



August 16, 2024

The Hon. Michael E. Horowitz, Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

## **Supplemental Request for OIG Action Regarding the Department’s Failure to Investigate and Prosecute Pro-Hamas Criminal Conduct**

Dear Inspector General Horowitz:

Eight months ago, we asked you to investigate whether the Department’s failure to protect Americans’ civil rights from the pro-Hamas network and its leftist and Islamic foot soldiers<sup>1</sup> is the result of inappropriate considerations and bias.<sup>2</sup> In the interim, the pro-Hamas network has become more brazen and aggressive, committing numerous crimes, including, *inter alia*, conspiracies against rights (18 U.S.C. § 241), obstruction and vandalism of places of worship (18 U.S.C. § 248(a)(2), (3)), destruction of government property (18 U.S.C. § 1361), money laundering (18 U.S.C. § 1956), material support for a designated foreign terrorist organization (18 U.S.C. § 2339A), and civil violations, including, *inter alia*, under 42 U.S.C. § 1985(3).<sup>3</sup>

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<sup>1</sup> See Simone Weichselbaum & Alexandra Chaidez, *Who’s Behind the Pro-Palestinian Protests That are Disrupting Biden’s Campaign Events and Blocking City Streets?*, NBC NEWS (Mar. 20, 2024), <https://nbcnews.to/3LDWXuu>; Nathan Solis et al., *Protest Violence Outside L.A. Synagogue Spurs Widespread Condemnation. Bass Vows Quick Action*, L.A. TIMES (June 23, 2024), <https://lat.ms/4bZW3Dl>.

<sup>2</sup> At that time, we advised you of insider allegations (1) that political leaders in the Offices of the Attorney General and the Assistant Attorney General for Civil Rights “have issued an effective stand-down order to United States Attorneys and to federal law enforcement concerning incitement, violence, and vandalism by Hamas’s network of U.S.-based supporters and front groups” due to inappropriate considerations or bias; (2) that this order followed White House opposition to law enforcement action protecting the civil rights of American Jews and others targeted by the pro-Hamas network for fear of alienating progressive and Islamic voters; and (3) that certain career and political Department officials support the pro-Hamas network’s goals and tactics. Letter from Reed D. Rubinstein, Senior Vice President, Am. First Legal, to Hon. Michael E. Horowitz, Inspector General, U.S. Dep’t of Just. at 3 (Jan. 2, 2024), <https://bit.ly/4d0aIzS>.

<sup>3</sup> See generally Complaint at ¶¶ 6–22, 57–65, 67, 70–82, 88–113, 127–37, 163–78, 275–313, *Frankel v. Regents of the Univ. of Cal.* (C.D. Cal., June 5, 2024) (No. 2:24-cv-4702); Complaint at ¶¶ 27–39, 42–63, 68–76, 80–100, 105–11, 115, 117–19, *Parizer v. AJP Educ. Found. Inc.* (E.D. Va., May 1, 2024) (No. 1:24-cv-724); see also @RichieMcGinniss, X (July 24, 2024, 3:38 PM), <https://bit.ly/3LC2wKd> (“A man saves a smoldering American flag from the center of the protest and is nearly tackled amidst shouts ‘get him!’”); @libsoftiktok, X (July 24, 2024, 3:42 PM), <https://bit.ly/3Sk3jDh> (“Pro-Palestine protesters are burning the American Flag in our Nation’s Capitol.”); @MrAndyNgo, X (July 24, 2024, 3:22 PM), <https://bit.ly/3WEffSX> (“While using BLM’s ‘No justice, no peace’ chant, leftist protesters march with

For example:

- On or about June 24, 2024, pursuant to an unlawful conspiracy, the pro-Hamas network by force or threat of force and by physical obstruction, intentionally injured, intimidated, and interfered with American citizens lawfully exercising or seeking to exercise their First Amendment right of religious freedom at the Adas Torah synagogue in Los Angeles, California. Despite clear violations of applicable California and federal laws, published reports are that none of the pro-Hamas attackers were arrested.<sup>4</sup> When police did arrive, the pro-Hamas mob dispersed into surrounding residential neighborhoods. Video shows individuals, many using keffiyeh head scarves to conceal their faces, looking for Jews to attack. According to one witness:

[B]ehind the phalanx of LAPD, on the sidewalk in front of the synagogue, were the Hamas supporters. When I walked up to the police with my boys and asked if I could enter the synagogue, they told me not to come any closer and said that I should leave. I asked calmly but incredulously, “Shouldn’t you be making sure this place stays open?” The reply was: “You should leave.”<sup>5</sup>

