

# United States Senate

July 23, 2019

The Honorable William Barr  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington DC 20530-0001

The Honorable Jeffrey A. Rosen  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington DC 20530-0001

The Honorable Christopher Wray  
Federal Bureau of Investigation  
935 Pennsylvania Avenue NW  
Washington DC 20535-0001

Dear Attorney General Barr, Deputy Attorney General Rosen, and Director Wray:

I write to urge you to open an organized crime investigation into Antifa, a left-wing anarchist terrorist organization that routinely relies on violence to intimidate and punish its political opponents.

Antifa's violence is widespread and well-known. Earlier this month, the "Rose City" chapter of the domestic terrorist organization "Antifa" rampaged through Portland, Oregon, stealing and destroying property, disrupting traffic, and assaulting civilians. One journalist, Andy Ngo, was attacked so severely that he was hospitalized for a brain hemorrhage. This weekend, Willem Van Sprosen, an Antifa terrorist, attacked a U.S. Immigration and Customs Enforcement center in Tacoma, Washington, igniting a vehicle and attempting to ignite a propane tank. This mayhem follows previous armed attacks and rioting by Antifa in Portland, as well as the arsons, destruction of property, batteries, and related crimes by Antifa following President Trump's inauguration. These are not unconnected lawless incidents; they instead appear to be a pattern of racketeering activity. And they occur principally because Antifa's members rely on masks to conceal which particular member committed any given crime.

As you are well aware, federal law has provided the Nation's law enforcement with powerful tools to prosecute criminal organizations, such as Antifa, the Ku Klux Klan, and the mafia, that rely on group anonymity. The Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.*, prohibits employment or association with any enterprise to conduct that enterprise's affairs through a pattern of racketeering activity. 18 U.S.C. § 1962(c). RICO enables law enforcement to prosecute individual members of these groups for participating in the criminal enterprise—even when the government cannot establish which particular individual in a corrupt organization committed a given crime.

RICO further gives law-abiding citizens in jurisdictions like Portland some recourse in support of their constitutional rights. You are surely aware that Portland Mayor Ted Wheeler has staunchly refused to deploy and support local law enforcement to restore order and prevent Antifa robberies and armed assaults. It is no mystery why: Antifa's violence is aimed to silence dissent from authoritarian left-wing views. Mayor Wheeler apparently agrees with those views. But the First Amendment guarantees Portland's moderates and conservatives alike the right to speak, and the Equal Protection Clause prohibits Portland's mayor and police force from refusing to prosecute assaults designed to suppress this First Amendment right—from, quite literally, denying to dissenting Portlanders the equal protection of Oregon's laws against assault and robbery. Federal intervention is required to guarantee these citizens' constitutional rights.

I likewise urge you to investigate Mayor and Police Commissioner Ted Wheeler for his official policies violating Oregonians' civil rights. Wheeler has refused to quell Antifa intimidation and riots based on his apparent sympathy with these left-wing aims. For example, last summer, radical left-wing activists surrounded a Portland Immigration and Customs Enforcement building, trapping federal employees inside. When those employees called Portland police, Mayor Wheeler prohibited a police response. In his capacity as Police Commissioner, Wheeler announced why: he did not want the police to be "engaged" in "a conflict, particularly from a Federal agency that [he] believe[d]" to be "on the wrong track." If those employees sought police protection—what he called "a bailout from this mayor, they are looking in the wrong place." The refusal to provide police protection from private violence is one of the oldest, ugliest tactics local officials can employ, dating back to the implicit acceptance of Klan violence as a means to discourage the exercise of constitutional rights. Federal civil rights enforcement ended these un-American practices. Mayor and Police Commissioner Wheeler's refusal is no different, and his denial of police protection should be treated accordingly.

While it is ultimately the Department's decision whether RICO charges are appropriate, I note that public information alone suggests that Rose City Antifa has violated RICO at minimum. There is little doubt that Antifa, a well-known international organization, is an identifiable group of individuals associated-in-fact; they would admit as much. As for racketeering activity, several of Antifa's better-known crimes either qualify as acts involving robbery or arson punishable by State law for more than a year, *see, e.g.*, O.R.S. §§ 161.605, 164.396, or could be charged under statutes specifically enumerated by RICO as racketeering activity. *See, e.g.*, 18 U.S.C. §§ 1503(a), 1951(a). Antifa, especially Rose City Antifa, undertakes these acts in a predictable, continuing pattern, which, according to Rose City Antifa's website, began in 2007. It continues to raise money and recruit members for future violent activities. This is an ongoing criminal enterprise with a continuing pattern of racketeering activity that intends to commit future crimes.

It may also be appropriate to take additional action either against Antifa for its terrorist violence to suppress constitutional rights, or against Mayor Wheeler for his deliberate refusal to protect dissenting Portlanders from Antifa's violence. Congress has provided the Executive with tools to address this precise scenario—local officials turning a blind eye to violence designed to suppress the exercise of constitutional rights—since at least the Ku Klux Klan Act. If you require additional tools or resources to ensure that States and localities do not permit left-wing paramilitary

organizations to terrorize ordinary Americans with impunity, let me know. My colleagues and I will get you all the support that you require.

Our Republic depends on free and open participation in the political process. These acts of brazen political violence and intimidation strike at the heart of that process. Given your commitment to the rule of law, I hope you will respond to Antifa's organized criminal activity, and Mayor Ted Wheeler's refusal to protect Portland's citizens from that activity, with all speed and vigilance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ted Cruz', is centered on the page.

Ted Cruz  
United States Senator