

From: [Weinsheimer, Bradley \(ODAG\)](#)
To: [Bacon, Antoinette T. \(ODAG\)](#)
Cc: [Hughes, William C. \(ODAG\)](#); [Hamilton, Gene \(OAG\)](#); [Hovakimian, Patrick \(ODAG\)](#); [Barnett, Gary \(OAG\)](#)
Subject: RE: ODAG memo for DHS (b)(7)(E) per DHS
Date: Monday, June 1, 2020 6:53:10 PM
Attachments: [DHS SPECIAL DEPUTATION CIVIL UNREST DC 6.1.2020-2.pdf](#)

I have approved. As I understand it, the deputation is based on the same language that has been used in other national security special events, such as the Inauguration. The deputation is for 30 days and includes authority for all Title 18 offenses as well as to protect and defend federal buildings and personnel. It does not convey authority to participate in federal drug investigations unless deputized by the DEA or FBI, nor authority while off-duty. I understand the USMS Office of General Counsel has reviewed the scope of mission and has concluded that it contains the necessary authorities. The authority of Special Deputy US Marshal provided by the deputation includes the authorities under the DC Code.

Agents who are deputized will complete a short form, be administered an oath, and the USMS will keep the forms as the record of the specific agents who have been deputized.

I know there was discussion of BOP deputations as well, is that coming, or has that been handled otherwise?

Thanks, Brad.

From: Bacon, Antoinette T. (ODAG) (b) (6)
Sent: Monday, June 1, 2020 6:15 PM
To: Weinsheimer, Bradley (ODAG) (b) (6)
Cc: Hughes, William C. (ODAG) (b) (6); Hamilton, Gene (OAG)
(b) (6)
Subject: ODAG memo for DHS (b)(7)(E) per DHS

Brad,
Attached is the DAG memo for review and approval.

Thanks,
Toni



U.S. Department of Justice
United States Marshals Service
Tactical Operations Division

Washington, D.C. 20530-0001

June 1, 2020

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Andrew Smith *Heather Walker*
Assistant Director

SUBJECT: Special Deputation Request

PURPOSE: To obtain the Deputy Attorney General's approval or disapproval for a Special Deputation request from the Department of Homeland Security (DHS).

CATEGORY: This is a Category 5 request for Special Deputation.

TIMETABLE: Expedite

SYNOPSIS: Special Deputation is requested by DHS to grant federal law enforcement authority to over ^{(b)(7)(E) per DHS} DHS law enforcement personnel in Washington, D.C.

DISCUSSION: To increase the law enforcement presence and secure federal buildings in Washington D.C. throughout the current civil unrest, DHS has requested deputizing over ^{(b)(7)(E) per DHS} law enforcement personnel. The personnel deputized would originate from three DHS component agencies: Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and Transportation Security Administration (TSA).

The law enforcement authorities granted to the personnel would be the following:

- Valid to detain and make arrests under Title 18 authority
- Valid to protect and defend U.S. federal government buildings and personnel during a civil disturbance
- Valid only 6/1/2020 – 6/30/2020

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL
SUBJECT: Special Deputation Request

Their limitations would be:

- Not authorized to participate in federal drug investigations unless deputized by DEA or FBI
- Not valid off duty

Due to the large size of this Special Deputation cohort, no additional documentation is included with this request as per usual procedure. However, all personnel have qualified with their primary issued firearm and none are under internal investigation. All have the training and experience the US Marshals Service deems necessary for carrying out the law enforcement duties that would be granted through Special Deputation.

Pursuant to the Deputy Attorney General's memorandum dated December 9, 1999, the Deputy Attorney General retains authority in seven categories of Special Deputations. This request falls within Category 5, where the deputation is for the purpose of granting federal law enforcement authority to a federal employee.

RECOMMENDATION: The U.S. Marshals Service recommends that the Deputy Attorney General approve this request for Special Deputation for a period of 30 days (June 1, 2020 through June 30, 2020). The law enforcement officers from DHS all meet the requirements for Special Deputation based on their law enforcement training and experience.

