

Congress of the United States
Washington, DC 20515

January 9, 2021

Acting Attorney General Jeffrey A. Rosen
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Acting Attorney General Rosen:

We write to request that the U.S. Department of Justice bring the perpetrators of the January 6, 2021, terrorist attack on the United States Capitol to justice. Not since 1814 has our country seen an attack of this scale upon the Capitol and direct challenge to the ideals and values that underly our democracy.

On January 6, 2021, Congress convened to ratify the election of President-Elect Joe Biden and Vice President-Elect Kamala Harris. That process was interrupted when large crowds of rioters breached police barricades and broke into the Capitol. There, rioters vandalized halls; ransacked offices; entered restricted government offices by force and with deadly weapons; and put the lives of Members of Congress, Congressional staff, Capitol staff, and law enforcement officers at risk. Videos and photos captured hundreds of rioters storming the Capitol, nearly all of whom walked away without arrest. The overwhelming majority of the rioters have still not faced any consequences.

As Deputy Attorney General, you issued a memorandum on September 17, 2020 in response to Black Lives Matter protests encouraging U.S. Attorneys to charge protestors with “[s]editious conspiracy” under 18 U.S.C. §2384.¹ In the memorandum, you explain that “Section 2384 does *not* require proof of a plot to overthrow the U.S. Government...it also applies to conspiracies with any of the following objects: ‘to oppose by force the authority [of the Government of the United States]’; ‘by force to prevent, hinder, or delay the execution of any law of the United States’; or ‘by force to seize, take, or possess any property of the United States contrary to the authority thereof.’”² In addition, the memorandum states that “...there are several other federal offenses that you should consider in charging defendants involved in violent riots, to the extent they may apply. Those include:

- Damage to Federal Property, 18 U.S.C. § 1361
- Use of Fire or Explosives, 18 U.S.C. § 844
- Civil Disorder, 18 U.S.C § 231(a)
- Riots, 18 U.S.C. § 2101(a)
- Interstate Communications, 18 U.S.C. § 875
- Damage to Veterans Monuments, 18 U.S.C. § 1369

¹ Charging in connection with violent rioting, including 18 U.S.C. § 2384. U.S. Department of Justice, Office of the Deputy Attorney General, 17 September 2020, <https://www.justice.gov/opa/page/file/1317916>. Accessed 7 January 2021.

² *Id.*

- Interstate and Foreign Travel or Transportation in Aid of Racketeering Enterprises, 18 U.S.C. § 1952.”³

Your September guidance, which includes reference to a number of crimes that expose defendants to lengthy sentences, followed a series of largely peaceful nationwide protests. Now you are faced with a direct attack on the seat of our nation’s government that ended in the death of five individuals, including a law enforcement officer who was protecting lawmakers and staff. As you move forward with investigating the terrorist attack on the Capitol, we expect that you will fully consider the criminal offenses that you cited in your September guidance and all other relevant charges for each person connected with carrying out the attack.

Thank you for your attention to this urgent matter.

Sincerely,



JERRY MCNERNEY
Member of Congress

/s/

JARED HUFFMAN
Member of Congress

/s/

BARBARA LEE
Member of Congress

/s/

MARK DESAULNIER
Member of Congress

/s/

TOM MALINOWSKI
Member of Congress

/s/

MIKE THOMPSON
Member of Congress

/s/

NANETTE DIAZ BARRAGÁN
Member of Congress

/s/

YVETTE D. CLARKE
Member of Congress

/s/

ANDRÉ CARSON
Member of Congress

/s/

VERONICA ESCOBAR
Member of Congress

/s/

SHEILA JACKSON LEE
Member of Congress

/s/

JAMES P. MCGOVERN
Member of Congress

/s/

ILHAN OMAR
Member of Congress

/s/

RAÚL M. GRIJALVA
Member of Congress

³ *Id.*

/s/
STACEY E. PLASKETT
Member of Congress

/s/
MARC VEASEY
Member of Congress

/s/
MONDAIRE JONES
Member of Congress

/s/
AYANNA PRESSLEY
Member of Congress

/s/
ELEANOR HOLMES NORTON
Member of Congress

/s/
PETER WELCH
Member of Congress

/s/
JOHN GARAMENDI
Member of Congress

/s/
RITCHIE TORRES
Member of Congress

/s/
MIKE DOYLE
Member of Congress

/s/
GRACE MENG
Member of Congress

/s/
JUDY CHU
Member of Congress

/s/
NYDIA M. VELÁZQUEZ
Member of Congress

/s/
GRACE F. NAPOLITANO
Member of Congress

/s/
BONNIE WATSON COLEMAN
Member of Congress

/s/
MARIE NEWMAN
Member of Congress

/s/
JAHANA HAYES
Member of Congress

CC: The Honorable Christopher Wray, Director, Federal Bureau of Investigations