IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NAACP, et al.,

Plaintiffs,

v.

TODD BLANCHE, in his official capacity as Attorney General of the U.S. Department of Justice, et al.,

Defendants.

Civil Action No. 1:26-cv-03626-RBW

DEFENDANTS' SUPPLEMENTAL RESPONSE

At the November 2, 2026 hearing on Plaintiffs' Motion for a Temporary Restraining Order, the Court requested a supplemental declaration addressing questions raised by the Court at hearing. Defendants attach a supplemental declaration to respond to the Court's questions.

Moreover, in response to the Court's question regarding the enforcement authority of Department personnel serving as poll monitors, Defendants note that Congress has authorized only certain personnel within the Department of Justice to carry firearms in the course of their official duties and to make arrests for violations of federal criminal laws. *See* 18 U.S.C. § 3051 (ATF); 21 U.S.C. § 878(a) (DEA); 18 U.S.C. § 3051 (BOP); 18 U.S.C. § 3053 (USMS). To have this authority, the employee must be employed in certain specified positions (*e.g.*, Deputy United States Marshal) or must be "designated" or "charged" by the Attorney General with this authority. *See id.* As set forth in the declarations of Eric Neff, CRT has taken reasonable and appropriate steps to ensure such sworn law enforcement officers are excluded from the group volunteer election monitors for the upcoming election. Accordingly, any employee from a

Department of Justice law enforcement component that lacks the requisite arrest authority under these statutes is not permitted to make an arrest while performing monitoring duties.[1]

Dated: November 2, 2026

Respectfully submitted,

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[1] For BOP, 18 U.S.C. § 3051 provides that any "officer or employee" of the BOP may make warrantless arrests for certain specified offenses committed on BOP property or in connection with incarceration of detained individuals. This authority would have no application to the election monitoring context.