



RSC MEMORANDUM

TO: Republican Study Committee Member Offices
FROM: Chairman Jim Banks
DATE: May 9, 2022
RE: Fighting the Left's Pro-Criminal Agenda

*In his inaugural address, President Trump said: “Americans want great schools for their children, **safe neighborhoods for their families**, and good jobs for themselves.” President Biden and Democrats have failed on all three points, but most of all, on **public safety**. In fact, the last two years have been two of the **most violent years on record**.*

*Jen Psaki's claim that Republicans “defunded the police” brought the White House's dishonesty and gaslighting to a comical level. Every American already knows that Democrats' **pro-criminal** policies and rhetoric spurred the crime crisis.*

*It's not enough for Conservatives to point out that the Left's radical Defund the Police movement was a deadly disaster. Crime is at an unacceptable level and Americans are desperate for **solutions**. They need to know that Conservatives have **a plan to make them safe**.*

This memo explains not only how the Democrats' pro-criminal agenda caused the recent crime crisis, but also outlines a number of conservative federal policies to make America safer.

The Left's Historic Spike in Crime

So just how bad has the Left's crime wave been? Here's how bad...

HOMICIDES. While crime has been on the rise across the country, it is markedly worse in areas that have promoted the pro-criminal ideology of the radical left. According to annual FBI statistics, the U.S. experienced a 30% increase in murders in 2020, the single largest annual increase since it started keeping crime statistics 60 years ago. In 2021, in major American cities, **murders jumped another 5%** from 2020 levels. Meanwhile, “Columbus, Ohio; Indianapolis, Indiana; Louisville, Kentucky; St. Paul, Minnesota; Portland, Oregon; Tucson, Arizona; Toledo, Ohio; Baton Rouge, Louisiana; Austin, Texas; Rochester, New York; and Albuquerque, New Mexico” all set homicide records.

MURDER OF LAW ENFORCEMENT OFFICERS hit an all-time high, with rates up 59% from 2020 levels. Unprovoked attacks, or ambushes against officers, jumped from 2 in 2020 to 25 in 2021.

DRUG SEIZURES by Customs and Border Protection agents increased by substantial margins in 2021. Cocaine seizures increased 68%; Methamphetamine seizures increased 7%; Fentanyl

seizures increased 134%. The surge of Fentanyl coming into the United States is a crisis all its own. Overdose deaths, fueled by Fentanyl flooding our communities, have rocketed to an [all-time high](#). This deadly substance makes its way onto [American streets](#) often from Mexican cartels which acquire fentanyl or its precursors from China.

GANG ACTIVITY has [driven](#) the surge in crime across the country, including shootings and homicides. Street gang violence is fueled by drug trafficking they undertake on behalf of international drug cartels, including those benefiting from President Biden's illegal open borders immigration agenda.

AGGRAVATED ASSAULTS have increased 4% over 2020 levels.

MOTOR VEHICLE THEFTS were up by 14%, which does not include the theft of [catalytic converters](#) and other valuable components. These thefts have cost one insurance company \$21 million in claims in the first 6 months of the Biden administration alone.

DOMESTIC VIOLENCE increased 4%, with 3,075 more cases of partner-on-partner violence in 2021 than there was in 2020.

RETAIL THEFT RINGS are in the [news](#) with [stories](#) of thugs smashing stores in surges of violence, taking what they please and leaving destruction in their wake. [Thanks to Amazon](#) Marketplace, retail theft rings have flourished. 57% of retailers [said](#) they experienced more organized retail theft in 2020. Rampant shoplifting has gotten so bad that [many stores have stopped filing insurance claims](#), worried that they might get their policy canceled.

The Left's Radical Anti-Police Agenda

How exactly has the Left driven crime to such a dangerous level?

The Left has allowed a culture built on hating the police to drive decisions surrounding law enforcement. The **Defund the Police** movement is without a doubt one of the greatest dangers to public safety in our nation's history, and Democrats are responsible for it.

The movement spurred the [50 largest cities in the U.S. to cut their police budgets by 5.2%](#) on average in 2021 even though [states](#) and localities across the country have been "[awash with cash](#)." However, the Defund the Police ideology of the Left goes beyond funding decisions. Defund the Police, which is rooted in **Critical Race Theory and the BLM movement**, seeks to scuttle law enforcement while coddling our communities' worst criminals.

