#### Written Statement of Adam DeMarco

# Hearing Before the Committee on Natural Resources, U.S. House of Representatives

July 28, 2020

"Unanswered Questions About the U.S. Park Police's June 1 Attack on Peaceful Protestors at Lafayette Square"

### Introduction

Chairman Grijalva, Ranking Member Bishop, and Members of the Committee, thank you for the opportunity to testify regarding the events at Lafayette Square in Washington, DC, on June 1, 2020.

I come before the Committee to help ensure that there is a fair factual record of what happened at Lafayette Square, based on what I saw and experienced first-hand. I especially want this Committee, the residents of Washington, DC, and the American people to know that the Soldiers and Airmen of the DC National Guard performed with the utmost professionalism and integrity, faithful to our Constitution, under the most challenging of circumstances.

I regard my testimony today as fulfilling my oath to support and defend the Constitution, and as an extension of my public service -- service that began as a cadet at the United States Military Academy at West Point and has continued for over a decade as a commissioned officer both in the Army and the National Guard.

During my five years on active duty, I had the privilege of serving in the 1<sup>st</sup> Cavalry and 1<sup>st</sup> Armored Divisions, and the honor of leading America's sons and daughters in three overseas deployments, including a combat deployment to Iraq. In 2014, after completing my active duty obligation, I elected to continue to serve in uniform by joining the District of Columbia National Guard. Through my military service, I have continued a family tradition of public service dating back to my grandfathers, Charles Woodrow Wilson Lohrig and William Holmes.

My paternal grandfather, Grandpa "Woody," enlisted in the Navy in the 1930s and was assigned to the USS *Houston*, said to be President Franklin Roosevelt's favorite ship. On February 28, 1942, the *Houston* encountered an overwhelming Japanese force in what is known as the Battle of the Sunda Strait. Surviving the initial battle only to be captured by the Japanese, Grandpa Woody and his shipmates endured a brutal 42 months of forced labor, torture, and starvation in captivity until liberated by Allied forces in 1945.

My maternal grandfather enlisted in the United States Marine Corps after the end of World War II. He later fought in the Korean War and received the Purple Heart for wounds sustained in combat. He never talked about his time in Korea, but he was a proud Marine until his dying day and always christened his boats with the name, "Semper Fi."

In the 1980s, my father also engaged in public service -- first as a law enforcement officer in Pinellas County, Florida, and subsequently as a Special Agent at the Department of Defense and the Department of Transportation. His example imparted to me essential core values that I strive to live up to each and every day.

## Events at Lafayette Square on June 1

In March 2020, I was activated by the DC National Guard to assist in the District of Columbia's response to the coronavirus pandemic. In that capacity, I was selected to serve as a liaison between the DC National Guard and the DC Government's Department of Health and local hospitals to facilitate immediate needs requests, surge capacity planning, and emergency events associated with the pandemic.

On the evening of May 29, 2020, I received notification that the entire DC National Guard was to be activated to help respond to ongoing civil disturbances within the District of Columbia, specifically in the vicinity of Lafayette Square.

Over the next two days, the DC National Guard deployed forces to Lafayette Square in support of the U.S. Park Police. During that time, I received reports that six DC National Guard personnel had sustained injuries as a result of violent unrest outside of the White House. I also learned that federal law enforcement officers from the Park Police and the U.S. Secret Service had sustained injuries.

On June 1, 2020, I was tasked to serve as a liaison between the DC National Guard's "Task Force Civil Disturbance" and the Park Police at Lafayette Square. As events unfolded that evening, I was one of the senior DC National Guard officers within the area of operations.

The Task Force consisted of approximately 250 personnel from the DC National Guard, and its mission was to provide support for the Park Police in the vicinity of the White House and national monuments. DC National Guard personnel were outfitted with standard riot gear, such as face masks, shields, shin guards, and batons for defensive purposes. But no National Guardsmen were armed with lethal or non-lethal munitions that evening.

Staging from the DC Armory, we arrived at the White House complex around 5:35 pm and formed up in front of the Department of the Treasury to minimize our footprint and avoid antagonizing demonstrators positioned along the fence line on H Street on the northern edge of Lafayette Square. Upon arrival, I received a briefing from my liaison with the Park Police and learned that the DC National Guard's task would be to support a Park Police operation to clear demonstrators from the vicinity of Lafayette Square. The Park Police plan was to clear H

Street between Vermont Avenue to the east and Connecticut Avenue to the west, and move north on Vermont Avenue, 16<sup>th</sup> Street, and Connecticut Avenue to extend the security perimeter from H Street to I Street. The immediate objective of this clearing operation, I was told, was to install a larger security barricade on H Street along the northern edge of Lafayette Square.

From a briefing I received from the Park Police, I learned that the Park Police, along with the Secret Service, would conduct an operation to clear demonstrators on H Street between Vermont Avenue and Connecticut Avenue. The DC National Guard was not to be actively engaged in the clearing operation. Rather, our job was to move behind the Park Police as H Street was cleared and the new northern security perimeter was established on I Street, then reinforce and relieve the Park Police on the new perimeter and hold a static line there. I understood that a curfew imposed by the DC Mayor was not going into effect until 7:00 pm, so I was not expecting any clearing operation to commence before then.

I did not know what orders or rules of engagement had been issued to the Park Police concerning the use of force against the demonstrators. I asked my Park Police liaison if tear gas would be used because I had observed tear gas cannisters affixed to Park Police officers' vests, and I knew that tear gas had been used against demonstrators the previous evening. The Park Police liaison told me that tear gas would not be employed.

