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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 15, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Attorney General Garland,

America's recent violent crime wave is nothing short of troubling. The nation and, most particularly, its cities are continually exceeding records in many of the most heinous violent crime categories. Most troublingly, homicides nationwide increased 30% from 2019 to 2020.¹ In 2021, 27 major U.S. cities experienced a 44% increase in homicides since 2019.²

As our country's chief federal law enforcement officer, you have the responsibility to address endemic violent crime. Unfortunately, DOJ has not made combatting violent crime its top priority. Instead, the Department has prioritized issues which provide the opportunity to disparage political enemies and reward allies, a concern that is only amplified by the Department's unprecedented move to search the home of a former president. Despite producing only four cases in a year, the Department has a task force on threats against election workers.³ The Department has created a wholly unjustified initiative targeting parents who are dissatisfied with school board members.⁴ While I do not question the propriety of prosecuting serious threats of violence in the few instances in which they occur, I do question the Department's prioritization of these issues over violent crime. Soaring murder rates mean that an extra 6,000 people a year are being murdered in this country. That must come first.

Although you have assured me that many violent actions, like those directed against police and judges, are a top priority for DOJ, the actions of the Department demonstrate otherwise. For example, you told the Senate Judiciary Committee in responses to questions for the record that the Department had created a task force for "safety of federal prosecutors, law enforcement agencies, judges, members of Congress." This would make a great deal of sense if

¹ John Gramlich, *What We Know About the Increase in U.S. Murders in 2020*, PEW RSCH. CENT. (Oct. 27, 2021), <https://www.pewresearch.org/fact-tank/2021/10/27/what-we-know-about-the-increase-in-u-s-murders-in-2020/>.

² COUNCIL ON CRIM. JUST., PANDEMIC, SOCIAL UNREST, AND CRIME IN U.S. CITIES: 2021 YEAR-END UPDATE (2022), available at <https://counciloncj.org/crime-trends-yearend-2021-update/>.

³ *Justice Department Launches Task Force To Combat Threats Against Election Workers*, Department of Justice (Jul. 29, 2021), <https://www.justice.gov/opa/blog/justice-department-launches-task-force-combat-threats-against-election-workers-0;>

⁴ Department of Justice, *Justice Department Addresses Violent Threats Against School Officials and Teachers* (Oct. 4, 2021), at <https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>.

true, as killings of police officers rose 59% in 2021,⁵ with dozens of officers losing their lives in “unprovoked” ambush style attacks.⁶ Additionally, following the *Dobbs* opinion leak in May and subsequent release in June, many of our Supreme Court justices have been subjected to illegal protests outside their homes,⁷ and in some instances, protest groups have gone so far as to threaten the justices’ children.⁸ Unfortunately, the protests didn’t end with threats alone. In June, federal marshals apprehended an individual who intended to assassinate Justice Brett Kavanaugh.⁹ With this persistent record of violence and serious threats against our law enforcement officers and Supreme Court justices, I would welcome and encourage the type of task force you described. However, my staff and the Congressional Research Service have been unable to find any information regarding the task force’s existence. There is no record of the task force on the Department’s website, there have been no press releases referencing the task force from any DOJ official, and there have been no announcements of any persons being investigated or charged under the task force’s authority. I asked Assistant Attorney General Polite of the Criminal Division about the task force in a hearing before the committee on August 3, and he was not able to provide any information at that time. In short, it doesn’t look like this task force exists.

Additionally, it seems that your Department has softened some of the most pertinent violent crime-fighting tools at your disposal. One example is Project Safe Neighborhoods, which, since the Administration of George W. Bush, has been effective in its goal to produce “sustained reductions in violent crimes” across the nation by using federal charges to stop the most persistent repeat offenders.¹⁰ However, under your leadership, the Department now indicates that “the fundamental goal” of this program is not to “increase the number of arrests or prosecutions as if they were ends in themselves.”¹¹ Increasing prosecution of violent offenders, especially during an unprecedented murder spike, is and should be the objective of Project Safe Neighborhoods, and of the Department as a whole. As the adverse effects of the state-level progressive prosecutor movement become more apparent across our cities, softening DOJ’s approach to prosecuting violent crime is dangerous and inadvisable.

