

Congress of the United States
Washington, DC 20515

May 13, 2020

Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland:

We write today to inquire about the Department's investigations into the events at the Capitol on January 6, 2021. The events that happened at the Capitol that day are widely known, however it is lesser known what actions the Department has taken toward pursuing criminal charges against the individuals involved. According to reports, more than 400 individuals have been charged with violations of federal law in connection with the Capitol events but we in Congress have little information about how the Department of Justice is handling these cases.

Those that damaged property and assaulted police officers on January 6th should rightfully face justice. However, the public outcry and hyper-politization of the events on January 6th may incentivize prosecutors to use overly aggressive tactics, overcharge, and abuse the power of the federal government in order to satisfy favored political groups. Indeed, we have reports that Assistant United States Attorneys (AUSAs) are being denied the discretion to enter into plea deals without permission from political appointees at main DOJ. Additionally, there are disturbing reports of heavily armed teams of federal agents bursting into family homes to arrest individuals with no history or likelihood of violence, and even one report of federal agents raiding the wrong home¹.

As such, congressional oversight of these prosecutions is essential as a check and balance on that power. Please provide a briefing to all Members of Congress no later than May 30, 2021. The briefing should include information on the following:

- Whether existing DOJ procedures are being followed or have been altered, including the prosecutorial discretion of AUSAs to try their cases as they see fit.
- Who has the authority to approve plea agreements?
- Are plea agreements for January 6th cases more severe than agreements in similar cases, like plea agreements reached in the 75 or more cases involving assaults on federal officers and destruction of federal property in the Portland riots last summer?
- Whether appropriate force is being used to arrest and detain suspects.
- On what grounds is DOJ opposing pretrial release for detained individuals?

¹ <https://apnews.com/article/riots-technology-capitol-siege-government-and-politics-48477cd7e012926b04a74bbe68e477ef>

Further, please provide regular updates of this nature so long as the cases are ongoing. We are not requesting any information that would jeopardize any ongoing investigations and there should be no reason why the Department of Justice cannot comply with this request.

Please give this matter your immediate attention. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'CR' with a stylized flourish.

Chip Roy
Member of Congress

A handwritten signature in black ink, appearing to read 'Thomas Massie' in a cursive script.

Thomas Massie
Member of Congress