APPROVE: GERARD WEINSHEIMER Digitally signed by GERARD WEINSHEIMER Date: 2020.06.01 18:31:35 -04'00'

DISAPPROVE: _____

OTHER: _____

From: [Gannon, Curtis E. \(OLC\)](#)
To: [Escalona, Prim F. \(OLA\)](#); [Weinsheimer, Bradley \(ODAG\)](#); [Thiemann, Robyn L \(DEA\)](#); [Bissex, Rachel \(OAG\)](#)
Cc: [Bacon, Antoinette T. \(ODAG\)](#); [Hovakimian, Patrick \(ODAG\)](#); [Kupec, Kerri \(OPA\)](#); [Terwilliger, Zachary \(USAVAE\)](#); [Levi, William \(OAG\)](#)
Subject: RE: Delegations of authority
Date: Wednesday, June 3, 2020 12:52:33 PM
Attachments: [DAG Order re USMS.pdf](#)

There's another memo for USMS, though it was structured slightly differently. See attached.

From: Escalona, Prim F. (OLA) (b) (6)
Sent: Wednesday, June 3, 2020 12:49 PM
To: Weinsheimer, Bradley (ODAG) (b) (6); Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bissex, Rachel (OAG) (b) (6)
Cc: Gannon, Curtis E. (OLC) (b) (6); Bacon, Antoinette T. (ODAG) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: RE: Delegations of authority

Thanks, Brad. Are there similar memos for any of the other LEAs?

From: Weinsheimer, Bradley (ODAG) (b) (6)
Sent: Wednesday, June 3, 2020 12:46 PM
To: Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bissex, Rachel (OAG) (b) (6)
Cc: Gannon, Curtis E. (OLC) (b) (6); Escalona, Prim F. (OLA) (b) (6); Bacon, Antoinette T. (ODAG) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: RE: Delegations of authority

Here is the memo.

From: Thiemann, Robyn L (b)(6), (b)(7)(C) per DEA >
Sent: Wednesday, June 3, 2020 12:39 PM
To: Bissex, Rachel (OAG) (b) (6)
Cc: Gannon, Curtis E. (OLC) (b) (6); Escalona, Prim F. (OLA) (b) (6); Bacon, Antoinette T. (ODAG) (b) (6); Weinsheimer, Bradley (ODAG) (b) (6); Hovakimian, Patrick (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: Re: Delegations of authority

(b)(5) per DEA
[REDACTED]
[REDACTED]
[REDACTED]

On Jun 3, 2020, at 12:36 PM, Bissex, Rachel (OAG) (JMD) (b) (6) [REDACTED]
wrote:

Folks –

OLA is getting a ton of incoming on the delegation of authority memos to DEA and others because of recent articles. Curtis – can you please get whoever from OLC is appropriate to get information flowing to OLA and OPA on this? Pat – can you or your designee run this? Thank you.

Rachel P. Bissex
Deputy Chief of Staff & Counselor to the Attorney General

(b) (6) (desk)
(b) (6) (cell)



U. S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

ORDER NO.

AUTHORIZING THE DIRECTOR, UNITED STATES MARSHALS SERVICE
TO DEPLOY UNITED STATES MARSHALS IN RESPONSE TO
NATIONWIDE VIOLENT UNREST

By virtue of the powers vested in me as Deputy Attorney General, including the authorities and powers described in *In re Neagle*, 135 U.S. 1, 65 (1890), I hereby authorize the Director of the United States Marshals Service to take all reasonable and necessary actions, in response to nationwide violent unrest, to enforce federal criminal statutes and protect federal property and personnel. The Director shall, as appropriate, coordinate enforcement actions with federal, state, and local law enforcement authorities charged with enforcing any related offenses, or, with respect to assistance in the enforcement of federal statutes, to deputize federal, state, and local law enforcement officials as necessary and appropriate.

