

United States Senate

April 30, 2020

The Honorable William P. Barr
Attorney General of the United States
Department of Justice
950 Pennsylvania Ave. N.W
Washington, D.C. 20530-0001

Dear Attorney General Barr:

As you know, our country is currently in the midst of a national crisis caused by COVID-19 with local and state governments working diligently to protect lives from this pernicious disease. But as you also know, some officials have used this crisis as an opportunity to violate the constitution and restrict freedom in ways that have nothing to do with protecting American lives. I have been raising concerns about this growing authoritarianism for the last few weeks, including in a *New York Post* op-ed piece, and it appears the trend is far from abating.

I applaud you for recognizing this trend and taking affirmative steps to help stop local and state officials from encroaching on our individual freedoms. As you correctly explained in your April 27th memo directing the Assistant Attorney General for Civil Rights and the U.S. Attorney for the Eastern District of Michigan to oversee and coordinate efforts to monitor and correct overaggressive policies, “[i]f a state or local ordinance crosses the line from an appropriate exercise of authority to stop the spread of COVID-19 into an overbearing infringement of constitutional and statutory protections, the Department of Justice may have an obligation to address that overreach in federal court.”

In this effort, I urge you to pay specific attention to the growing tendency of local leaders to target communities of faith. I highlighted examples of this threat to civil liberties in my op-ed: “In Louisville, Ky., and Greenville, Miss., Democratic mayors fought to stop individuals from attending church for Lenten and Easter services, even if they remained in their cars to worship.” I also discussed New York City Mayor Bill de Blasio’s threat that churches, synagogues, mosques, and temples would be shuttered permanently if their members continued to meet for services. These and similar actions are unconscionable and ripe for investigation.

I also strongly urge you to investigate local officials who target and discriminate against members of individual religions or denominations under the guise of protecting public health. Most notably, Mayor De Blasio recently threatened the “Jewish community” with arrest after Orthodox Jews gathered to pay their respects for a prominent rabbi at a funeral that was coordinated with local officials. The fact that the Mayor made this threat mere days after tweeting in support of a program that would bring “hundreds of thousands [of meals] to the 32 sites most frequented by our Muslim communities” and attending large gatherings with health care workers without protective equipment suggests that the Jewish community is being singled out for special burdens. This is dangerous in and of itself. But it is especially dangerous to single out the Jewish community in a city that is experiencing a substantial rise in violent antisemitism.¹ The Department of Justice should not hesitate to closely monitor New York City to ensure that the Mayor’s rhetoric does not translate into constitutional violations.

Your attention to the threat the pandemic poses to civil liberties is greatly appreciated. Many Americans feel they have little recourse as large tech platforms aid local and state governments by silencing dissenting speech. The Department of Justice can provide that recourse by standing in support of the constitution and against overaggressive local and state officials, especially where those officials threaten not only religious liberty, but specific, identifiable religious groups.

Regards,



Ted Cruz
United States Senator

¹ <https://www.jta.org/2020/01/02/united-states/what-is-causing-the-rise-in-anti-semitism-in-new-york>