A few minutes before 6:00 pm, I was standing near the statue of Andrew Jackson in the middle of Lafayette Square as DC National Guard personnel formed up behind Park Police units positioned in a line behind the perimeter fence on the H Street side of the square, facing demonstrators on the other side of the fence. From what I could observe, the demonstrators were behaving peacefully, exercising their First Amendment rights.

At approximately 6:05 pm, after I had repositioned myself close to the line, I observed Attorney General William Barr and Chairman of the Joint Chiefs of Staff, General Mark Milley, walking across Lafayette Square from the direction of the White House toward the security perimeter on H Street. Attorney General Barr walked right up to the line of Park Police and DC National Guard, in front of the demonstrators, then walked down the line of Park Police officers and National Guardsmen. The Attorney General then headed towards the statue of President Jackson where he appeared to confer with Park Police officers.

General Milley walked towards the area where I was standing. As the senior National Guard officer on the scene at the time, I gave General Milley a quick briefing on our mission and the current situation. General Milley asked for an estimate of the number of demonstrators, and I estimated 2,000. General Milley told me to ensure that National Guard personnel remained calm, adding that we were there to respect the demonstrators' First Amendment rights.

At around 6:20 pm, after the Attorney General and General Milley departed Lafayette Square, the Park Police issued the first of three warning announcements to the demonstrators, directing them to disperse. I did not expect the announcements so early, as the curfew was not due to go into effect until 7:00 pm, 40 minutes later.

The warnings were conveyed using a megaphone near the statue of President Jackson, approximately 50 yards from the demonstrators. From where I was standing, approximately 20 yards from the demonstrators, the announcements were barely audible and I saw no indication that the demonstrators were cognizant of the warnings to disperse.

At approximately 6:30 pm, the Park Police began the clearing operation, led by Civil Disturbance Units and horse-mounted officers. The Secret Service, and other law enforcement agencies I was unable to identify, also participated in the push. No National Guard personnel participated in the push or engaged in any other use of force against the demonstrators.

By then I had moved to the northeast corner of Lafayette Square near the statue of General Kosciuszko. As the clearing operation began, I heard explosions and saw smoke being used to disperse the protestors. The Park Police liaison officer told me that the explosions were "stage smoke," and that no tear gas was being deployed against the demonstrators. But I could feel irritation in my eyes and nose, and based on my previous exposure to tear gas in my training at West Point and later in my Army training, I recognized that irritation as effects consistent with CS or "tear gas." And later that evening, I found spent tear gas cannisters on the street nearby.

During the initial push, I had relocated to a position near the northeast corner of Lafayette Square, next to the Comfort Station that had been burned the previous evening, in order to closely observe the clearing operation. As the horses began to move from east to west along H Street, they stopped in the vicinity of St. John's Church and the Park Police's Civil Disturbance Unit then took the lead and pushed the demonstrators further down H Street. From my vantage point, I saw demonstrators scattering and fleeing as the Civil Disturbance Unit charged toward them. I observed people fall to the ground as some Civil Disturbance Unit members used their shields offensively as weapons. As I walked behind the Civil Disturbance Units pushing westward on H Street, I also observed unidentified law enforcement personnel behind our National Guardsmen using "paintball-like" weapons to discharge what I later learned to be "pepper balls" into the crowd, as demonstrators continued to retreat.

About ten minutes after the clearing operation began, the Park Police ordered the DC National Guard to move up behind the Park Police clearing elements pushing north on Vermont Avenue, 16<sup>th</sup> Street, and Connecticut Avenue to reinforce and relieve the Park Police on the newly established northern perimeter.

I took up a position on 16<sup>th</sup> Street between St. John's Church and the AFL-CIO building. By then, H Street had been cleared of demonstrators. Soon thereafter, several black sport utility vehicles pulled up at the intersection of 16<sup>th</sup> Street and H Street, and uniformed Secret Service

officers began to establish an inner security cordon between the SUVs and our perimeter on I Street. At around 7:05 pm, I saw the President walking onto H Street from Lafayette Square, near St. John's Church, accompanied by his security detail. The President's arrival was a complete surprise, as we had not been briefed that he would enter our sector.

As for the new security barrier, whose installation was the stated purpose of the clearing operation, the materials to erect it did not arrive on the scene until around 9:00 pm, and it was not completed until later that night.

#### Conclusion

Members of the Committee, the events I witnessed at Lafayette Square on the evening of June 1 were deeply disturbing to me, and to fellow National Guardsmen. Having served in a combat zone, and understanding how to assess threat environments, at no time did I feel threatened by the protestors or assess them to be violent. In addition, considering the principles of proportionality of force and the fundamental strategy of graduated responses specific to civil disturbance operations, it was my observation that the use of force against demonstrators in the clearing operation was an unnecessary escalation of the use of force. From my observation, those demonstrators – our fellow American citizens — were engaged in the peaceful expression of their First Amendment rights. Yet they were subjected to an unprovoked escalation and excessive use of force.

As the late Representative John Lewis said, "When you see something that is not right, not just, not fair, you have a moral obligation to say something, to do something."

The oath I swore as a military officer, to support and defend the Constitution of the United States, is a bedrock guiding principle and, for me, constitutes an individual moral commitment and ethical instruction. It is the foundation of the trust safely placed in the Armed Forces by the American people. And it compels me to say something – and do something – about what I witnessed on June 1 at Lafayette Square.