

United States Senate

WASHINGTON, DC 20510

August 5, 2020

VIA ELECTRONIC DELIVERY

The Honorable William Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20529

The Honorable Chad Wolf
Acting Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20529

Dear Attorney General Barr and Acting Secretary Wolf:

We write to express our concern regarding the assignment of law enforcement personnel from the U.S. Department of Homeland Security, U.S. Immigration Customs Enforcement (ICE) Homeland Security Investigations (HSI) component as part of the U.S. Department of Justice's (DOJ) expansion of the ongoing Operation LeGenD effort to support State and local law enforcement investigations into violent crime.

While we appreciate DOJ components, such as the Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Administration (DEA) and the U.S. Marshals Service, increasing the level of assistance provided to support the City of Chicago's violent crime reduction initiatives, we are troubled by reports that DOJ law enforcement resources will be supplemented by DHS ICE HSI. We are concerned that the activities and behavior of HSI personnel may jeopardize the mission and undermine intergovernmental coordination.

Accordingly, we are seeking confirmation that HSI personnel assigned to support Operation LeGenD will be under the operational control of DOJ and report directly to DOJ officials to make sure all activities directly relate to violent crime reduction operations and prevent DHS ICE HSI agents from engaging in harmful missions that divert law enforcement resources away from investigating violent criminal felony activity. Please provide the following information:

- A copy of the memorandum of agreement or understanding between DOJ and DHS that establishes the policies and procedures that will govern how DHS ICE HSI personnel assist DOJ in carrying out Operation LeGenD;
- A copy of the training materials and description of the education that the Office of the United States Attorney for the Northern District of Illinois is, or will be, providing to DHS personnel on constitutional rights, what constitutes a lawful arrest and other topics;

- A description of how Operation LeGenD will stringently enforce firearm laws and hold Federal Firearms License (FFL) Dealers accountable for preventing unlawful sales and identifying probable straw purchasers;
- A description of how Operation LeGenD will work with Federal and State law enforcement partners in neighboring States to stop the interstate importation of firearms into the City of Chicago from States such as Indiana;
- Confirm the number of DHS ICE HSI agents and additional Federal law enforcement and personnel assigned to Operation LeGenD in the City of Chicago; and
- Confirm that Operation LeGenD activities are solely focused on supporting local law enforcement efforts to reduce violent crime by helping to investigate matters related to Federal criminal violations, prosecuting Federal criminal offenses and stemming the flow of firearms into the hands of dangerous individuals.

Since the majority of firearms used in violent crimes carried out in the City of Chicago are from out-of-State, there is a proper and needed role for Federal law enforcement to better stop the illicit purchasing and trafficking of firearms to criminal organizations. Furthermore, gun trace data indicates that FFL Dealers in and outside of Illinois are failing to protect their communities by executing irresponsible firearm sales. If the investigations under this operation determine that such reckless firearm sales are lawful, then we demand that DOJ provide Congress with specific legislative requests to strengthen firearm laws.

We are also concerned by the possibility that DHS will decide to send Federal Protective Service (FPS) agents, and other DHS personnel designated to support FPS and its mission, to the City of Chicago to protect Federal property. We ask that, in the event that DHS assigns such personnel to the City of Chicago, that it inform us immediately of the assignment and provide us a copy of the order assigning such personnel and any order cross-designating employees from other DHS components to FPS. So that we can better understand the circumstances of DHS's assignment of such agents to Portland, Oregon, we also ask that you provide us with a copy of the assignment and cross-designation orders associated with DHS's decision to send personnel to the City of Portland.

We look forward to your prompt response to this urgent matter.

Sincerely,



Tammy Duckworth
United States Senator



Richard J. Durbin
United States Senator