

Congress of the United States
House of Representatives
Washington, DC 20515

July 16, 2020

The Honorable William P. Barr
Attorney General

The Honorable Eric S. Drieband
Assistant Attorney General for Civil Rights

The Staff at the U.S. Department of Justice

U.S. Department of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

Dear Attorney General Barr, Assistant Attorney General Dreiband, and the civil servants of the U.S. Department of Justice,

We write to recognize the efforts of the staff at the Department of Justice and the Civil Rights Division who have dedicated their careers to upholding the U.S. Constitution and enforcing federal civil rights laws, through multiple Administrations. The Division is tasked with enforcing statutes designed to uphold our national values of equality, opportunity, and freedom. For generations, civil servants in the Department and Division have worked diligently--case by case--to make the United States the more perfect union we envision. As a nation, we are privileged that so many talented civil servants have dedicated their careers to this area of the law. We implore the Department and Division leadership to restore these agencies' traditional functions and empower the career attorneys and staff to perform this work, thoughtfully, strategically, and without political interference.

This moment -- the confluence of an international pandemic, a growing racial justice movement, and an economic calamity that has further exacerbated income, wealth, and racial inequalities—underscores the need for a strong and independent Civil Rights Division. These forces have already begun to transform our country, and the Department and Division have important roles to ensure that what emerges from these unprecedented times is a more just and equitable nation.

At risk to their own health, millions of Americans have taken to the streets calling for racial justice and comprehensive reforms to our law enforcement system. The Department of Justice and the Civil Rights Division can be part of the solution. The Division has a history of making significant efforts to address bias and abuse in policing, with two dozen consent decrees and other agreements in the past decade that establish best practices for policing our communities.

It is unconscionable that the Department's response to the killing of George Floyd and widespread reports of disproportionate use of force against demonstrators across the country has made no mention of the need for systemic reform nor raised any concerns about police violence against protesters. Worse, the Department's own response to the demonstrations here in Washington, D.C., violate the standards that the Civil Rights Division has established for local police departments.

Those standards, established in consent decrees with police departments across the country, include the requirement of law enforcement officers to be properly and clearly identified to the public, training for police officers prior to being deployed at public demonstrations, and policing practices consistent with the First Amendment. Yet, inexplicably the Attorney General deployed unidentified officers and brought in personnel from the Bureau of Prisons who apparently have no training or experience with public demonstrations. This was a moment for the Community Relations Service to work with communities across the country to deescalate and the Civil Rights Division to demonstrate that the American people will seek justice for George Floyd and all those that have faced similar circumstances. Instead, the Attorney General personally directed that individuals—including children and clergy—peacefully exercising their fundamental right to assemble and protest, be forcibly removed, without warning, in advance of the President’s photo-op.

We urge the leadership of the Department and Division to reverse course and adopt major reforms to the Department and the Division. One place to start would be to resume pattern and practice police abuse investigations and enforcement actions. During the Trump administration, there has not been a single DOJ consent decree with a police department. Restarting pattern and practice abuse investigations would be important for three reasons:

- First, it would demonstrate to the American people that the Department and Division’s leadership understands that George Floyd’s murder is one of countless examples of the systemic racial injustices that corrode our law enforcement system, in which black Americans are disproportionately more likely to be killed at the hands of law enforcement than white Americans.
- Second, it would demonstrate that the federal government will live up to its promises in the Civil War Amendments to the Constitution. Even when states may fail, the federal government will ensure the rights, due process, and equality of all Americans.
- Third and most importantly, these cases can prevent further loss of life. A common outcome is a settlement with a consent decree that requires agencies to reform their practices, just as with the Ferguson, Missouri consent decree. Research has demonstrated that consent decrees, alongside court appointed monitoring, can reduce the number of police-related killings, which is the most basic goal.

We have deep respect for the Department and the public servants who have dedicated themselves and their careers to justice. We do not believe the agency’s recent actions reflect the sincere commitment of so many of the Department’s career staff, especially the Civil Rights Division, to defending the rights of all Americans and ending abuse by police, nor should they reflect the political leadership’s aspirations for the Department and Division. The Attorney General’s actions dishonor the history of these institutions and their dedicated public servants who continue to seek to enforce the law during times of increasing politicization amidst unprecedented challenges.

Within its ranks, the Department of Justice has deep expertise in how to protect the civil rights of all Americans and enforce the Constitution. The Department leadership must not stand in the way of those employees dedicated to upholding the law and the Constitution.

Sincerely

A handwritten signature in black ink, appearing to read "Ro Khanna".

Ro Khanna
Member of Congress

A handwritten signature in blue ink, appearing to read "Steve Cohen".

Steve Cohen
Member of Congress

/s/
Earl Blumenauer
Member of Congress

/s/
Andre Carson
Member of Congress

/s/
David Cicilline
Member of Congress

/s/
William Lacy Clay
Member of Congress

/s/
Peter DeFazio
Member of Congress

/s/
Suzanne DelBene
Member of Congress

/s/
Mark DeSaulnier
Member of Congress

/s/
Alcee Hastings
Member of Congress

/s/
Alan Lowenthal
Member of Congress

/s/
Eleanor Holmes Norton
Member of Congress

/s/
Frank Pallone
Member of Congress

/s/
Bobby Rush
Member of Congress

/s/
Jan Schakowsky
Member of Congress

/s/
Terri Sewell
Member of Congress

/s/
Jackie Speier
Member of Congress

/s/
Bennie Thompson
Member of Congress

/s/
Juan Vargas
Member of Congress

/s/
Nydia Velázquez
Member of Congress