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the Hamas terror group flag at the ‘Day of Rage’ direct action in D.C.”); @EYakoby, X (July 24, 2024, 11:27 AM), <https://bit.ly/3WnKMa6> (“Breaking: pro-Palestinian supporters chant ‘Allahu Akbar! Hamas!’ And ‘Death to the Jews’ in Washington DC. The US must take these domestic terrorists seriously.”); Noah Pollak, *The Pogrom on Pico Boulevard*, FREE PRESS (June 25, 2024), <https://bit.ly/4cy0aXW>; N.J. Burkett, *NYC Mayor Adams Slams Pro-Palestinian Demo Outside Nova Massacre Exhibit*, ABC NEWS (June 11, 2024), <https://bit.ly/45I1xkO>; Michael Lee, *GOP Senator Calls for Jan 6 Style Investigation Into DC Anti-Israel Demonstration*, FOX NEWS (June 9, 2024), <https://fxn.ws/3WD9CnR>; *Watch: Cooper Union Jewish Students Attacked by Pro-Palestinian Student Group*, JERUSALEM POST (Oct. 26, 2023), <https://bit.ly/46knRRU>; Patrick Reilly, *Jewish Students at MIT Blocked from Attending Classes by ‘Hostile’ Anti-Israel Protesters*, N.Y. POST (Nov. 10, 2023), <https://bit.ly/3RPVQfr>; *Demonstrators Brawl Outside LA’s Museum of Tolerance After Screening of Hamas Attack Video*, ASSOCIATED PRESS (Nov. 9, 2023), <https://bit.ly/47TUtlN>; Jonathon Lloyd, *75 Arrested in Protest on 110 Freeway That Stopped Traffic in Downtown LA*, NBC L.A. (Dec. 13, 2023), <https://bit.ly/477JvHA>; Martha McHardy, *Man Arrested for Spraying Substance on Two People and Yelling ‘Gas the Jews’ Outside Synagogue*, INDEPENDENT (Dec. 18, 2023), <https://bit.ly/3Tv8KAL>; Joe Hutchinson, *Shocking Moment Jewish Teacher is Forced to Hide in Her Classroom at a Queens High School as ‘Radicalized’ Students Rampage Through Hallways While Demanding She Be Fired for Attending Pro-Israel Rally*, DAILY MAIL (Nov. 25, 2023), <https://bit.ly/4auf6pS>; Adam Kredo, *White House Protesters Vandalized Property and Clashed With Law Enforcement, But Police Say No Arrests Were Made*, WASH. FREE BEACON (June 9, 2024), <https://bit.ly/3WsuLjA>.

<sup>4</sup> Alyssa Lukpat, *Pro-Palestinian Protesters Block Access to Los Angeles Synagogue in Violent Clash*, WALL ST. J. (June 24, 2024), <https://on.wsj.com/3WEDccI>; Solis, *supra* note 1 (reporting that the conspirators included the Hamas front group known as the Council on American-Islamic Relations).

<sup>5</sup> Pollak, *supra* note 3.

There are allegations that local political officials in the Office of the Mayor issued a standdown order to the Los Angeles Police Department; regardless, according to a liberal CNN commentator, this was a “pogrom,” not a protest.<sup>6</sup>

- On or about June 10, 2024, pursuant to an unlawful conspiracy, the pro-Hamas network mobilized a masked, disguised, and violent mob to, *inter alia*, injure, oppress, threaten, or intimidate Americans in the free exercise or enjoyment of their First Amendment rights. Specifically, the pro-Hamas network intended to prevent or hinder Americans’ free exercise or enjoyment of their right to attend, gather, and view a memorial to the hundreds of innocents at the Nova Music Festival in Israel who suffered unspeakable crimes, including murder, rape, and mutilation, at the hands of Hamas terrorists on October 7, 2023.<sup>7</sup> Shockingly, the pro-Hamas mob celebrated the assault on this memorial, praised Hamas’s October 7 violence, and called for similar crimes against Americans.<sup>8</sup>
- On or about June 8, 2024, pursuant to an unlawful conspiracy, the pro-Hamas network mobilized a mob takeover of Lafayette Park in Washington, D.C., vandalizing federal property and attacking federal law enforcement in violation of the criminal laws of the United States and the District of Columbia.<sup>9</sup> The confessed purpose was to provide designated foreign terrorists with material support and assistance, in facial violation of 18 U.S.C. § 2339A(b),<sup>10</sup> and to intimidate or coerce American citizens and/or influence the policy of the American government by intimidation or coercion in violation of 18 U.S.C. § 2331(5). Despite considerable damage, not a single arrest was made.<sup>11</sup>

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<sup>6</sup> Jamie Frevele, *CNN’s Van Jones Calls Protest Outside Synagogue That Turned Violent a ‘Pogrom,’* MEDIATE (June 25, 2024), <https://bit.ly/3WECVqk>.

