

The DEA Has Been Given Permission To Investigate People Protesting George Floyd's Death

The Justice Department gave the agency the temporary power "to enforce any federal crime committed as a result of the protests over the death of George Floyd."

By Jason Leopold and Anthony Cormier

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Demonstrators raise their fists as they gather on June 2 in St. Paul, Minnesota.

Chandan Khanna / Getty Images

The Drug Enforcement Administration has been granted sweeping

~~new authority to "conduct covert surveillance" and collect~~

~~intelligence on people participating in protests over the police killing.~~

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of George Floyd, according to a two-page memorandum obtained by BuzzFeed News.

Floyd's death "has spawned widespread protests across the nation, which, in some instances, have included violence and looting," the DEA memo says. "Police agencies in certain areas of the country have struggled to maintain and/or restore order." The memo requests the extraordinary powers on a temporary basis, and on Sunday afternoon a senior Justice Department official signed off.

Attorney General William Barr issued a statement Saturday following a night of widespread and at times violent protests in which he blamed, without providing evidence, "anarchistic and far left extremists, using Antifa-like tactics," for the unrest. He said the FBI, DEA, US Marshals, and the Bureau of Alcohol, Tobacco, Firearms and Explosives would be "deployed to support local efforts to enforce federal law."

Barr did not say what those agencies would do, however.

The DEA is limited by statute to enforcing drug-related federal crimes. But on Sunday, Timothy Shea, a former US attorney and close confidant of Barr's who was named acting administrator of the DEA last month, received approval from Associate Deputy Attorney General Bradley Weinsheimer to go beyond the agency's mandate "to perform other law enforcement duties" that Barr may "deem appropriate."

Citing the protests, Shea laid out an argument for why the agency should be granted extraordinary latitude.

"In order for DEA to assist to the maximum extent possible in the federal law enforcement response to protests which devolve into violations of federal law, DEA requests that it be designated to

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death of George Floyd,” Shea wrote in the memo. “DEA requests this authority on a nationwide basis for a period of fourteen days.”

A spokesperson for the DEA declined to comment.

“Drug enforcement agents should not be conducting covert surveillance of protests and First Amendment protected speech,” said Hugh Handeyside, a senior attorney for the ACLU. “That kind of monitoring and information sharing may well constitute unwarranted investigation of people exercising their constitutional rights to seek justice. The executive branch continues to run headlong in the wrong direction.”

Three DEA sources told BuzzFeed News they are troubled by the memo and see it as an example of the Justice Department potentially abusing its power in an attempt to smear the protests and crack down on protected First Amendment activity.

The sources requested anonymity because they are not authorized to speak with the media.

In addition to “covert surveillance,” the memo indicates that DEA agents would be authorized to share intelligence with local and state law enforcement authorities, to “intervene” to “protect both participants and spectators in the protests,” and to conduct interviews and searches, and arrest protesters who are alleged to have violated federal law.

A day after Shea’s memo was approved, President Trump said he is “mobilizing all available federal resources — civilian and military — to stop the rioting and looting, to end the destruction and arson, and to protect the rights of law-abiding Americans, including your Second Amendment rights.”

Under the Insurrection Act, the president has the authority to deploy the US military for domestic purposes. It has not been employed since 1992, when troops were sent in during the Los Angeles riots.

There is a long history of federal agencies infiltrating and surveilling protest groups. During the protests in Baltimore in 2015 over the death of Freddie Gray, who died in police custody, the Department of Homeland Security monitored Twitter and other social media platforms for "intelligence" on the protesters. In Ferguson, Missouri, during the 2014 protests over Michael's Brown's killing by a white police officer, DHS planned to "plug" federal officers into protests to conduct surveillance and collect intelligence. And the FBI conducted extensive monitoring and surveillance of the Occupy Wall Street protest movement that began in 2011.

It's unknown if the ATF, FBI, or other federal law enforcement agencies have been granted the same authority as the DEA.

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