadership, the public and their elected representatives with the goal of improving the operational readiness of the Force. Membership in the USPPFOP is voluntary and we represent all members of the bargaining unit regardless of membership status. We do not have a political action committee, we do not make political donations, and we do not endorse candidates for public office.

Most recently, the USPPFOP has focused on issues related to officer retention and recruitment as the consequences from decades of NPS neglect (across administrations from both political parties) has come to roost. The National Park Service has suggested that the minimum number of officers needed to accomplish our essential missions is at least 650. One pre-September 11th study by Booz Allen suggested the US Park Police needs at least 820 officers to safely operate. As of today, we have a total of 507 sworn officers across all three jurisdictions - a smaller force than we had in 1975. It is not an overstatement to suggest that, at current staffing levels, our agency is unsustainable.

Let me be perfectly clear – on any given day we are at least 150 officers short of our required minimum levels. Our capacity to serve and protect the public today is literally bursting at the seams. Some in Congress and in the media have questioned why more arrests were not made on July 24th. That is the wrong question to ask. Instead, they should be asking how it is possible that DOI and NPS have ignored the US Park Police staffing crisis which, in turn, has predictably led to out-of-control protests that endanger the public, the protesters, and the officers themselves.

Fortunately, a bipartisan group in Congress, led by Representative Nicole Malliotakis, introduced H.R. 9928, the United States Park Police Modernization Act, legislation that balances the recruitment and retention resources among similarly situated federal law enforcement organizations.

“Stop the Genocide in Gaza” Permitting Process

US Park Police officers have a limited role in the permitting planning process and absolutely no role in the deliberations or decision on whether to issue the permit. It is my understanding that the Answer Coalition submitted its application on June 18, but the National Park Service’s consideration of the application was delayed until July.

The US Park Police Special Events Unit was invited to participate in three planning meetings with the NPS permitting office on July 10th, July 18th, and July 22nd. The NPS issued the permit on July 23rd, which was valid from 5 am to 4 pm on July 24th. The permit was based on 5,000 anticipated participants. The specific locations set aside under the permit included John Marshall Park and the Pennsylvania Avenue sidewalks between 3rd and 5th Street, NW.

It is worth noting that the US Park Police were familiar with the Answer Coalition and their previous tactics. Based on our experience with the Coalition, we expected civil disturbance and vandalism.

The United States Park Police Fraternal Order of Police takes no position on whether the NPS rightfully issued the permit but recognize and cherish the fundamental constitutional rights that groups, even those with abhorrent and extremist views, have to protest peacefully on federal land.

US Park Police Operations on July 24th, 2024

As Members of this Subcommittee are aware, the protest intentionally overlapped the visit of Israeli Prime Minister Benjamin Netanyahu. Whenever high-profile foreign dignitaries or leaders are in Washington, our agency typically cancels all scheduled days off, assigns every available sworn officer, and provides Quick Reaction

Forces (QRF) and Criminal Apprehension Teams (CAT). All of this was done, following protocol, in the lead-up to the “Stop the Genocide in Gaza” protest.

As an aside, I want to commend our Chief, Jessica Taylor, who has done an amazing job since taking the position less than 2 years ago. Like our union, Chief Taylor works tirelessly to repair the impact that our officer staffing shortage has on events like the one on July 24th. She and her Executive Command Staff work hard to advocate for the improvement of working conditions and officer safety; unfortunately, it often falls on deaf ears with NPS and DOI. Our officers genuinely appreciate her leadership and thank her for doing all she can to restore our agency to a position of full mission readiness.

On July 24th, the United States Secret Service requested the US Park Police to provide tactical and civil disturbance assets in Glover-Archbold Park while Prime Minister Netanyahu attended Senator Lieberman’s memorial service at an adjacent location. Moreover, the US Park Police provided site security in and around the Watergate Hotel and provided motorcade escort security for multiple dignitary movements throughout the visit. We were also responsible for providing multiple road and traffic closures throughout the Washington metropolitan area to close the motorcade routes that occurred on or near National Park Service jurisdiction. At the same time, our officers were charged with assigned events at Wolf Trap for a concert, four construction details, and a security detail at the Frederick Douglas home.