<sup>7</sup> Burkett, *supra* note 3.

<sup>8</sup> Germana Rodriguez Poleo, *Outrageous Anti-Semitic Vandalism Sees Pro-Palestinian Protesters Hurl Red Paint Over Homes of Brooklyn Museum Director and Board Members*, DAILY MAIL (June 12, 2024), <https://bit.ly/3RLpqlQ>; *NYC Protesters Wave Terror Group Flags, Call for Intifada Outside Nova Massacre Exhibit*, TIMES OF ISR. (June 11, 2024), <https://bit.ly/3XDPjYw>.

<sup>9</sup> *See, e.g.*, 18 U.S.C. § 1361 (providing criminal penalties for anyone who “willfully injures or commits any depredation against any property of the United States” or its agencies, or who “attempts to commit” such an offense); 18 U.S.C. § 1369(a) (providing criminal penalties for anyone who willfully injures or destroys (or attempts to injure or destroy) “any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States”); D.C. Code § 22-3312.03 (prohibiting anyone over 16 years of age from wearing any “mask, hood, or device whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the wearer . . . [w]hile engaged in conduct prohibited by civil or criminal law, with the intent of avoiding identification.”).

<sup>10</sup> *See Holder v. Humanitarian L. Project*, 561 U.S. 1 (2010).

<sup>11</sup> Kredo, *supra* note 3.

The Department’s political leaders have made “domestic terrorism” a central talking point and a singular domestic intelligence, investigative, and enforcement priority.<sup>12</sup> It has characterized *all* January 6 protestors as “domestic terrorists”<sup>13</sup> and mobilized federal law enforcement against parents for protesting at school board meetings.<sup>14</sup> However, it has not applied the same label to the pro-Hamas network, notwithstanding the fact that this network was created and exists to provide material support to designated foreign terrorist groups<sup>15</sup> and is engaged in conduct that precisely meets the statutory definition of the term.<sup>16</sup>

American parents opposed to masks, critical race theory, or secretive gender “transitions” *never* engaged in the sort of violence and intimidation practiced by the pro-Hamas network on almost a daily basis. Yet, while the Department found its voice to smear parents as potential domestic terrorists, about the pro-Hamas network,<sup>17</sup> it has nothing to say. The only apparent justification for the fact that American parents merited a specific Attorney General’s Memorandum and the organized attention of federal law enforcement, while the foreign and domestic supporters of a designated foreign terrorist organization have not, is that the pro-Hamas network and its supporters in Michigan and elsewhere are apparently a political ally and client of the current administration.<sup>18</sup>

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<sup>12</sup> NAT’L SEC. COUNCIL, NATIONAL STRATEGY FOR COUNTERING DOMESTIC TERRORISM 7 (2021), <https://bit.ly/3PSdw6G>; DEP’T OF JUST., DOMESTIC TERRORISM BACKGROUNDER (2021), <https://bit.ly/3vKsGD2>; *see also* Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Christopher A. Wray, Director, Fed. Bureau of Investigation (July 27, 2022), <https://bit.ly/3BPUt8P>; Katie Benner, *Justice Dept. Forms Domestic Terrorism Unit*, N.Y. TIMES (Jan. 11, 2022), <https://nyti.ms/3A794M0>; *Attorney General Merrick B. Garland Remarks: Domestic Terrorism Policy Address*, DEP’T OF JUST., (June 15, 2021), <https://bit.ly/3SB32uc>.

<sup>13</sup> NAT’L SEC. COUNCIL, *supra* note 12, at 5.

<sup>14</sup> *AFL Hits Back Against The Outright Politicization Of The Biden DOJ Against Concerned Parents*, AM. FIRST LEGAL (Oct. 5, 2021), <https://bit.ly/4fiELnX>.

<sup>15</sup> *See, e.g.*, Wire Tap Transcripts at 51, 60, 71, 81, 94, 103, 134, 154, *United States v. Holy Land Found.*, 2007 U.S. Dist. LEXIS 50239 (N.D. Tx., 2007) (Case No. 3:04-CR-240-G) (available at <https://bit.ly/3zZVVXi>).

