

EXPEDITED PROCESSING REQUESTED

FOIA/PA Mail Referral Unit
Justice Management Division
Department of Justice
950 Pennsylvania Avenue NW.
Washington, DC 20530-0001

VIA EMAIL TO: MRUFOIA.Requests@usdoj.gov

June 3, 2020

**Re: Urgent Freedom of Information Act Request Related to Identity of
Armed Paramilitary Groups, Some Claiming Employment by the
Department of Justice**

Dear Information Officer:

I am writing to request information pursuant to 5 U.S.C. § 552(a)(3), the Freedom of Information Act. I am requesting expedited processing of this request under 5 U.S.C. § 552(a)(6)(E)(i)(I) and 28 C.F.R. §§ 16.5(e)(1)(ii) & (iv) because there exists both an urgency to inform the public about the relationship between a group of armed, unidentified individuals (pictured below) and the Department of Justice (DOJ), and there exists widespread and exceptional media attention, arousing questions of government integrity, as these groups patrol the capital without identification. The personnel depicted in Figure 1 claim to work for the Department of Justice. The personnel depicted in Figures 2 and 3 refused to identify any agency whatsoever.

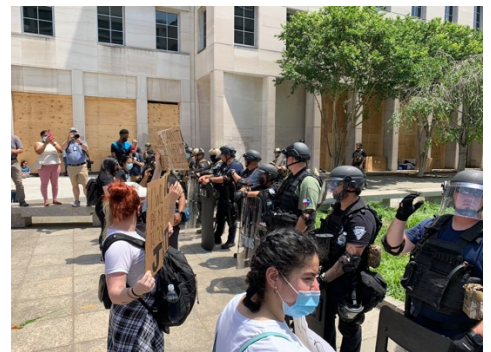
Figure 1



Figure 2



Figure 3



Background

In late May, anti-racism protests across the nation broke out in response to the police killing of an unarmed, handcuffed, black man, George Floyd, in Minneapolis, Minnesota. On May 29th, in response to reports that some protesters were looting private businesses, the President tweeted “when the shooting starts, the looting starts.”¹ On June 1st, the President announced from the Rose Garden that he is sending federal resources to help the nation’s capital suppress violent protests.² Before making this announcement, law enforcement officers used tear gas, and rubber bullets to clear the area.³ That same evening, Justice Department spokeswoman Kerri Kupec asserted the department would utilize all the department’s components to quell protests in the district.⁴

Then, on June 2nd, an armed group, wearing tactical gear and fatigues, but no uniforms or insignias, patrolling the area outside the Department of Justice building in D.C., refused to identify themselves specifically, but told a reporter with Mother Jones that they worked for the Department of Justice.⁵ This is the group depicted in Figure 1 above. A full-size version of Figure 1 is reproduced below.

¹ Donald J. Trump (@realDonaldTrump) Twitter (May 29, 2020, 12:53 AM), <https://twitter.com/realDonaldTrump/status/1266231100780744704>

² David Jackson & Michael Collins, *Calling violent protests ‘acts of domestic terror,’ Trump says he’ll send in military if they aren’t controlled*, USA Today (Jun. 1, 2020 9:09 PM), [shorturl.at/ajDRT](https://www.usatoday.com/story/news/politics/2020/06/01/trump-says-he-ll-send-in-military-if-they-arent-controlled/5244447002)

³ *Id.*

⁴ Matt Zapposky, *Trump threatens military action to quell protests, and the law would let him do it*, The Washington Post (Jun. 1, 2020 10:31 PM), [shorturl.at/ELYZ8](https://www.washingtonpost.com/news/energy-environment/wp/2020/06/01/trump-threatens-military-action-to-quell-protests-and-the-law-would-let-him-do-it/)

⁵ Dan Friedman (@dfriedman33) Twitter (Jun. 2, 2020, 5:48 PM), <https://twitter.com/dfriedman33/status/1267936203522932738> ; see also Ryan J. Reilly, Elise Foley, Jessica Schulber, & Philip Lewis, *Trump called in the military to scare anti-racist protestors. They showed up anyway*, Huff Post (Jun. 3, 2020 12:13 AM), [shorturl.at/psvOV](https://www.huffpost.com/entry/trump-called-in-the-military-to-scare-anti-racist-protestors-n610100)