Past Attorneys General have proven that the Department is far from powerless in combatting rising levels of violent crime. Effective countermeasures and initiatives have been implemented in the past, and could be implemented again. For example, in the wake of a dramatic increase in murders in June 2020, as police nationwide were being pulled off America’s streets, Attorney General Barr’s Department of Justice launched Operation Legend. The

⁵ FBI, *Law Enforcement Officers Killed and Assaulted (LEOKA)*, FEDERAL BUREAU OF INVESTIGATION (accessed July 19, 2022), <https://www.fbi.gov/services/cjis/ucr/publications#LEOKA>.

⁶ Emma Tucker & Priya Krishnakumar, *Intentional Killings of Law Enforcement Officers Reach 20-year High, FBI Says*, CNN (Jan 13, 2022), available at <https://www.cnn.com/2022/01/13/us/police-officers-line-of-duty-deaths/index.html>.

⁷ Marc A. Thiessen, *Protesting at Justices’ Homes is Illegal. What is Biden Doing About It?*, WASH. POST, (May 10, 2022), <https://www.washingtonpost.com/opinions/2022/05/10/abortion-protest-supreme-court-justice-homes-brett-kavanaugh-samuel-alito-john-roberts-illegal/>;

⁸ Ruth Sent Us, @RuthSentUs, June 8, 2022, 5:21 PM, <https://twitter.com/ruthsentus/status/1534646741449863169>.

⁹ Ellie Silverman, Dan Morse, Katie Mettler, and Devlin Barrett, *Man with gun is arrested near Brett Kavanaugh’s home, officials say*, Washington Post, June 8, 2022, <https://www.washingtonpost.com/dc-md-va/2022/06/08/kavanaugh-threat-arrest-justice/>.

¹⁰ Project Safe Neighborhoods Grant Program Authorization Act of 2018, Pub. L. No. 115-185, 132 Stat. 1485.

¹¹ DEPARTMENT OF JUSTICE PROJECT SAFE NEIGHBORHOODS, <https://www.justice.gov/psn> (last visited Aug. 10, 2022).

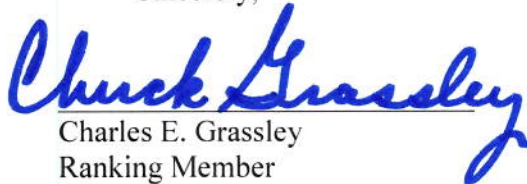
Operation was designed as a sustained, systematic, and coordinated law-enforcement initiative across all federal law enforcement agencies, working in conjunction with state and local law enforcement officials, to fight the sudden surge of violent crime in America's cities.¹² The results of this nationwide initiative speak for themselves. Operation Legend resulted in over 6,000 arrests, including 467 for homicides.¹³ A task force that interdicts 467 murderers in six months has an obvious advantage over one that can only find four chargeable threats in a year.

At our August 3 Judiciary Committee hearing, Assistant Attorney General Polite testified that violent crime is at the "very top" of the Department's prosecutorial priorities. While I certainly appreciate that statement, I worry that its sentiment is not being realized in practice. The Department is tasked with doing all that it can to combat violent crime on the national level. Unfortunately, at the present moment it appears that political considerations are playing an outsized role in the Department's priorities.

I urge you to alter this course immediately. I urge DOJ to implement a more explicit and comprehensive approach to combat rising crime. Using past responses to violent crime as a guide, DOJ should create a specific task force to combat violent crime, reinvigorate Project Safe Neighborhoods as a powerful violent crime-fighting tool, fill the gaps left by progressive prosecution, and leverage DOJ grant authorities to incentivize state and local authorities to prosecute crime in our most violent cities.

Protecting America's communities from the harmful effects of violent crime is a basic precept of DOJ's existence, and thus, a fundamental responsibility. The time to act is now.

Sincerely,



Charles E. Grassley
Ranking Member
United States Senate Judiciary Committee

cc:
The Honorable Dick Durbin
Chairman, Senate Judiciary Committee

Director Christopher Wray
Federal Bureau of Investigation

¹² Press Release, U.S. Department of Justice, Attorney General William P. Barr Announces Results of Operation Legend (Dec. 23, 2020), <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-results-operation-legend>.

¹³ *Id.*