5-31-2020

Date

Jeffrey A. Rosen
Deputy Attorney General

From: [Weinsheimer, Bradley \(ODAG\)](#)
To: [Escalona, Prim F. \(OLA\)](#); [Bissex, Rachel \(OAG\)](#); [Gannon, Curtis E. \(OLC\)](#); [Hovakimian, Patrick \(ODAG\)](#)
Cc: [Thiemann, Robyn L \(DEA\)](#); [Bacon, Antoinette T. \(ODAG\)](#); [Kupec, Kerri \(OPA\)](#); [Terwilliger, Zachary \(USAVAE\)](#); [Levi, William \(OAG\)](#)
Subject: RE: Delegations of authority
Date: Wednesday, June 3, 2020 1:23:59 PM
Attachments: [DHS SPECIAL DEPUTATION CIVIL UNREST DC 6.1.2020-2.pdf](#)

USMS doesn't need it, they have full authority to keep the peace. DHS is a separate deputation (attached). Basically, their authority under the deputation is:

- Valid to detain and make arrests under Title 18 authority
- Valid to protect and defend U.S. federal government buildings and personnel during a civil disturbance
- Valid only 6/1/2020 – 6/30/2020

I would think we can say (b) (5)

From: Escalona, Prim F. (OLA) (b) (6)
Sent: Wednesday, June 3, 2020 1:07 PM
To: Weinsheimer, Bradley (ODAG) (b) (6); Bissex, Rachel (OAG) (b) (6); Gannon, Curtis E. (OLC) (b) (6); Hovakimian, Patrick (ODAG) (b) (6)
Cc: Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bacon, Antoinette T. (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: RE: Delegations of authority

These are two (of the over 40 questions that we've received):

In terms of DEA, what surveillance assets are they using and where? How many times has non-Title 21 authority been provided to DEA in the past (please list the dates/reasons)?

I know that operationally we likely (b) (5), but do we/can we (b) (5)? Also, can we confirm that there are similar memos for USMS and DHS? [We've been asked that exact question.]

Thanks!

From: Weinsheimer, Bradley (ODAG) (b) (6)
Sent: Wednesday, June 3, 2020 1:04 PM
To: Bissex, Rachel (OAG) (b) (6); Gannon, Curtis E. (OLC) (b) (6); Hovakimian, Patrick (ODAG) (b) (6)

Cc: Escalona, Prim F. (OLA) (b) (6); Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bacon, Antoinette T. (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: RE: Delegations of authority

Yes, also through the USMS deputization, with the same language.

From: Bissex, Rachel (OAG) (b) (6)
Sent: Wednesday, June 3, 2020 1:01 PM
To: Gannon, Curtis E. (OLC) (b) (6); Hovakimian, Patrick (ODAG) (b) (6)
Cc: Escalona, Prim F. (OLA) (b) (6); Weinsheimer, Bradley (ODAG) (b) (6); Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bacon, Antoinette T. (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: RE: Delegations of authority

Did we do delegations for DHS?

From: Gannon, Curtis E. (OLC) (b) (6)
Sent: Wednesday, June 3, 2020 12:57 PM
To: Hovakimian, Patrick (ODAG) (b) (6)
Cc: Escalona, Prim F. (OLA) (b) (6); Weinsheimer, Bradley (ODAG) (b) (6); Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bissex, Rachel (OAG) (b) (6); Bacon, Antoinette T. (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: RE: Delegations of authority

(b)(5) per OLC

From: Hovakimian, Patrick (ODAG) (b) (6)
Sent: Wednesday, June 3, 2020 12:56 PM
To: Gannon, Curtis E. (OLC) (b) (6)

Cc: Escalona, Prim F. (OLA) (b) (6); Weinsheimer, Bradley (ODAG) (b) (6); Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bissex, Rachel (OAG) (b) (6); Bacon, Antoinette T. (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: Re: Delegations of authority

Kerri and Prim - please let us know what you need.

On the press side, from my perspective, (b) (5). But I will let Kerri weigh in and make that call.

Note that the DEA memo was leaked and displayed in yesterday's BuzzFeed article.