Members of the media have expressed concerns that the White House and DOJ are employing private mercenaries in attempt to suppress recent protests.⁶ Reporters have further noted that “[s]ecurity services that refuse to disclose their full affiliation are not a typical feature of liberal democracies.”⁷ An MSNBC reporter pointed out that the DOJ has no generic police force.⁸

In a similar incident, armed but unidentified personnel were observed near the White House on June 3, 2020, but these refused to identify themselves in any manner whatsoever.⁹ These are depicted in Figures 2 and 3. Full-size versions of Figures 2 and 3 are reproduced below.

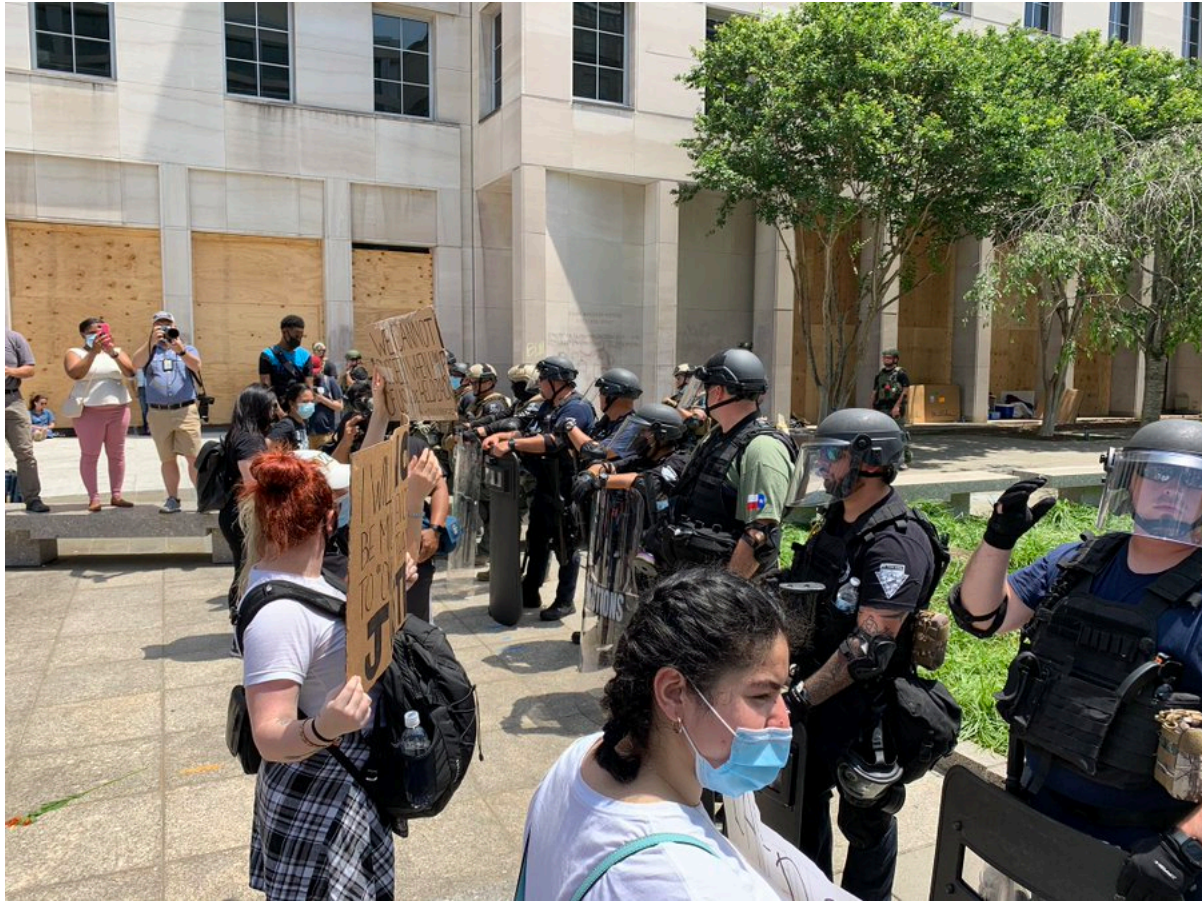
⁶ Joe Lockhart (@joelockhart) Twitter (Jun. 2, 7:02 PM), <https://twitter.com/joelockhart/status/1267954657948839937>