The Left's anti-police agenda is not only dangerous, but also **detached from reality**. Statistics prove, **"[t]he popular narrative of homicidally racist cops everywhere is false."** Meanwhile, "[a]mbush attacks against cops were also up 91% last year, with [73 officers killed in the line of duty](#) — the most since 1995." Moreover, the "[percentage](#) of the country who had a favorable view of police increased from June 2020 to February 2021, with more than 70% of respondents saying their opinion of the police was "very favorable" or "favorable."

Still, the left's anti-police agenda has even made it into classrooms across the nation, **poisoning the minds of today's youth**. Children and young adults are **taught to distrust police**, believe that police forces are [inherently racist](#), and ultimately side with criminals.

The Left's push to **completely axe qualified immunity** for police officers is yet another manifestation of their pro-criminal agenda. Such a move would only exacerbate the Left crime crisis and place an undue burden on law enforcement.

The hostile climate toward police has **discouraged proactive police work**. In 2020, Connecticut State Police **pulled** over *law-breaking* drivers at less than half the rate they did the year prior. In one national **poll**, 60% of police officers said they were less likely to stop vehicles after the 2020 riots.

DOJ Consent Decrees, wielded frequently by the Obama administration, are **again** being used by the Biden administration to unduly hamstring law enforcement efforts. The **Obama-era practice** involves having Department of Justice (DOJ) attorneys open "civil-rights probes into police departments without credible evidence that an agency was systematically violating citizens' constitutional rights."

It should be no surprise that **morale and retention issues** have plagued police departments as a result of the Left's anti-police, pro-criminal rhetoric. "Many city departments have become **understaffed** as the current atmosphere leads to fewer applicants to join the force and more retirements." According to the Police Executive Research Forum, the nationwide **retirement rate** among police leaped 45% the past two years while 18% of police officers resigned.

Corporate giants have **parroted** the BLM message and foisted it on the American public at every turn. **Big Tech in particular has blindly embraced the corrupt Black Lives Movement**. This fact is especially troubling considering Big Tech companies, as Senator Josh Hawley has pointed out, are **complicit** in the **explosion of child porn**. Sadly, new Supreme Court Justice Ketanji Brown Jackson has also promoted a pro-criminal ideology for many years, including concerning child pornography.

Rogue Prosecutors who have **adopted** the Left's pro-criminal agenda are arguably the most prolific criminals of all. They share responsibility for every crime committed by criminals they refused to previously prosecute.

Rogue prosecutors **such as** George Gascon in Los Angeles, Chesa Boudin in San Francisco, Kim Foxx in Chicago, Larry Krasner in Philadelphia, Marilyn Mosby in Baltimore, Kimberly Gardner in St. Louis, and Rachael Rollins in Boston **intentionally fail to prosecute criminals** based on their absurd belief that criminal justice is racist.

They are also hellbent on **eliminating cash bail** and frequently release dangerous criminals on their own recognizance or a nominal bond amount. For example, when **Darrell Brooks** killed five and wounded at least 48 after he drove his SUV through a crowd of people at a Christmas parade in Waukesha, Wisconsin, he was out on a measly \$1,000 bond after he was arrested for attempting to murder the mother of his child with his vehicle. As former prosecutor, Cully Stimson of The Heritage Foundation has pointed out, the policies of rogue prosecutors have "led to a **revolving-door criminal justice system** where offenders—even violent offenders—are released back to the streets where police officers are discouraged from making arrests." For example, the DC homeless serial killer, had **88 prior criminal charges**—the most recent was a 2020 arrest for burglary and felony abduction, which can be punished with life in prison.

Lax sentencing also **demoralizes** police, because the criminals they arrest are able to immediately walk the streets again without punishment.

The refusal of the Biden administration to enforce our **nation's immigration laws** should also be seen as part of the Left's pro-criminal agenda. Biden and Secretary Mayorkas are responsible for the single **worst border crisis** in our nation's history, have empowered drug cartels, and allowed

narcotics and criminals to flow in record numbers into American communities. In 2021, deportations of non-drug-related convicted felons [dropped](#) by 50%. In a [letter to Senate leadership](#), former Border Patrol Chief Rodney Scott [stated](#) “control of our borders has disintegrated overnight.” As Florida’s Attorney General, Ashley Moody, explained, “Mexican **drug cartels and human smugglers** wasted no time exploiting your open border policies. From the time you took office to December 2021, Customs and Border Protection (CBP) seized enough fentanyl to kill every man, woman, and child in our country SIX TIMES over—and increase of over 30 percent since before you took office.”

A Conservative Response

What policies should conservatives pursue to fight back while also respecting state and local governments’ primary responsibility to police and prosecute crime within their borders? Here are a handful of reforms that conservatives should consider as part of a multifaceted legislative response to the Left’s crime crisis.

