

United States Senate

June 2, 2020

Sean O'Donnell
Acting Department of Defense Inspector General
Office of Inspector General
U.S. Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Mr. O'Donnell:

I am writing, as a member of the Senate Armed Services Committee, to seek an investigation of the involvement of civilian and military Department of Defense (DoD) personnel in suppressing peaceful domestic protests in response to the unjust killing of George Floyd by a Minneapolis police officer on May 25, 2020. I am specifically concerned about defense personnel involvement in last night's night incident outside the White House in which "federal law enforcement officers fired rubber bullets and chemical gas at peaceful protesters."¹ This "ambush" of American citizens who were protesting the killing of Mr. Floyd was created to allow the President to partake in a blatantly political photo opportunity that included DoD Secretary Mark T. Esper and General Mark A. Milley, the Chairman of the Joint Chiefs of Staff.²

Prior to this attack, President Trump in a call with governors, "intensified his rhetoric about using military forces to 'dominate' protesters and wished aloud there was an 'occupying force' in cities across America."³ During his speech before the nation, he warned that he would send "thousands and thousands of heavily armed soldiers [and] military personnel" in response to the protests in Washington D.C., and threatened other cities with the same treatment.⁴ Earlier in the day, Secretary Esper reportedly urged governors to "dominate the battlespace" in response to peaceful protests in American cities.⁵ The president further said that he had placed General Milley "in charge," despite the fact that as Chairman of the Joint Chiefs he has no operational

¹ Washington Post, "Before Trump vows to end 'lawlessness,' federal officers confront protesters outside White House," June 2, 2020, https://www.washingtonpost.com/local/washington-dc-protest-white-house-george-floyd/2020/06/01/6b193d1c-a3c9-11ea-bb20-ebf0921f3bbd_story.html.

² *Id.*

³ CNN, "Pentagon officials express concern as Trump threatens to use military to 'dominate' protesters," June 1, 2020, <https://www.cnn.com/2020/06/01/politics/troops-deploying-washington-dc/index.html>.

⁴ NBC News, Trump says he will deploy military if state officials can't contain protest violence, June 1, 2020, <https://www.nbcnews.com/politics/white-house/trump-considering-move-invoke-insurrection-act-n1221326>.

⁵ Military Times, "Esper encourages governors to 'dominate the battlespace' to put down nationwide protests," June 2, 2020, <https://www.militarytimes.com/news/your-military/2020/06/01/secdef-encourages-governors-to-dominate-the-battlespace-to-put-down-nationwide-protests/>.

authority and is not in the formal chain of command.⁶ Later that evening, using a “show of force” that is “often conducted by low flying jets in combat zones to scare away insurgents,” a “Lakota helicopter with U.S. Army markings descended to rooftop level, kicking up dirt, debris and snapping trees that narrowly missed several people.”⁷

These attacks on peaceful American protesters steps from the White House were sickening and appalling. And the potential role of DoD civilian and military leadership in ordering these attacks and then participating in an political propaganda event with the President raises profound and troubling questions about whether the President “understand[s] either his role as commander in chief or the role of the military that is sworn to protect the Constitution from all enemies,” and about the response of DoD civilian and military leadership to this lack of understanding, which risks further eroding the apolitical nature of our uniformed military.⁸

To address these questions, I am requesting that you conduct an immediate investigation of the role of DoD civilian and military officials in the attack on peaceful protesters and the response to the nationwide protests that began in May 2020. This investigation should address the following questions:

1. To what extent were DoD personnel involved in the attack on peaceful protesters in Lafayette Square on the evening of June 1, 2020? If they were involved:
 - a. What was the exact scope and nature of their involvement?
 - b. What specific units have been tasked to respond, and under what authority? If deployed forces are National Guard, under what type of orders have they been activated?
 - c. Which officials gave orders to these personnel?
 - d. Which civilian and military personnel were involved in the planning for their deployment?
 - e. What rules of engagement were being followed? Were service members authorized to use lethal force?

2. To what extent were and are DoD personnel involved in responding to ongoing protests in other locations in Washington D.C.? If they were or are involved:
 - a. What is the exact scope and nature of their involvement?
 - b. What specific units have been tasked to respond, and under what authority? If deployed forces are National Guard, under what type of orders have they been activated?
 - c. Which officials are providing orders to these personnel?

⁶ Stars and Stripes, “Trump urges governors to use National Guard to 'dominate;' says Gen. Milley’s in charge,” June 2, 2020, <https://www.stripes.com/news/us/trump-urges-governors-to-use-national-guard-to-dominate-says-gen-milley-s-in-charge-1.632069>.

⁷ New York Times, “Military helicopter uses ‘show of force’ on protesters,” June 1, 2020, <https://www.nytimes.com/live/2020/george-floyd-protests-today-06-01?action=click&module=Spotlight&pgtype=Homepage#military-helicopter-uses-show-of-force-on-protesters>.

⁸ New York Times, “Former Commanders Fault Trump’s Use of Troops Against Protesters,” June 2, 2020, <https://www.nytimes.com/2020/06/02/us/politics/military-national-guard-trump-protests.html>.

- d. Which civilian and military personnel were involved in the planning for their deployment?
 - e. What rules of engagement are being followed? Are service members authorized to use lethal force?
 - f. Why was the use of low-flying helicopters in a “show of force” in the middle of an American city authorized, and what were the risks to civilians and to military personnel from this activity?
 - g. To what extent are military authorities coordinating with federal and local law enforcement?
3. To what extent were and are DoD personnel involved in responding to ongoing protests in other cities throughout the country?
 - a. What is the exact scope and nature of their involvement?
 - b. What specific units have been tasked to respond, and under what authority? If deployed forces are National Guard, under what type of orders have they been activated?
 - c. Which officials are providing orders to these personnel?
 - d. Which civilian and military personnel were involved in the planning for their deployment?
 - e. What rules of engagement are being followed? Are service members authorized to use lethal force?
 - f. To what extent are military authorities coordinating with federal and local law enforcement?
 4. What training have military personnel deployed to respond to protests around the country received to prepare them for their assigned mission? Have they received implicit bias or de-escalation training?
 5. What was the specific role of Secretary Esper and Joint Chiefs Chairman Milley in the events at the White House and in Lafayette Square?
 - a. Why did they join the President in his photo opportunity at St. John’s Church?
 - b. Was there a legitimate military or law enforcement reason for their attendance at this photo opportunity?
 6. What is the role of General Milley in responding to protests nationwide?

Thank you for your attention to this request.

Sincerely,



Elizabeth Warren
United States Senator