Patrick Hovakimian
(b) (6)

On Jun 3, 2020, at 12:52 PM, Gannon, Curtis E. (OLC) (b) (6) wrote:

Duplicative Material, 23-cv-1207_20-01806_000011

From: [Weinsheimer, Bradley \(ODAG\)](#)
To: [Escalona, Prim F. \(OLA\)](#); [Bissex, Rachel \(OAG\)](#); [Gannon, Curtis E. \(OLC\)](#); [Hovakimian, Patrick \(ODAG\)](#)
Cc: [Thiemann, Robyn L \(DEA\)](#); [Bacon, Antoinette T. \(ODAG\)](#); [Kupec, Kerri \(OPA\)](#); [Terwilliger, Zachary \(USAVAE\)](#); [Levi, William \(OAG\)](#)
Subject: RE: Delegations of authority
Date: Wednesday, June 3, 2020 1:47:06 PM

I will leave it to OLC to explain the AG USMS memo. BOP and DHS (and any other USMS deputation) are the same:

- Valid to detain and make arrests under Title 18 authority
- Valid to protect and defend U.S. federal government buildings and personnel during a civil disturbance
- Valid only 6/1/2020 – 6/30/2020

This is consistent with other deputations in mass demonstration cases.

DEA has a separate statute that allows the AG to confer full federal law enforcement authority. As Curtis indicated, that memo:

cites and quotes the statutory provision, 21 U.S.C. § 878(a)(5), that allows the Attorney General to designate officers in DEA to perform law-enforcement duties that go beyond drug crimes. That designation authority has been delegated to ODAG. DEA sought and received authority, for a 14-day period, to enforce federal law with respect to “any federal crime committed as a result of protests over the death of George Floyd.”

From: Escalona, Prim F. (OLA) (b) (6)
Sent: Wednesday, June 3, 2020 1:38 PM
To: Weinsheimer, Bradley (ODAG) (b) (6); Bissex, Rachel (OAG) (b) (6); Gannon, Curtis E. (OLC) (b) (6); Hovakimian, Patrick (ODAG) (b) (6)
Cc: Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bacon, Antoinette T. (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary (USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)
Subject: RE: Delegations of authority

Okay. I'm confused (apologies). Can you please summarize the memos/authorities that we have given the LE components and DHS in response to the current situation? My understanding is that we have memos (of some type) for DEA, USMS, BOP, and DHS. Is that correct?

From: Weinsheimer, Bradley (ODAG) (b) (6)
Sent: Wednesday, June 3, 2020 1:24 PM
To: Escalona, Prim F. (OLA) (b) (6); Bissex, Rachel (OAG) (b) (6); Gannon, Curtis E. (OLC) (b) (6); Hovakimian, Patrick (ODAG) (b) (6)
Cc: Thiemann, Robyn L (DEA) (b)(6), (b)(7)(C) per DEA; Bacon, Antoinette T. (ODAG) (b) (6); Kupec, Kerri (OPA) (b) (6); Terwilliger, Zachary

(USAVAE) (b)(6), (b)(7)(C) per EOUSA; Levi, William (OAG) (b) (6)

Subject: RE: Delegations of authority

Duplicative Material, 23-cv-1207_20-01806_000014



U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

July 30, 2020

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Timothy J. Shea
Acting Administrator

SUBJECT: Drug Enforcement Administration (DEA) Request for Temporary Designation of Non-Title 21 Authority Pursuant to 21 U.S.C. § 878(a)(5)

PURPOSE: Approval of Temporary Designation of Non-Title 21 Law Enforcement Authority

TIME TABLE: Immediate

SYNOPSIS: The United States Marshal for the District of New Mexico (USMS) is preparing for a planned protest scheduled for 6:00 p.m. MDT on Friday, July 31, 2020, at the United States Courthouse in Albuquerque, New Mexico. In light of recent violent protests at federal properties on the West Coast, the USMS has requested DEA support, in the form of Special Agents, (b)(7)(E) per USMS [REDACTED]. Because the requested support involves enforcing federal criminal laws not related to drugs, DEA requires a grant of additional authority under 21 U.S.C. § 878(a)(5) in order to provide the requested assistance.

DISCUSSION: In preparation for a planned protest on Friday, July 31, 2020, at the U.S. Courthouse in Albuquerque, New Mexico, the USMS has requested that DEA provide Special Agents to assist the USMS (b)(7)(E) per USMS [REDACTED]. The El Paso Division would commit (b)(7)(E) per DEA [REDACTED] DEA Special Agents from the (b)(7)(E) per DEA [REDACTED] to assist the USMS. DEA personnel (b)(7)(E) per USMS [REDACTED]. They will be clearly identified as Federal Agents.