And, of course, we were expected to perform our ordinary daily patrol responsibilities which include law enforcement and community safety throughout the District of Columbia, as well as highway patrols of the Baltimore-Washington Parkway, the George Washington Memorial Parkway, and many others.

We had 166 sworn officers available for the special detail on July 24th. Some have questioned why “only” 29 officers were assigned to Columbus Circle that day. Frankly, it’s amazing that even those resources were available to us given the aforementioned demands of that day. Some have suggested that our agency could have requested additional resources from other field offices or agencies, but doing so would have been to throw good money after bad. It made no sense (and would have been recklessly dangerous) to put officers with no training in civil disturbances on the front line. Moreover, all expenses related to gear, per diems, travel and lodging would have been the responsibility of our agency which, due to the DOI’s and NPS’s neglect and indifference regarding seeking reasonable congressional appropriations, is just not feasible.

One might say we are at capacity, stretched too thin, or running on fumes. But those catchy phrases fail to capture the gravity of the situation in terms of safety and security. Any thoughtful observer of the US Park Police staffing crisis will tell you that, unless Congress acts immediately, catastrophe is predictable.

Law Enforcement Outcomes from July 24th, 2024

One of the main reasons I am excited to testify this afternoon is to share with you how proud our union is of the officers who did everything they could to protect and serve in the face of an extremely dangerous and overwhelming situation.

I am aware of complaints made by some, including by those who drape themselves in hollow “back the blue” rhetoric, suggesting that not enough arrests were made or that our officers somehow gave the protestors a “pass.” With only 29 officers available at the scene when chaos erupted, there was absolutely zero capability to safely carry out anything close to a mass arrest enforcement operation.

To say it plainly: Our officers did a remarkable and exemplary job that afternoon with the limited resources supplied to us by DOI, NPS and Congress.

If Congress is hoping to identify strategies to improve federal law enforcement response to dangerous civil disturbance and destruction of government property, it needs force the hand of the Department of Interior and the National Park Service to do a much better job at recruiting and retaining good officers. That begins with the passage of the U.S. Park Police Modernization Act.

Conclusion

Officers of the United States Park Police are truly passionate about serving the public within the communities under our three jurisdictions. We are humbled by our responsibility to protect the millions of park visitors, as well as the surrounding residents and businesses. But we are equally proud of the legacy we leave behind – protecting our parks, highways, and national monuments so that future generations can enjoy them safely and without impairment.

Unfortunately, our government's irresponsible neglect of the agency has led to staffing shortages that would have been unthinkable just a decade ago. Frankly, it is astounding that the government has allowed our once-revered department to decay to the point where we are more than 150 officers short of the minimum required.

It is no overstatement to suggest that the safety of Americans in Washington, New York, and San Francisco, as well as the millions of visitors to our urban national landmarks, are at serious risk because of our agency's staffing shortage.

Importantly, Congress can do something about it – pass the US Park Police Modernization Act immediately. To be sure, Chairman Westerman along with Senator Barrasso have been amazing allies for our officers, and Representatives Malliotakis and Gottheimer have championed the bill, with invaluable support from the National Fraternal Order of Police and the US Capitol Police Labor Committee, throughout this

Congress. So, my officers are reasonably wondering why hasn't anything been done? How can the Department of Interior and the National Park Service continue to thumb their nose at us in the face of such formidable demand for reform.

It is noteworthy that the incoming Administration has indicated a desire to improve the quality of life for law enforcement officers. We hope that is true and, if so, they can get off on the right foot by directing the Department of Interior and the National Park Service to incorporate the modest resources needed for H.R. 9928 in their budget request for FY 2026.

If Congress fails to act, I honestly do not know if our agency can survive as a viable urban law enforcement organization with any reasonable expectation to protect safety and security during First Amendment events like the one on July 24th. To ignore this reality would be tragic and shameful.

My position on this matter is not one of politics or public policy regarding the unrest in the Middle East. In fact, my testimony is based solely on law enforcement concerns that are all-too-real, dangerous, and tragically avoidable. Regrettably, I fear for the safety of our officers, the public, and the protestors themselves.

Thank you again for the opportunity to present this testimony on behalf of the members of the United States Park Police Fraternal Order of Police. I welcome any questions you have.