



DEFENDING RIGHTS & DISSENT

Formerly Bill of Rights Defense Committee / Defending Dissent Foundation

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January 11, 2017

David Kaufman
FOIA Officer
D.C. Metropolitan Police Department 300 Indiana Avenue
NW Room 4153
Washington, DC 20001

Dear Mr. Kaufman:

This is a request under the D.C. Freedom of Information Act (FOIA), D.C. Code 2-531 et seq., on behalf of Defending Rights and Dissent (DRAD) and the DC Chapter of the National Lawyers Guild (NLG). We request public records and/or data regarding the infiltration of DisruptJ20 by Metropolitan Police Department (MPD) Officer Bryan Adelmeyer and information about the extent of MPD's cooperation with non-law enforcement third parties who infiltrated DisruptJ20.

The Requesters seek any and all records responsive to the requests herein that were made, maintained, kept on file, or received by MPD, the Executive Office of the Mayor, the Office of the District of Columbia Auditor, or the Council of the District of Columbia.

Purpose of Request.

This request seeks to obtain information for the Requesters and the public regarding the deployment of Officer Bryan Adelmeyer to investigate and infiltrate DisruptJ20 and the MPD's collaboration with non-law enforcement third-parties to gain information on Inauguration related protests.

Background

On January 20, 2017 the MPD arrested approximately 230 people participating in an anti-fascist, anti-capitalist demonstration. As part of the ensuing law enforcement investigation, police forcibly searched a protest organizer's home on April 3, 2017. At this time, it was revealed from the affidavit in support of probable cause for the search warrant that law enforcement had used undercover officers to infiltrate planning meetings for demonstrations on January 20. Subsequently, in August 2017 the Department of Justice sought to execute a sweeping warrant to collect an unprecedented mass of electronic data from web host provider DreamHost about the website DisruptJ20.org. Much like the April home raid, this warrant was supported by a probable cause affidavit based on information gathered from the undercover infiltration.

While the identities of undercover officers are usually protected from disclosure, from November 28, 2017 to November 29, 2017 MPD Officer Bryan Adelmeyer testified in open court. During his testimony he revealed himself to be an undercover infiltrator of DisruptJ20. As part of his extended testimony, he went into great detail about his infiltration and surveillance of DisruptJ20. He also purported to have been assigned by his supervisor the task of learning what issues were paramount to "the anti-establishment community." According to Officer Adelmeyer, issues of concern to groups deemed "anti-establishment" by the MPD included anti-fascism, anti-Nazism, LGBT discrimination, racial discrimination, environmentalism, and socio-economic concerns.

Infiltration of First Amendment-related activity is an extraordinarily sensitive matter. As a result, DC has enacted the "Police Investigations Concerning First Amendment Activities Act of 2004." Disturbingly, when asked at trial (and under oath) about MPD compliance with key components of this Act, Officer Adelmeyer responded that he "could not recall."

In addition to MPD infiltration, a number of groups on the political right opposed to the aims of DisruptJ20 also purport to have infiltrated the planning meetings. Project Veritas sent in an infiltrator with a "button camera" to record a planning meeting. Project Veritas has a history of dishonesty, and its founder, James O'Keefe, was arrested for entering federal property under false pretenses shortly before founding the organization. Additionally, a group calling itself the Oath Keepers, as part of an operation called "Defend J20," also claims to have infiltrated meetings concerning Inauguration-related protests.

Infiltration and surveillance operations by non-law enforcement entities are not subject to the same rigorous constitutional and statutory regulations as law enforcement. However, prosecutors during the trial of several of the alleged J20 protesters have introduced videos produced by said third parties into evidence. Officer Adelmeyer's testimony was used to authenticate the Project Veritas video, which according to him was received by the MPD. Collaboration between the MPD and politically biased non-law enforcement third-parties in an investigation concerning First Amendment protected activities is a matter of grave public concern.

Records requested.

