



# Keep Law Enforcement Local Act

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## **Preventing the Power Grab of the DOJ**

The deputation of officers by the U.S. Marshals Service (USMS) has an important place in our system of law enforcement. Historically, it has been used to desegregate schools, enforce civil rights laws in the south and to maintain order in New Orleans after Hurricane Katrina. Today, this system is an essential tool used by USMS to provide courtroom security for the Federal judiciary, track down fugitives, and other important functions. **However, the current administration has abused this system to an unprecedented degree.**

Under existing law, USMS has authority to deputize too broadly and for too long without a check to unwind it when requested by local authorities. Current statute, 28 USC 566(c), states that “the United States Marshals Service shall execute all lawful writs, process, and orders issued under the authority of the United States, and **shall command all necessary assistance to execute its duties.**” In the past, this broad authority was restrained by regulations and institutional norms of the federal government. But, recent events in Portland have made clear that with the wrong administration this system can be manipulated, and that **this authority cannot exist without limits.**

As part of a collaborative effort by state and local law enforcement to maintain the peace and to ensure that Portlanders remained safe while outside protesters assembled during a scheduled rally, 56 Portland police officers were deputized as federal officers. However, this good faith coordination was taken advantage of as the 56 local Portland police officers remain deputized as federal agents despite repeated requests from the local government to rescind this designation.

Our constitution lays out a system of dual sovereignty and specifically withholds from the federal government the ability to make states enforce federal prerogatives. The forced participation of the Portland Police officers to enforce federal statutes is an egregious overreach by the Department of Justice and a **violation of the 10<sup>th</sup> amendment.**

**This failure to honor the wishes of local authorities is a power grab in which the Trump administration is seizing local resources (time, money, personnel) to enforce federal interests.** Local elected officials in any community across the country should have the authority to control their own police force, without fear that the federal government is going to step in. This simply cannot happen again.

**We must establish guardrails to make the use of mass deputations much more deliberate, transparent, and collaborative.** That is why I am introducing a bill to rein in the deputation authority of the US Marshals Service. This legislation is needed to ensure that local elected officials maintain control over the police officers that are sworn to serve their communities.

## **Specifically, this bill will:**

- Limit the authority of the United States Marshals Service to deputize local law enforcement officers unless consent is received from the chief executive of the unit of government that employs the law enforcement unit; and
- Specify that the chief executive of the local unit of government may withdraw consent at any time, at which point the deputation status would be terminated.