

Congress of the United States
Washington, DC 20510

October 22, 2020

The Honorable Donald Washington
Director
U.S. Marshals Service
United States Department of Justice
Washington, D.C. 20530

Dear Director Washington:

We write to request further information regarding the recent special deputation of state and local law enforcement officers in Oregon. Last month, a number of Portland Police Bureau and other local law enforcement officers took a special federal deputation oath of office to the United States Marshals Service (USMS) in response to protests and demonstrations, citing federal arrest authority granted by Title 18 of the United States Code.

Despite the temporary nature of the public safety emergency caused by a planned right wing extremist rally, which we understand prompted the deputations, it has come to light that the Department of Justice (DOJ) intends to keep the deputations in force through the remainder of this year. We understand that the City of Portland has expressed desire to terminate the federal deputation of Portland Police Bureau employees and has formally withdrawn its consent for officers to continue serving in any federal capacity, but that you have refused to end the designation as requested by local law enforcement and city authorities.

This echoes a troubling history of DOJ over-reach into local law enforcement policies and practices that led to heightened tensions in recent months between protesters and members of law enforcement. Numerous reports have indicated that a primary purpose of the deputations is to circumvent the duly-elected Multnomah County District Attorney, and enable federal prosecutors to bring charges for what otherwise would be charged under the Oregon Revised Statutes and decided at a local level.

The importance of transparency in response to continued federal involvement in local jurisdictional matters cannot be overstated. We seek urgent clarification of the reasons for deputation, and particularly why the USMS and DOJ have maintained the deputations, contrary to the explicit requests of local authorities. To address these concerns, please provide information on the following:

1. Please provide the reasoning for the recent deputations of local law enforcement officers in Oregon, including all supporting documentation and memoranda that led to this determination.
2. How many city or state law enforcement officers in Oregon do you consider to be federally deputized as of the date of receipt of this letter?
3. Please outline the scope and limitations of the deputations. For example, the Special Deputation Appointment language on the Special Deputation Oath of Office outlines the authority to make arrests under Title 18 authority with no apparent restrictions on these arrests.
4. The Special Deputation Appointment language stipulates that the authority does not extend to federal drug enforcement activity, unless also deputized by the Federal Bureau

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of Investigation or the Drug Enforcement Agency. To your knowledge, have these agencies cross-deputized local law enforcement officers in conjunction with this specific mission?

5. Has the USMS expanded the scope or authority of the deputations at any point for purposes beyond protecting the federal courthouse? Are there contingency plans in place to expand the scope or authority of the deputations and if so, in what circumstances?
6. What training does USMS provide to local law enforcement officers about the scope, responsibilities, and other operational details of their deputation?
7. In light of the explicitly stated preference of local authorities to end the deputations, why has the USMS and DOJ refused this request? In your view, what authority does the DOJ have to continue the deputations of local law enforcement officers against the wishes of relevant local authorities?
8. What kind of coordination, if any, is the USMS engaged in with the Portland Police Bureau, the Oregon State Police, the Multnomah County Sheriff's office, the Portland Mayor's office, and the Office of Governor Brown in relation to the deputations?
9. What coordination has USMS had with Attorney General William Barr, or Department of Justice staff acting on his behalf, in relation to these deputations?
10. What coordination has USMS had with the White House in relation to these deputations?

Kindly provide responses to the above questions within 10 days of receipt of this letter. If you have any questions or to schedule a briefing in conjunction with your written responses, please contact Tara Stutsman at tara_stutsman@merkley.senate.gov.

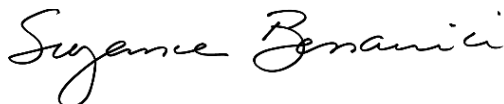
Sincerely,



Jeffrey A. Merkley
United States Senator



Ron Wyden
United States Senator



Suzanne Bonamici
Member of Congress



Earl Blumenauer
Member of Congress