⁷ Eric Geller (@ericgeller) Twitter (Jun. 2, 2020 6:45 PM), <https://twitter.com/ericgeller/status/1267950370103296000>

⁸ Matthew Miller (@matthewmiller) Twitter (Jun. 2, 2020 7:25 PM), <https://twitter.com/matthewamiller/status/1267960573985202179>

⁹ Garrett Haake (@garretthaake) Twitter (June 3, 2020 1:31 PM), <https://twitter.com/GarrettHaake/status/1268233764070731778>.





At present, it is not known whether these armed personnel are law enforcement or military personnel of any type; private military contractors; or simply armed private citizens acting without government authority. Nor is it known, if they are somehow lawfully authorized to perform any law enforcement or security functions, under which agency and which authority.

Of note, one individual pictured in Figure 3 wears a left arm patch apparently labeled “MCC Chicago.” Also, the Washington, D.C. Metropolitan Police Department has stated: “The officers in the video are not members of our agency. They appear to be with Federal Law Enforcement.”¹⁰

The public has a serious interest in the identification of law enforcement officials who may be tasked with controlling protests, especially in light of numerous reports of officials using violent tactics in the containment of even peaceful protestors.¹¹

¹⁰ DC Police Department (@DCPoliceDept), Twitter (June 3, 2020 2:36 PM), <https://twitter.com/DCPoliceDept/status/1268250207105495042>.

¹¹ See Reilly, *supra* note 5.

Conversely, if these are simply armed private citizens whose “orders” carry no legal force, the public has the right to know that too.

I. Requested materials

To facilitate expedited processing, we have narrowly tailored this request. However, because the individuals in Figure 1 refused to identify for which component of the Department of Justice they work, and the individuals in Figures 2 and 3 refused to identify their agency (if any) in any manner whatsoever, we are forced to send this request to the Mail Referral Unit. We also request that, once the unit identifies an appropriate component to forward this request to, that we be notified to which component the request was forwarded. We further request any communications or documents, whether in the possession of the government, on government servers or devices or in the possession of individuals or on private or personal servers or devices, from all DOJ components from May 25, 2020 to the present, including:

1. Any communications, notes, or documents created, sent, received, or possessed by uniformed or civilian personnel of any DOJ component, including but not limited to Attorney General William Barr, pertaining to the identities of the groups in Washington, D.C. pictured in Figures 1, 2, or 3 above.
2. Any communications, notes, or documents created, sent, received, or possessed by uniformed or civilian personnel of any DOJ component containing discussions of, or otherwise mentioning or pertaining to, the reasons or lawful authority underlying the deployment of the groups in Washington, D.C. pictured in Figures 1, 2, or 3 above.

We ask that, in addition to reviewing all the materials that the Department would normally search in response to a FOIA request, the Department conduct a thorough search of government, private, and personal devices to ensure that email communication that may be retrieved from a computer or laptop used by the Department or its staff in conducting government or government-related communications is reviewed and included in the response.

II. Grounds for expedited review

We request that the Department of Justice process this request via the expedited review process outlined at 5 U.S.C. § 552(a)(6)(E)(i)(I) and in the Department’s own regulations at 28 C.F.R. § 16.5(e)(1)(ii) because the information is urgently needed by Free Speech For People, an organization engaged in disseminating information in order to inform the public concerning actual or alleged government activity, in concert with our mission of challenging governmental abuse of power. The information is also urgently needed under 28 C.F.R. § 16.5(e)(1)(iv) because it is the

subject of exceptional, widespread media attention regarding the integrity of the Department of Justice and the public's trust in the institution.

