

DOJ Alumni Letter to Inspector General Michael Horowitz

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June 10, 2020

Dear Mr. Horowitz:

We write to you as alumni of the United States Department of Justice (“DOJ” or the “Department”). Collectively, we have served in both career and high-ranking politically-appointed positions in both Republican and Democratic administrations. Some of us had careers that spanned decades and multiple administrations.

We are deeply concerned about the Department’s actions, and those of Attorney General William Barr himself, in response to the nationwide lawful gatherings to protest the systemic racism that has plagued this country throughout its history, recently exemplified by the brutal killings of George Floyd and Breonna Taylor by sworn law enforcement officers acting under the color of law. These unjustified killings are anathema to the fair administration of justice, and have rightly outraged Americans of all races and political persuasions, many of whom have chosen to exercise their First Amendment rights through public protest. In particular, we are disturbed by Attorney General Barr’s possible role in ordering law enforcement personnel to suppress a peaceful domestic protest in Lafayette Square on June 1, 2020, for the purpose of enabling President Trump to walk across the street from the White House and stage a photo op at St. John’s Church, a politically motivated event in which Attorney General Barr participated.

While the full scope of the Attorney General’s role is not yet clear, he has admitted that he was present in front of the White House before law enforcement personnel took action to disperse the crowd. Department of Justice and White House personnel initially said that the Attorney General gave an order to law enforcement personnel to “get going” or “get it done.” A day later, the Attorney General told the Associated Press that he was “not involved in giving tactical commands.” If the Attorney General issued orders to officers of a variety of federal agencies, including U.S. Secret Service, U.S. Park Police, D.C. National Guard, and U.S. Military Police, it is unclear under what purported authority he did so. After the order was given, and before the start of a city-imposed curfew, federal law enforcement officers in riot gear reportedly fired rubber bullets, chemical gas, smoke canisters, and stun grenades at peaceful protesters, and otherwise used excessive force, physically injuring many people, including journalists and an Episcopal priest who had come to give food and water to the protestors. Based on what we now know, these actions violated both the First Amendment of the United States Constitution, which protects freedom of speech and the press, and the right to assemble; and the Fourth Amendment, which prohibits unreasonable seizures, to include objectively unreasonable uses of force by law enforcement officers. None of us would ever have considered directing or engaging in such actions to be consistent with our oaths to support and defend the Constitution.

We are also disturbed by the Attorney General's deployment of federal law enforcement officers throughout the country, and especially within the District of Columbia, to participate in quelling lawful First Amendment activity. According to a Department press release, participating personnel include officers and agents from the Federal Bureau of Investigation, the Bureau of Alcohol and Firearms, the Drug Enforcement Administration, the Federal Bureau of Prisons, and the U.S. Marshals Service. We have profound doubts that the personnel deployed from these agencies are adequately trained in policing mass protests or protecting the constitutional rights of individuals who are not subject to arrest or have not been convicted of a crime. Moreover, reports from witnesses indicate that federal officers were blocking streets, guarding buildings, and interacting with civilians without displaying or otherwise providing identification, even when asked to do so by peaceful protestors. Accountability requires law enforcement personnel to identify themselves and be identifiable. Especially in view of the events in Lafayette Square, we have no assurance that these officers are lawfully deployed, that they will respect the rights of the civilians they encounter, or that there are proper mechanisms in place to identify and investigate possible law enforcement misconduct

For all of these reasons, we are asking you to immediately open and conduct an investigation of the full scope of the Attorney General's and the DOJ's role in these events. The rule of law, the maintenance of the Department's integrity, and the very safety of our citizens demand nothing less. The Office of the Inspector General has the authority and the independence to conduct this investigation in a manner that will credibly probe the actions of the Attorney General and other DOJ employees. If the Attorney General or any other DOJ employee has directly participated in actions that have deprived Americans of their constitutional rights or that physically injured Americans lawfully exercising their rights, that would be misconduct of the utmost seriousness, the details of which must be shared with the American people.

Thank you for your consideration.

(If you are a former DOJ employee and would like to add your name to this statement, **please complete this form**. Protect Democracy will update this list daily with new signatories until June 24th.)

Signatories have been vetted to the best of our ability.