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June 9, 2020

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:

In the past few weeks, state officials across the country have blatantly violated the free exercise and free speech rights of religious Americans. Under the First Amendment, state officials must not treat religious persons and groups worse than others, and they must not favor one kind of speech over another. State officials have violated the free speech and free exercise rights of religious Americans by treating religious gatherings and speech differently than the speech and mass gatherings of protests. I urge you to launch a full civil rights investigation.

As our Constitution allows, Americans have the right to peaceably protest. Millions of people are rightly angry about the death of George Floyd, and they should be able to protest peacefully. At the same time, state officials must not use their support for this protest to infringe the free exercise and free speech rights of religious Americans. Yet that is happening across the nation. The First Amendment prohibits state officials from treating religious individuals and groups worse than others. Two weeks ago, in a 5-4 decision, the Supreme Court denied relief to a California church. The decision tilted in favor of the state, the Chief Justice wrote, because of uncertainty about whether the church was being treated worse than comparable secular organizations.

Now, after two weeks of nationwide protests, no uncertainty remains. Many jurisdictions across the nation are imposing extraordinarily strict caps on religious gatherings—such as restricting religious gatherings to 10 or fewer people—even as those jurisdictions allow thousands of people to gather closely in protests. States cannot allow one but prohibit the other.

These actions also violate free speech. The First Amendment prohibits state officials from banning meetings based on the ideas that will be expressed. State officials have determined that the message behind the current protests is worth saying. But state officials cannot block religious speech while allowing protests simply because the states think the protest speech is more valuable.

Because of coronavirus, religious individuals already have been unable to fully celebrate important religious days—Passover, Easter, Ramadan, Pentecost, among others. They should not have to undergo the continued indignity of state officials violating their free exercise and free speech rights as well. I am grateful for your involvement so far on this issue, such as the Department’s May 19 letter to the Governor of California over that state’s problematic mistreatment of religious Americans. I urge you to remain engaged, open a full civil rights investigation, and bring whatever lawsuits are necessary to secure the First Amendment rights of all Americans.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator