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July 16, 2020

Hon. William P. Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Barr:

As you are well aware, the country is facing a moment of significant public unrest and discord. As many Americans are peacefully exercising their constitutional rights to free speech and protest throughout the country, still others are exploiting this moment as an opportunity to sow violence and destruction. Too often, peaceful demonstrations have devolved into tense standoffs or violent riots, with threats and attacks on businesses, innocent bystanders, and law enforcement officers.

One such incident occurred in St. Louis, Missouri, where a family reportedly faced a mass of demonstrators trespassing on their property and threatening them. When help from the police or from nearby security failed to arrive, this family, the McCloskeys, did what any reasonable person would do: they retrieved their lawfully owned firearms and defended their property and their lives. The confrontation was resolved with no one being hurt.

Unfortunately, this family is facing new threats, not from demonstrators but from the local government. St. Louis Circuit Attorney Kim Gardner is now threatening to prosecute not the trespassers, but the McCloskeys, and she is using the powers of her office to target them. Her office has seized their firearms, and police have applied for warrants in the case, with an indictment believed to be imminent.¹

This is an unacceptable abuse of power and threat to the Second Amendment, and I urge you to consider a federal civil rights investigation into the St. Louis Circuit Attorney's Office to determine whether this investigation and impending prosecution violates this family's constitutional rights. There is no question under Missouri law that the McCloskeys had the right to own and use their firearms to protect themselves from threatened violence, and that any criminal prosecution for these actions is legally unsound. The only possible motivation for the investigation, then, is a politically motivated attempt to punish this family for exercising their Second

¹ https://www.kmov.com/news/st-louis-police-apply-for-warrants-in-mccloskey-case/article_80ff7c46-c619-11ea-ae32-bf86d141c507.html.

Amendment rights. Indeed, this is part of a troubling pattern of politically motivated prosecutorial decisions by the St. Louis Circuit Attorney, who has not seen fit to prosecute many violent offenders,² and who has expressed hostility to gun rights in the past.³ Recently, reports indicate that she declined to pursue charges against dozens of individuals arrested during a weekend of riots in the city.⁴

The Second Amendment is not a second-class right. No family should face the threat of harassment or malicious prosecution for exercising that right. The Department of Justice must ensure that all Americans' rights are protected from this kind of abuse of power.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is written in a cursive style with a large, looping initial "J".

Josh Hawley
U.S. Senator

² <https://kmox.radio.com/articles/news/police-chief-says-kim-gardner-charging-numbers-are-low>.

³ <https://www.kansascity.com/news/politics-government/article101906277.html>.

⁴ <https://www.ksdk.com/article/news/crime/st-louis-riot-arrests-latest-gardner-suspects-charged/63-76bf21c3-bb27-4ad8-871f-94e0bc2edf1a>.