

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951
judiciary.house.gov

April 27, 2022

The Honorable Merrick B. Garland
Attorney General
Department of Justice
Washington, DC 20530

Dear Attorney General Garland:

We write to request that the Department of Justice preserve all records relating to the Department's disciplinary and personnel actions against Deputy U.S. Marshals (DUSMs) who defended federal property in Portland, Oregon, from left-wing rioters in summer 2020. According to news reports, the Department has declined to pay for legal counsel as these DUSMs defend themselves in civil suits related to Antifa attacks on the federal courthouse in Portland.¹ After Congress expressed concern about the Department's decision, several Senators led by Senator Cotton say that the Department is retaliating against three of the DUSMs, placing them on limited duty and informing them—for the first time—that they are under investigation for their actions in Portland.² The Senators note that these personnel actions come almost two years after the Antifa riots, and despite the DUSMs receiving Department recognition and positive performance reviews for their defense of federal property in Portland.³

The Committee on the Judiciary has jurisdiction over the Department of Justice and federal law-enforcement matters. These allegations about retaliation against federal law-enforcement personnel are concerning. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that is or may be potentially responsive to this congressional inquiry. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler, Chairman

¹ See, e.g., Aishah Cotton threatens to block DOJ nominees over refusal to defend US Marshals in 2020 Portland Antifa riots, Fox News, Jan. 31, 2022.

² See Letter from Sen. Tom Cotton et al. to Merrick Garland, Att'y Gen. (Apr. 26, 2022).

³ *Id.*