The USMS, Federal Protective Service, and FBIS WAT will have primary responsibility for responding (b)(7)(E) per USMS [REDACTED]. The Bernalillo County Sheriff's Office and the Albuquerque Police Department will respond to all external physical threats to the building. DEA will not have responsibility for "first line" interaction with any protesters; however, all (b)(7)(E) per [REDACTED] agents who would assist have completed the USMS tactical training course.

DEA investigative authority, as set forth in 28 C.F.R. § 0.100 and in the Controlled Substances Act, is limited to enforcing federal crimes related to drugs. The protection of the U.S courthouse in

Albuquerque does not fall within the investigative authority granted to DEA. Accordingly, DEA requests authority to perform any and all federal law enforcement duties, including enforcing federal criminal laws not related to drugs, as may become necessary to assist the USMS in protecting this federal property in this specific city this weekend. This authority is requested for Friday, July 31, 2020, through Sunday, August 2, 2020.

AUTHORITY: The Attorney General has the authority to assign non-Title 21 enforcement duties to the DEA under 21 U.S.C. § 878(a)(5), which provides, in pertinent part, that the Attorney General may authorize any officer or employee of the DEA to “perform such other law enforcement duties as the Attorney General may designate.” This authority has been delegated to the Deputy Attorney General by 28 CFR § 0.15.

RECOMMENDATION: I hereby certify that this temporary delegation of non-Title 21 law enforcement authority is necessary for the conduct of the activity to which it relates and that the activity is necessary for the public safety and welfare. Therefore, your authorization and approval of the described operation is requested.

APPROVE: _____

Concurring Components
USMS

DISAPPROVE: _____

Non-concurring Components
None

OTHER: _____

DATE: _____



U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Timothy J. Shea
Acting Administrator

SUBJECT: Drug Enforcement Administration (DEA) Request for Temporary Designation of Non-Title 21 Authority Pursuant to 21 U.S.C. § 878(a)(5)

PURPOSE: Approval of Temporary Designation of Non-Title 21 Law Enforcement Authority

TIME TABLE: Immediate

SYNOPSIS: The United States Marshals Service (USMS) (b)(7)(E) per USMS

(b)(7)(E) per USMS, for the purpose of causing damage this weekend. The USMS has requested DEA support, in the form of Special Agents and cameras, to provide (b)(7)(E) per USMS. Because the requested support involves enforcing federal criminal laws not related to drugs, DEA requires a grant of additional authority under 21 U.S.C. § 878(a)(5) in order to provide the requested assistance.

DISCUSSION: The USMS (b)(7)(E) per USMS

(b)(7)(E) per USMS this weekend. The U.S. Marshals with oversight responsibility for these cities have requested that DEA provide Special Agents to assist USMS personnel in providing (b)(7)(E) per USMS. They have also requested that DEA loan them cameras which the USMS (b)(7)(E) per USMS. The loaned cameras will be deployed and operated by USMS personnel, and DEA will not be provided any footage from the cameras.

DEA investigative authority, as set forth in 28 C.F.R. § 0.100 and in the Controlled Substances Act, is limited to enforcing Federal crimes related to drugs. The protection of Federal property does not fall within this investigative authority granted to DEA. Accordingly, DEA requests authority to perform any and all federal law enforcement duties, including enforcing federal criminal laws not related to drugs, as may become necessary to assist the USMS in protecting federal property in the specified cities this weekend.

AUTHORITY: The Attorney General has the authority to assign non-Title 21 enforcement duties to the DEA under 21 U.S.C. § 878(a)(5), which provides, in pertinent part, that the Attorney General may authorize any officer or employee of the DEA to “perform such other law enforcement duties as

the Attorney General may designate.” This authority has been delegated to the Deputy Attorney General by 28 CFR § 0.15.

RECOMMENDATION: I hereby certify that this temporary delegation of non-Title 21 law enforcement authority is necessary for the conduct of the activity to which it relates and that the activity is necessary for the public safety and welfare. Therefore, your authorization and approval of the described operation is requested. The temporary delegation of non-Title 21 law enforcement authority will be effective from July 24, 2020 through July 27, 2020.

APPROVE: _____

Concurring Components
USMS

DISAPPROVE: _____

Non-concurring Components
None

OTHER: _____

DATE: _____