

RICHARD J. DURBIN, ILLINOIS, CHAIR

PATRICK J. LEAHY, VERMONT
DIANNE FEINSTEIN, CALIFORNIA
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE K. HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
ALEX PADILLA, CALIFORNIA
JON OSSOFF, GEORGIA

CHARLES E. GRASSLEY, IOWA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JOSHUA D. HAWLEY, MISSOURI
TOM COTTON, ARKANSAS
JOHN KENNEDY, LOUISIANA
THOM TILLIS, NORTH CAROLINA
MARSHA BLACKBURN, TENNESSEE

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 12, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Attorney General Garland:

I was greatly concerned after reviewing two new Biden Administration policy documents last month, which, taken together, suggest Administration efforts to politicize the Justice Department and force law enforcement professionals to support ineffectual, partisan policies. I hope you will be able to demonstrate the Department's independence.

On June 15, 2021, the National Security Council issued a policy to combat domestic terrorism. Although in broad strokes this policy repeated the strategic objectives and tactical means of a policy previously released by the NSC under the Trump Administration, I was concerned to see that the policy took an extremely partisan tone. For example, aside from the commonsense measures to combat crime such as enhancing cooperation between law enforcement agencies, there was a familiar emphasis on promulgating gun control and promoting teaching of critical race theory in schools. The Administration seems to find every context to be an appropriate one for these same recommendations. Troublingly, there was no mention of the 500 domestic terrorism investigations that were opened during the 2020 riots (comprising 25% of the FBI's current domestic terrorism investigations), or any strategy to combat anarchist extremism or any form of leftwing extremism. In fact, the policy went so far as to re-characterize an attack which the FBI reported only a month earlier as committed by a black racially motivated violent extremist,¹ as "anti-authority" instead.

Only a week later, on June 23, 2021, the Biden Administration announced a violent crime strategy, which is, in fact, a gun control strategy. Instead of acknowledging research that shows that depolicing is at the heart of a violent crime spike that began in June of 2020,² the

¹ Federal Bureau of Investigation and Department of Homeland Security, Strategic Intelligence Assessment and Data on Domestic Terrorism, 32 (May 2021), https://www.odni.gov/files/NCTC/documents/news_documents/ndaa-domestic-terrorism-strategic-report-051421.pdf.

² Prof. Paul Cassel, "Explaining the Recent Homicide Spikes in U.S. Cities: The "Minneapolis Effect" and the Decline in Proactive Policing" (2020).

Administration continues to insist that rogue firearms sellers and legal AR-15 owners are truly to blame. These claims rest on the absolutely wrong-headed and unconstitutional notion that gun ownership itself is an evil to be obliterated.

As DOJ found in 2004 after a review of the so-called assault weapons ban, there was no demonstrable effect of banning so-called “assault weapons” on the level of violent crime.³ As a 2013 CDC-commissioned study found, as many as 3 million people a year defend themselves with a firearm.⁴ A 2019 study by DOJ found that few firearms used in crime are acquired from firearm dealers, about 7%, compared to 56% who stole a firearm or bought it in a black market.⁵ People are legally buying guns at such a high rate because they no longer have the safety afforded by a fully funded and empowered police force. The President’s policy confuses cause for effect: depolicing causes Americans to turn to firearms to protect themselves. Increased firearm acquisition is fueled by rising crime rates,⁶ not the other way around.

In order to demonstrate that the Department is not influenced by partisan documents in enforcing the law, please answer the following no later than July 26, 2021:

1. Was the Department of Justice, including the FBI, given the opportunity to review the National Security Council’s Countering Domestic Terrorism product?
2. Were career attorneys, such as those in the Counterterrorism Section, given an opportunity to review the National Security Council’s Countering Domestic Terrorism product?
3. Were career agents, such as those in the Domestic Terrorism Operations Section of the FBI, given the opportunity to review the National Security Council’s Countering Domestic Terrorism product?
4. Has the FBI changed its characterization of the attack by Micah Johnson, who killed five police officers in Dallas in 2016, from black racially motivated violent extremist to “anti-authority”?
5. If so, was that change in characterization requested by the political leadership of the Department of Justice?
6. Additionally, was that change in characterization requested by any political appointee anywhere in the Administration?

³ Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003 (2004).

⁴ Institute of Medicine and National Research Council of the National Academies, *Priorities for Research to Reduce the Threat of Firearm-Related Violence*, 15 (2013).

⁵ U.S. Department of Justice, Bureau of Justice Statistics, *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates*, 2016 (January 2019).

⁶ *See, e.g.*, John Keilamn, “Faced with rising crime and social upheaval, more Black Chicagoans are seeking out firearms for their own protection,” *Chicago Trib*, Mar. 1, 2021; <https://www.chicagotribune.com/news/breaking/ct-black-gun-ownership-increasing-20210301-y3pdyrzspjdlhbm4ksre2amcfi-story.html>.

7. Did career attorneys or agents recommend teaching critical race theory in schools as a potential solution for domestic terrorism?
8. Did career attorneys or agents recommend expansive gun control as a potential solution for domestic terrorism?
9. Did career attorneys or agents recommend that the policy acknowledge that a quarter of the current domestic terrorism investigations stem from the 2020 riots?
10. Did career attorneys or agents recommend that the policy acknowledge a growing number of arrests of anarchist extremists, as Director Wray has?
11. Did career attorneys or agents recommend adjustments to the policy based on fatal attacks by black racially motivated violent extremists?
12. How prevalent is the use of ghost guns in violent crime?
13. How prevalent is the use of semiautomatic rifles in violent crime?
14. Is there a historical relationship between rates of legal firearm acquisition and rates of violent crime?
15. If so, does violent crime fuel private firearm acquisition?
16. How many firearms are sold annually by “rogue” firearms dealers versus acquired by other means?
17. How much time will the Department of Justice spend supporting the Administration’s efforts to sue gun manufacturers rather than working on direct law enforcement activities?

If you have any questions, you may contact Erin Creegan of my Committee Staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary