

## MEMORANDUM

To: Katerina Canyon, Purushottam Bhandere

From: Rashell Khan

Date: 18 December 2025

Subject: 1033 Weapons Program and Civil Liberties Implications

### I. Background

The Defense Logistics Agency has the Department of Defense (DoD) mission of disposing of obsolete/unneeded excess property turned in by United States military units around the world.<sup>1</sup> In the National Defense Authorization Act for fiscal years 1990 and 1991, Congress authorized the transfer of excess DoD property to federal, state, and local law enforcement agencies. In 1997, Congress expanded the scope of the program to grant permanent authority to the Secretary of Defense to transfer defense material to federal, state, and local law enforcement agencies. The Law Enforcement Support Office (LESO), located at DLA Disposition Services Headquarters in Battle Creek, Michigan, is responsible for the management of the LESO/1033 Program (10 U.S. Code § 2576a)<sup>2</sup> and continues to make improvements for efficiency, cost effectiveness, transparency and inventory control.

As of February 2025, there are around 6,300 federal, state and local law enforcement agencies from 49 states and four U.S. territories participating in the program. A law enforcement agency is defined as a government agency whose primary function is the enforcement of applicable federal, state and local laws and whose compensated law enforcement officers have the powers of arrest and apprehension. For a state to participate, the governor must appoint in writing a state coordinator, who is responsible for ensuring proper oversight of participating law enforcement agencies from that state. Each state must also sign a Memorandum of Agreement with DLA's LESO. The MOA outlines the responsibilities, rules and regulations that must be followed for continued participation in the program. A subsequent agreement called the State Plan of Operation must be signed between the state coordinator and any law enforcement agency that receives approval to participate in the program. The SPO mirrors the requirements found in the DLA MOA with the state.

The LESO/1033 Program handles excess military property for use by law enforcement agencies, but prohibits transfer of military uniforms, body armor, Kevlar helmets and the other items discussed above. In addition to the LESO/1033 Program, law enforcement agencies can obtain military-style equipment from multiple federal government programs that provide support through grants or property transfers. Also, many police departments procure military-style equipment from the commercial market using their own internal funds.

The cost associated with the LESO/1033 Program property is based on original acquisition value. Using the initial acquisition value, the total amount transferred since the program's inception in 1990 is \$7.6 billion. The majority of the equipment transferred is "non-controlled" items such as office supplies, clothing, and rescue equipment; but agencies have also received assault rifles, pipe bomb materials, tactical vehicles, helicopters, and airplanes through the program.<sup>3</sup>

### II. Oversight

For most of 1033's existence, the public has largely been left in the dark about what equipment is transferred through the program, how it is used, and by whom. For nearly 20 years, the program

---

<sup>1</sup> <https://www.dla.mil/Disposition-Services/Offers/Law-Enforcement/Program-FAQs/>

<sup>2</sup> <https://www.law.cornell.edu/uscode/text/10/2576a>

<sup>3</sup> <https://www.citizensforethics.org/news/analysis/shedding-light-on-the-pentagons-1033-program/>

operated without a requirement for the DoD or receiving agencies to publicly report what equipment had been transferred. Inconsistent recordkeeping and data on 1033 have made it hard to evaluate its effects. This is especially concerning because there is significant evidence indicating that the militarization of law enforcement increases both violence against police and violence by police, which disproportionately impacts communities of color. Some positive steps towards transparency and oversight of 1033 were made in the 2016 NDAA and subsequent defense appropriations bills. While FOIA requests and subsequent reporting have revealed that some 1033 requests may be legitimate, a significant portion of requests have questionable justifications.

President Obama attempted to curb the 1033 program through restrictions enacted via Executive Order 13688, which President Trump rescinded. In May 2022, President Biden signed a subsequent executive order placing limitations on equipment transfers and ordered participating agencies to notify the public of property requests. Implementation of these changes have not been verified. While agencies that participate in the program have to certify that they have administered the appropriate training to officers who use 1033 equipment, there is currently no process to verify said certification. Oversight of equipment misuse is also minimal.

### III. Civil Liberties

In 2014, 1033 received increased scrutiny after the militarized response to the 2014 racial justice protests in Ferguson, where law enforcement in riot gear pointed assault rifles at the crowd while standing atop military vehicles which may have been acquired through the 1033 program. Agencies also used weapons and equipment obtained through the 1033 program at the Standing Rock protests and in the 2020 Black Lives Matter protests following the murder of George Floyd. Police used classes of weaponry distributed through the 1033 program in the 2011 crackdown against Occupy Wall Street protestors and in countless SWAT raids that left dozens of Americans dead. Law enforcement used an MRAP obtained through 1033 against people protesting the Dakota Access Pipeline, where they also used tear gas, a water cannon, rubber bullets, pepper spray, and concussion grenades.<sup>4</sup>

The origins of 1033 lie in America's "forever wars" on drugs, crime, and terror. Congress gave the Pentagon temporary authority to give equipment that was no longer being used by the military to local police and sheriff's departments. Armored vehicles, planes, rifles, scopes, grenades, bayonets — nearly everything was on the table, so long as the military "deemed [it] suitable ... in counter-drug activities." In 1996, Congress expanded this purview to "counterterrorism" as well. The wars on drugs, crime, and terror are responsible for some of the most egregious violations of civil liberties, civil rights, and human rights of the past quarter century: mass incarceration, police killings, the forty-fifth president's Muslim ban, in the U.S., as well as systematic torture, drone strikes, extraordinary renditions, and extralegal killings abroad. Local police forces armed with weapons of war — and still targeting Black and Brown Americans — is yet another inheritance.

For most of U.S. history, the policymakers who managed demobilization from war prioritized economic considerations. Their main task was to repurpose the tools of war and redirect the labor of returning troops to serve productive industry. With the important caveats that policymakers intentionally excluded Black, Brown, and LGBTQ Americans from the economic gains of demobilization and treated women as second-class citizens, these efforts were profoundly successful. Americans built many industries — including technology, aerospace, fishing, shipping, and many others — with the factories, planes, and technologies that helped the U.S. win the Second World War. Equipment that served no useful economic purpose was typically stored or destroyed, often by transforming it into artificial reefs that rehabilitated local marine ecologies. Despite claims that the 1033 program makes communities safer, the data suggests no causal effect between 1033 transfers and decreased crime.

---

4

<https://www.aclu.org/news/criminal-law-reform/federal-militarization-of-law-enforcement-must-end?redirec t=end-militarization-of-law-enforcement>