<sup>16</sup> *E.g.*, Complaint, *Frankel v. Regents of the Univ. of Cal.* (C.D. Cal., June 5, 2024) (No. 2:24-cv-4702); Complaint, *Kestenbaum v. Harvard* (D. Mass., Jan. 10, 2024) (No. 1:24-cv-10092-RGS); Solis, *supra* note 1; Lee, *supra* note 3; *Watch: Cooper Union Jewish Students Attacked by Pro-Palestinian Student Group*, *supra* note 3; Reilly, *supra* note 3; *Demonstrators Brawl Outside LA’s Museum of Tolerance After Screening of Hamas Attack Video*, *supra* note 3; Lloyd, *supra* note 3; Josh DuBose, *Man Charged with Vandalism, Hate Crimes for Antisemitic Graffiti*, KTLA (Dec. 12, 2023), <https://bit.ly/4antH6t>; Ben Tsujimoto, *Hate Crime by Muslim Student Against Jewish Teacher Tests Buffalo Schools’ New Code of Conduct*, BUFFALO NEWS (Dec. 17, 2023), <https://bit.ly/3v1mYyR>; McHardy, *supra* note 3; Hutchinson, *supra* note 3.

<sup>17</sup> Memorandum from Merrick Garland, Attorney General, Dep’t of Just., to Director, Fed. Bureau of Investigation et al. (Oct. 4, 2021), <https://bit.ly/3yDdWKB>.

<sup>18</sup> Steven Stalinsky, *Welcome to Dearborn, America’s Jihad Capital*, WALL ST. J. (Feb. 2, 2024), <https://on.wsj.com/3StK3TN>; Neil Munro, *Michigan’s Muslim Voters May Block Jewish Gov. Josh Shapiro from Being Democrats’ VP Pick*, BREITBART (July 23, 2024), <https://bit.ly/3WoELu4>.

The pattern of governmental underenforcement here echoes the 1960s, as the police and local prosecutors refused to prevent attacks by racist groups, including the Ku Klux Klan. In much the same way that local prosecutors in the Jim Crow South refused to fairly charge white racists who broke laws, attacked black Americans, and violated their civil rights, leftist prosecutors in Chicago, Los Angeles, and New York City have refused to fairly charge pro-Hamas criminals who have broken laws, attacked Jewish and other Americans, and violated civil rights.<sup>19</sup> In Los Angeles, city officials have even voted to use local tax dollars to fund legal counsel for pro-Hamas criminals.<sup>20</sup>

The Department once used its authority to protect civil rights. Now, by closing its eyes and standing quietly as local officials protect truly genocidal anti-Semites for political or ideological gain, it dishonors its history. The government is required not only to treat citizens equally but to protect them from private violence and intimidation; a political decision to stand down and thereby deny some American citizens protection from the pro-Hamas network's racist, anti-Christian, and anti-Semitic violence and intimidation denies equal protection and violates the Constitution.<sup>21</sup>

The Department's political officials have shamefully abdicated their responsibility to enforce the law and protect civil rights. Accordingly, we renew our January 2, 2024, request that you exercise your authority under 5a U.S.C. § 4 to determine whether the Department's decision to ignore the federal crimes committed by the pro-Hamas network is based on improper considerations and bias.

Sincerely,

/s/ Reed D. Rubinstein  
Reed D. Rubinstein  
Senior Vice President  
America First Legal Foundation

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<sup>19</sup> Stephen M. Lepore, *Fury as Woke Manhattan DA Alvin Bragg Drops Charges Against Dozens of Anti-Israel Protesters Who Stormed Columbia University*, DAILY MAIL (June 21, 2024), <https://bit.ly/3LGgPgJ>; see also Adam Sabes, *Prosecutors drop charges against 300+ anti-Israel encampment protesters nationwide; expert warns campus agitators might "escalate with impunity,"* CAMPUS REFORM (Aug. 2, 2024), <https://bit.ly/4cmKGFH>; Emily Jacobs, *McConnell urges DOJ to pursue pro-Hamas Union Station Protesters with 'Equal Vigor' to Jan. 6 Vases*, JEWISH INSIDER (July 25, 2024), <https://bit.ly/3LWavlf>.

<sup>20</sup> Legal Aid, *Defense Extended to Detained UCLA Protesters After Encampment Clearing*, DAILY BRUIN (May 8, 2024), <https://bit.ly/4dmzg65>.

<sup>21</sup> See, e.g., Linda E. Fisher, *Anatomy of an Affirmative Duty to Protect: 42 U.S.C. Section 1986*, 56 WASH. & LEE L. REV. 461, 466 (1996) (citations omitted).

cc: The Hon. Dick Durbin, Chairman, U.S. Senate Committee on the Judiciary  
The Hon. Lindsey Graham, Ranking Member, U.S. Senate Committee on the Judiciary  
The Hon. Jim Jordan, Chairman, U.S. House Committee on the Judiciary  
The Hon. Jerrold Nadler, Ranking Member, U.S. House Committee on the Judiciary  
The Hon. James Comer, Chairman, U.S. House Committee on Oversight and Accountability  
The Hon. Jamie Raskin, Ranking Member, U.S. House Committee on Oversight and Accountability