

CONSERVATIVE

ACTION PROJECT

April 17, 2020

The Honorable William P. Barr
Attorney General of the United States
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Barr,

During these troubled times, we want to thank you for your consistent stance to protect constitutional freedoms of the American people. Thank you, in particular, for focusing the Department of Justice (DOJ) on protecting religious freedom and First Amendment rights, as well as for your public statement against abuses of religious freedom through state and local coronavirus orders and the Statement of Interest filed by the DOJ in federal court in Mississippi just this week.

Because of the rampant abuses of constitutional rights and civil liberties through the myriad orders issued by the governors and local officials nationwide, as part of the response to COVID-19, we urge you to undertake immediate review of all the orders that have been issued by the states and local governments across the nation. Although the orders are for the purpose of slowing the spread of the coronavirus, the nature and enforcement of the orders have increasingly raised serious concerns about violating the basic protections and rights guaranteed under the United States Constitution. A few examples include

- Arresting pro-life counselors for peacefully standing outside an abortion clinic while maintaining social distance
- Government officials arresting and handcuffing a father in front of his child for playing catch outdoors.
- Arresting a man for surfing
- Ticketing citizens for attending a drive-in church service on church property, in their own cars.
- Police officers telling an African American pastor that his rights are suspended because of coronavirus orders
- Prohibitions on citizens' rights to purchase firearms.
- Claiming the right to assemble in protests against state shelter-in-place orders is not an "essential activity"

While government has the authority to act to protect public health during a time of pandemic, the United States Constitution requires that any government actions must be narrowly tailored to ensure that rights enshrined in the Constitution are not abrogated. Protecting the lives of its people is one of the important purposes of the very existence of our government, but there is no constitutional authority for any level of government to use the emergency as a justification for abusing its power and violating the most cherished Constitutional freedoms of the people of this country. Petty, would-be, dictators are attempting use the crisis as an opportunity to flex their perceived new muscles at the expense of the Constitution, and even telling citizens their right to protest such excess has been “suspended”.

As the nation’s chief law enforcement officer, we call on you to halt the spread of these unconstitutional orders and enforcement tactics against the American people. We urge you to immediately assemble a task force at DOJ to do the following:

- Review all local and state orders
- Ensure that every order is narrowly tailored to address specific, identified and identifiable risks, and are not wholesale restrictions on the rights of citizens
- Issue national guidelines for enforcement that reflect the Constitutional rights of the American people
- Notify those state and local officials of the Constitutional deficiencies in their orders and request voluntary revision or cessation of enforcement of provisions that are identified by your review as violating the Constitution
- Initiate litigation to enjoin the enforcement of orders that are not narrowly tailored and which infringe upon the basic rights enshrined in the Constitution.

Many see this crisis as an opportunity to reduce liberty and enlarge government power in permanent ways. We will do all in our power to make sure this does not happen. We urge the DOJ to take numerous, specific actions, right now, to focus and act against this disturbing new danger to our country’s future.

We know well that you share our devotion to America's Constitutional liberties, and we are grateful that you are in a unique position to act decisively in their defense.

Sincerely,

The Honorable Edwin Meese III
Attorney General
President Ronald Reagan (1985-1988)

Alfred S. Regnery
Chairman, Conservative Action Project
Chairman, Law Enforcement Legal Defense
Fund

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U.S. Secretary of Interior (1985-1989)

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The Honorable Morton C. Blackwell
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The Honorable Becky Norton Dunlop
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The Honorable Bob McEwen
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Former Member, Ohio

The Honorable Tony Perkins
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The Honorable David McIntosh
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