



July 28, 2015

The Honorable Louie Gohmert
Chairman
Subcommittee on Oversight and Investigations
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Debbie Dingell
Ranking Member
Subcommittee on Oversight and Investigations
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

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TREASURER

RE: ACLU Requests Examination of Interior's Acquisition of Military Weapons and Equipment

Dear Chairman Gohmert and Ranking Member Dingell:

The American Civil Liberties Union (ACLU) commends the Oversight and Investigations Subcommittee of the U.S. House Natural Resources Committee for holding a hearing on “Accountability, Policies, and Tactics of Law Enforcement within the Department of the Interior (DOI) and the U.S. Forest Service.” We ask that the Committee examine the relationship between DOI and the Department of Defense (DOD) 1033 program, which provides military weapons and equipment to federal, state, and local law enforcement agencies. We have concerns with the militarization of DOI bureaus like the National Park Service (NPS), which has acquired 4,100 pieces of military equipment worth approximately \$6 million over the past 25 years.¹

The ACLU believes that the line between military and law enforcement cannot be blurred. Our opposition to militarization is consistent with the ACLU's nearly 100 year old mission to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. As the nation's guardian of liberty, and with more than a million members, activists, and supporters nationwide, the ACLU advances the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, disability, or national origin.

¹ Matthew Renda, *Does Yosemite Really Need \$435,000 of Military Equipment?*, The Edge, January 7, 2014.

The DOD 1033 Program is authorized by Section 1033 of the National Defense Authorization Act of 1997. It permits the Secretary of Defense to transfer, without charge, excess DOD supplies and equipment to federal, state, and local law enforcement agencies.² Since the 1990s, the Defense Logistics Agency has transferred excess military equipment to approximately 8,000 federal and state law enforcement agencies and has provided \$5.1B in total property.³ This equipment includes but is not limited to, military-grade vehicles, grenades, assault rifles, and night vision equipment.

We have concerns that this program has led to militarized policing, which we raise in our recent report, *War Comes Home: The Excessive Militarization of American Policing*.⁴ As the nation watched Ferguson Missouri, in the aftermath of the death of Michael Brown, it saw a dangerously militarized response by law enforcement. However, militarized policing is not limited to state and local law enforcement. For example, in 2010, a multi-agency taskforce, including armed officers from the Food and Drug Agency, raided a Venice, California organic grocery store suspected of using raw milk.⁵ The following year, armed federal agents with the Department of Education's OIG smashed down the door of a Stockton, California home and handcuffed a man suspected of student financial aid fraud.⁶

We are concerned by the relationship between the DOD 1033 program and some of the Department of Interior agencies. While the National Park Service handbook explicitly limits the agency's ability to acquire firearms "to the minimum needed for an effective law enforcement program," the service has obtained thousands of handguns, high-powered assault rifles, bayonets, and shotguns through this program. And unfortunately, an exact accounting of these thousands of weapons is not known as a 2013 Inspector General report identified a poorly managed inventory.⁷

We fear that the acquisition of military weapons and equipment increases the potential for excessive policing, such as the 2013 raid of a small mining operation in Chicken, Alaska. During this raid, a heavily armed and armored multi-agency taskforce, including officers from the National Park Service and Fish and Wildlife Service, descended upon several mines to search for Clean Water Act violations.⁸ Alaska Governor Sean Parnell voiced his deep concern, noting that the use of armed and body-armor-wearing officers who were relatively unfamiliar with the area put people at risk.⁹ We worry that these events will only become more frequent and dangerous with the continued acquisition of military equipment by law enforcement at all levels.

² The White House, *Review: Federal Support for Local Law Enforcement Equipment Acquisition*, December 2014, available at https://www.whitehouse.gov/sites/default/files/docs/federal_support_for_local_law_enforcement_equipment_acquisition.pdf.

³ Id.

⁴ See ACLU, *War Comes Home: The Excessive Militarization of American Policing*, June 23, 2014, available at <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rell.pdf>.

⁵ P.J. Huffstutter, *Raw-food raid Highlights a Hunger*, The Los Angeles Times, July 25, 2010.

⁶ Elizabeth Flock, *Education Department Agents Raids California Home*, The Washington Post, June 8, 2011.

⁷ Supra note 1.

⁸ Valerie Richardson, *EPA Facing Fire for Armed Raid on Mine in Chicken, Alaska: Population 7*, Washington Times, October 11, 2013.

⁹ Sean Doogan, *Probe Into Raid of Chicken Miners by Gun-toting EPA Investigators Finds No Laws Broken*, Alaska Dispatch News, March 13, 2014.

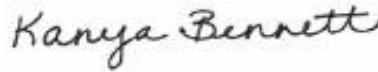
The ACLU understands the desire to ensure the safety of both federal employees and civilians but we question the necessity of military-grade equipment in achieving that end. Through greater transparency, more oversight, policies that encourage restraint, and limitations on federal incentives, we can foster a law enforcement culture that honors its mission to protect and serve.

We appreciate the Subcommittee's commitment to ensuring accountability in law enforcement as demonstrated by the call for a hearing and respectfully request an examination of the relationship between DOD 1033 and the Department of the Interior. If you have any questions, please feel free to contact Kanya Bennett, Legislative Counsel, at kbennett@aclu.org or (202) 715-0808.

Sincerely,



Michael W. Macleod-Ball
Acting Director



Kanya Bennett
Legislative Counsel

cc: Members of the Committee on Natural Resources