

**The
Intercept**

U.S. MARSHALS USED DRONES TO SPY ON BLACK LIVES MATTER PROTESTS IN WASHINGTON, D.C.

The flights, revealed in documents obtained by The Intercept, underscore the growing militarization of policing.

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A demonstrator points to a sign at the newly renamed Black Lives Matter Plaza during a protest against police brutality and the murder of George Floyd, near the White House in Washington, D.C., on June 7, 2020. The U.S. Marshals Service flew an unmanned drone over Washington, D.C. on this day of protests, documents obtained by The Intercept via the Freedom of Information Act show. Photo: Olivier Doulier/AFP via Getty Images

The U.S. Marshals Service flew unmanned drones over Washington, D.C., in response to last summer's Black Lives Matter protests, documents obtained by The Intercept via the Freedom of Information Act show.

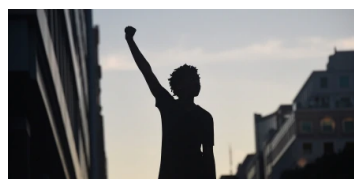
The documents – two brief, heavily redacted emails – indicate the Marshals flew the drones over Washington on June 5 and 7, when nationwide protests against police brutality in the wake of George Floyd's murder were at their height. The surveillance flights occurred just days after the Trump administration [ordered](#) the mobilization of the near entirety of federal law enforcement against Washington's protesters. The aggressive physical crackdown against Black Lives Matter rallies, [particularly in Washington, D.C.](#), spurred its own wave of outrage as police beat, chased, and chemically dispersed largely peaceful demonstrators. Less visible law enforcement responses to the rallies also drew intense criticism, including the use of [social media surveillance](#) and, in particular, the use of aerial surveillance over multiple cities by the Air National Guard and Department of Homeland Security. Government aircraft monitored 15 cities during the protests, [according](#) to the New York Times, filming demonstrators in New York, Philadelphia, and Dayton, Ohio; a [Predator drone](#) was deployed over Minneapolis.

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One email provided by the Marshals Service is dated June 5 and carries the subject line “UAS Status for Protests,” apparently referring to

Unmanned Aircraft Systems, common military jargon for drones. It contains only a few fragments of unredacted text but appears to have contained notes from a “UAS briefing in response to the protests” and states that a redacted entity “responded to Washington DC” and “conducted one flight,” [the same day Mayor Muriel Browser asked Donald Trump](#) to “withdraw all extraordinary law enforcement and military presence from Washington, DC.” The June 7 email is similarly fragmentary and censored but notes that the redacted entity once again “responded to Washington DC” and “conducted several flights.”

Marshals Service spokesperson James Stossel confirmed the flights to The Intercept but declined to answer any questions about their purpose or what data was collected, stating, “The USMS does not release details of operational missions,” and denying that the Marshals flew drones over the city on any other dates. Asked how the robotic aerial surveillance of protests conforms with the agency’s narrowly defined mission, Stossel said, “The Marshals Service conducts a broad array of missions as authorized by Federal Law which may include ensuring the rule of law is maintained during protests.” [Press reports from this period](#) describe the [protests](#) in question as peaceful.



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The previously unreported flights raise the question of why the U.S. Marshals Service would be flying drones over mass gatherings of First Amendment-protected activity in the nation’s capital. The marshals are the oldest law enforcement branch in the United States, dating to the 18th century, and their present day grab bag of responsibilities is

more or less constrained to protecting courthouses, asset forfeitures, operating the Witness Protection Program, transporting prisoners, and hunting fugitives. The vestigial agency has historically been cagey about the existence or purpose of its drone program: In 2013, the Los Angeles Times [reported](#), “In 2004 and 2005, the U.S. Marshals Service tested two small drones in remote areas to help them track fugitives,” but the test was “abandoned ... after both drones crashed.”

Documents [obtained](#) by the American Civil Liberties Union that same year via the Freedom of Information Act were also heavily redacted, providing only murky outlines of how the agency was conducting aerial surveillance. These ACLU documents stated that the Marshals possessed a “rapidly deployable overhead collection device that will provide a multi-role surveillance platform to assist in [redacted] detection of targets.” Another document provided to the ACLU noted that the marshals deployed surveillance drones through their Technical Operations Group, or TOG, which “provides the U.S. Marshal Service, other federal agencies, and any requesting state or local law enforcement agency, with the most timely and technologically advanced electronic surveillance and investigative intelligence available in the world,” [according](#) to the Marshals Service website. The Marshals’ spokesperson, however, told The Intercept, “No USMS UAS flights were conducted at the request of any other agency.”

While the Marshals Service quietly acknowledged the existence of its drone surveillance “pilot program” in its [2020 annual report](#), the flights were largely described as tied to the agency’s core responsibility of apprehending fugitives. But the document does briefly note that “UAS operators also deployed ... in support of the USMS mission during the nationwide civil unrest in Summer 2020.” The report doesn’t mention what exactly this drone-based “support” entailed, but the Marshals’ on-the-ground violence against protesters in Portland

prompted widespread criticism last summer.

Experts say it's still unclear why the U.S. Marshals are even in a position to conduct these flights in the first place. "How did it become part of the mission of U.S. Marshals Service to engage in aerial surveillance during a protest movement?" said Jay Stanley, senior policy analyst at the ACLU. "It's hard to know with all the secrecy, but it looks like once again, powerful high-tech tools sold to the public for use against the worst criminals are now being deployed against peaceful protesters and activists."

"Once again, high-tech tools sold for use against the worst criminals are deployed against peaceful protesters."

Matthew Guariglia, a policy analyst at the Electronic Frontier Foundation, told The Intercept that the fact there's a Marshals Service drone program at all is indicative of how thoroughly crime-fighting agencies in the United States now resemble war-fighting forces: "The Marshals service has drones for much the same reason that many local police departments have tanks," Guariglia said. "The slow militarization of local and federal law enforcement as a result on the war on crime, war on drugs, and war on terror have created dozens of desperate law enforcement agencies with advanced technology and bloated budgets." The mere knowledge that a drone is or even could be watching demonstrators "threatens to chill out right to protest," Guariglia added.

Stanley also objected to the near-full redaction of the flight emails, which the Marshals Service argued was warranted on the basis that they would reveal secret investigative techniques and “could reasonably be expected to endanger the life or physical safety of any individual.” But as Stanley pointed out, it’s not as if flying a camera-packing drone over a throng of people is a new or secret technique in the year 2021. “How high are the chances they used their drones in some clever, innovative way they need to keep secret because nobody else has thought of it?” he explained. “No matter how they’re using it, the Marshals Service needs to be open and transparent given the relative novelty of drones as a law enforcement surveillance tool and their significant implications for our privacy. This kind of reflexively secretive behavior is one reason activists and communities tend not to give agencies the benefit of the doubt when they seek new surveillance technologies.”