For purposes of this request, we are limiting our request only to records created between November 1, 2016 and November 1, 2017. We request

1. The memoranda submitted to receive the authorization of Officer Bryan Adelmeyer's infiltration of DisruptJ20, as required by D.C. Code § 5-333.05 and/or D.C. Code § 5-333.06.
2. The written authorization by the Commander, Office of the Superintendent of Detectives, or such other MPD commander of similar rank designated by MPD regulations of Officer Bryan Adelmeyer's infiltration of DisruptJ20, as required by D.C. Code § 5-333.05 and/or D.C. Code § 5-333.06.
3. The contract signed by Officer Bryan Adelmeyer, possibly on December 20, 2016, concerning his investigation into First Amendment activities.
4. The slides from the powerpoint presentation given to Officer Bryan Adelmeyer as part of the training by his supervisors on "Police Investigations Concerning First Amendment Activities Act of 2004".
5. All other training materials about the "Police Investigations Concerning First Amendment Activities Act of 2004".
6. All written reports or communications to superiors made by Officer Bryan Adelmeyer concerning his inquiry into the "anti-establishment community."
7. All communications between Officer Bryan Adelmeyer and his superiors, including, but not limited to Sgt. Madison, Captain Pavolia, Sgt. Thornton, and Inspector Duvalle, about his infiltration of DisruptJ20.
8. Officer Bryan Adelmeyer's approximately page and half of notes he took after infiltrating a January 8, 2017 DisruptJ20 planning meeting that he submitted to his supervisor or other MPD staff.
9. All records, notes, memoranda, text messages, or emails concerning Officer Bryan Adelmeyer's infiltration of DisruptJ20.
10. Any affidavits relied on to establish probable cause in support of a search warrant created by Officer Bryan Adelmeyer and based on information gathered in his investigation of DisruptJ20.
11. All communications between the MPD and James O'Keefe concerning the Inauguration and/or protests around the Inauguration.
12. Any communications between the MPD and Project Veritas and/or any member, employee, contractor, officer, director, volunteer, or other representative of Project Veritas, concerning the Inauguration and/or protests around the Inauguration.
 - a. Including, but not limited to, the entire, unredacted video of a January 8, 2017 planning meeting taken by an undercover Project Veritas member and sent to the MPD by Project Veritas.
13. All communications between the MPD and Lauren Southern concerning the Inauguration and/or protests around the Inauguration.

- a. Including, but not limited to, any and all video sent to the MPD by Lauren Southern or her former employer, The Rebel Media.
14. All communications between the MPD and the group known as the “Oath Keepers,” and/or any of its members, volunteers, or representatives, concerning the Inauguration and/or protests around the Inauguration.
 - a. Including, but not limited to, any and all video sent to the MPD by the Oath Keepers.
15. All communications between the MPD and Media Research Center, and/or any member, employee, contractor, officer, director, volunteer, or other representative of Media Research Center, concerning the Inauguration and/or protests around the Inauguration.
16. All communications to or from non-law enforcement entities seeking to provide information to the MPD about DisruptJ20.
17. All records, notes, memoranda, or emails containing information about “Defend J20.”

Justification for withholding. If you determine that some or all of the records are exempt, you must provide a written explanation including a reference to the specific statutory exemption on which you rely. D.C. Code 2-533(a).

Segregability. For each segregable portion of a request is not exempt, you must provide that portion along with your explanation of the exemption. D.C. Code 2-534(c).

Fee waiver. We request a fee waiver pursuant to D.C. Code 2-532(b), which permits the waiver or reduction of any fee for searching and reproducing records if “furnishing the information can be considered as primarily benefiting the general public.” The National Lawyers Guild is a progressive bar association of limited resources dedicated to preserving demonstrators’ First Amendment rights. The public is the primary beneficiary of NLG’s work to protect First Amendment activities, whether by litigation, legislative advocacy, or publication. It is on this ground that federal and state agencies, as well as courts, generally grant waivers of fees for NLG FOIA requests.

Defending Rights & Dissent is a non-profit dedicated to fulfilling the promise of the Bill of Rights for everyone. As part of this mission, Defending Rights & Dissent engages in extensive public education campaigns. This includes running the Dissent NewsWire, a news site that specializes in stories about civil liberties and is the recipient of a Project Censored Democracy in Media Award. Defending Rights and Dissent has in the past run stories based on federal, state, and local public record requests and plans on using information learned from this request in both its public advocacy and its journalistic endeavors.

The present request satisfies the statutory criteria for a fee waiver.

If you determine no waiver is appropriate, and if the proposed fee is greater than \$25.00, we ask that you notify us prior to fulfilling the above requests.

Delivery. Please furnish all applicable records to Charles Gibbons, Policy and Legislative Counsel, Defending Rights & Dissent, at 1325 G St. NW Suite 557 Washington, DC 20005 or Chip@rightsanddissent.org.

Timing. We look forward to your reply to this request within 15 business days, as required by law. D.C. Code 2-532(c).

Thank you for your time and attention to this matter..

Sincerely,

Charles Gibbons
Policy & Legislative Counsel
Defending Rights & Dissent