Free Speech For People is a national non-partisan, non-profit 501(c)(3) organization that works to restore republican democracy to the people. Free Speech For People's thousands of supporters around the country engage in education and non-partisan advocacy to encourage and support effective government of, by, and for the American people. One of our 3 core areas of work is gathering and broadly disseminating information to the public via our website and social media platforms such as Twitter (@FSFP) and Facebook (FreeSpeech4People).

Free Speech For People also routinely gathers and reviews documents and provides legal analysis to the public as well as members of the press. In addition, our staff have contributed to major national and important regional publications such as the Washington Post, TIME, Newsweek, U.S. News and World Report, and the Boston Globe. On November 2, 2017 the Department of Homeland Security granted expedited processing of a FOIA request that we submitted (No. 2018-HQFO-00129) based on a regulatory standard similar to that of the Department of Justice.¹²

Free Speech For People intends to inform public understanding on the operations and activities of the federal government with respect to any Department of Justice communications regarding the deployment of this unidentified, paramilitary group in Washington, D.C. by giving access to the public any documents transmitted to us via our FOIA request on Free Speech For People's website. Free Speech For People will broadly disseminate this information to its broad audience and the public, including members of the press, with a legal analysis and assessment of the communications, documents, and their implications in order to significantly contribute to public understanding of the emerging controversy concerning the groups the DOJ is employing in its effort to quash anti-racism protests in Washington, D.C.

There exists an "urgency to inform" the public on this matter because video footage is surfacing of law enforcement officials across the nation using excessive force against even peaceful protestors.¹³ Protesters subject to unlawful, excessive force must be able to hold officials employing such force accountable in the event of

¹² See 6 C.F.R. § 5.5(e).

¹³ Catherine Kim, *Images of police using violence against peaceful protestors are going viral*, Vox, (May 31, 2020 10:50 AM), [shorturl.at/hpCLR](https://www.vox.com/2020/5/31/21561111/police-violence-protestors)

serious injury, but if these officials are unidentifiable and the body governing their conduct is too, this may prove impossible.

Moreover, the possibility that the DOJ is employing unidentifiable, armed, paramilitary units to contain anti-racism protestors in D.C. threatens to sow distrust in the Department as members of the media are currently questioning the identity of these individuals, discussing their relationship with the Department, and speculating that they may be private mercenaries.¹⁴

I hereby certify that the statements made above are true and correct to the best of my knowledge, and I request that the Department of Justice consider this information in reviewing our request.

III. Request for fee waiver

Free Speech For People is a non-partisan, non-profit organization and seeks a fee waiver or reduction under 28 C.F.R. § 16.10(k). Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government. In particular, as outlined above, members of the media and others on Twitter and elsewhere are currently questioning the methods the Department of Justice is using to quash anti-racism protests. This disclosure will contribute to the understanding of a reasonably broad audience of persons interested in the subject because Free Speech For People intends to make information disclosed available to the public at no cost. Finally, Free Speech For People is a 501(c)(3) nonprofit and has no commercial interest that would be furthered by the requested disclosure.

If the fee waiver or reduction is denied, I hereby authorize expenditure of up to \$100 in search, processing, and other production costs, with a request that production be

¹⁴ See Dan Friedman (@dfriedman33) Twitter (Jun. 2, 2020, 5:48 PM), <https://twitter.com/dfriedman33/status/1267936203522932738> ; see also Joe Lockhart (@joelockhart) Twitter (Jun. 2, 7:02 PM), <https://twitter.com/joelockhart/status/1267954657948839937> ; see also Ryan J. Reilly, Elise Foley, Jessica Schulber, & Philip Lewis, *Trump called in the military to scare anti-racist protestors. They showed up anyway*, Huff Post, (Jun. 3, 2020 12:13 AM), [shorturl.at/duD49](https://www.huffpost.com/entry/shorturl.at/duD49)

made electronically. If costs exceed \$100, please contact me for further authorization.

Please do not hesitate to contact me with any questions regarding this request. Thank you for your consideration and prompt response we will expect a response regarding expedited processing as soon as possible and no later than 10 calendar days from today.

Sincerely,

Ronald A. Fein
Legal Director,
Free Speech For People
617-244-0234
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