Concerned Citizens Bill of Rights: Conservatives should prepare a **Concerned Citizens Bill of Rights**. The contours of this legislation should hold anti-police officials accountable for fostering a culture of crime within their jurisdictions by *conditioning* a state’s receipt of relevant DOJ grant funding on the adoption of certain pro-law enforcement measures:

1. ***Stop Subsidizing Pro-Criminal Activities:*** Congress must ensure that federal grant dollars designed to make American communities safer are not subsidizing programs and organizations at the state and local level that promote the Left’s pro-criminal agenda.
2. ***Crime Wave Transparency:*** As a condition of receiving federal funds, all police departments should report crimes to the FBI’s Uniform Crime Reporting (UCR) Program. Jurisdictions should also disclose policing policies that result in not enforcing certain crimes and should annually submit plans for reducing crime in order to receive federal taxpayer money.
3. ***Reining in Rogue Prosecutors:*** Federal funding should be withheld from states when their district attorneys’ offices systematically decline to prosecute types of cases or charge certain crimes.
4. ***Fighting No-Cash Bail:*** Federal funds should not flow to states that have “no-cash bail” laws on the books, that prohibit judges from taking the dangerousness of the criminal into account in setting bail, or where district attorneys’ mandate harmful no-cash bail policies for their offices. Jurisdictions should also be required to track and report statistics on crimes committed while defendants are released pre-trial.

Robust Federal Prosecution: Congress should ensure that the Department of Justice reinstates the Trump-era policy— rescinded by the Biden administration—that ensured federal prosecutors charged the highest offense rather than a lesser included offense as means of skirting mandatory minimums. The Biden administration’s policy change would, for example, give a liberal federal prosecutor the discretion to reduce child pornography charges from production (15 year prison term) to possession (5 year prison term) even when the all of the elements of a production charge are met. Additionally, Conservatives should seek to codify the Trump-era policy that prosecutors involved in a drug prosecution explicitly state in court the quantity of drugs possessed by the defendant at the time of arrest. Doing so would ensure that minimum sentences attached to a

particular amount of drugs would be triggered. Such a move “[will help](#) dismantle drug-trafficking networks.”

Deterring Criminal Violence and Drug Trafficking: Conservatives should equip federal prosecutors to more effectively remove the most dangerous criminals from our streets. To do so, lawmakers should strengthen federal criminal laws by enhancing penalties against violent, repeat offenders. Often these violent, repeat offenders belong to gangs that subsist off of illegal activity, particularly conspiring with Mexican drug cartels to sell and distribute narcotics across the United States. Recognizing violent crimes emerge from these drug trafficking activities, lawmakers should also seek to enhance penalties associated with drug trafficking. Additional efforts should also be undertaken to strengthen cooperation between federal and non-federal law enforcement agencies to address these issues. Further, to help address the scourge of Fentanyl, lawmakers should permanently make Fentanyl-related substances a Schedule I drug and consider stronger penalties for this particularly deadly drug, even [life in prison](#).

Sidestepping Rogue Prosecutors: Conservatives should advance policies that empower federal prosecutors to partner with state and local police agencies so that the federal prosecutor can bring charges under federal statute. This approach, used heavily by [U.S. Attorney Bill McSwain](#), allows federal prosecutors to effectively circumvent rogue District Attorneys who refuse to prosecute criminals when there is a federal criminal statute that could also be used to bring charges. Information sharing from the state and local law enforcement to federal prosecutors would be key.

District of Columbia: Conservatives should not be shy about using congressional authority to institute reforms within the District of Columbia. Last year, Washington D.C. suffered from [226 homicides](#), the highest number in [nearly twenty years](#) and a 14% increase over 2020. In 2022, the city is also [on pace](#) for a carjacking every day. While Congress may (and should) be constrained by the principles of federalism when seeking to impact the policing and prosecutorial policies of state and local jurisdictions, that is not the case for the District of Columbia. Policing reform in our nation’s capital would exemplify how abandoning pro-criminal policies can increase public safety.

Consent Decrees: Conservative should hold the Biden administration accountable for soft-on-crime policies that emerge from Department of Justice consent decrees and demand transparency. Former Trump administration Attorney General Jeff Sessions [said](#), “These lawsuits undermine the respect for police officers and create an impression that the entire department is not doing their work consistent with fidelity to law and fairness.” Conservatives should demand reversal of Attorney General Garland’s recent [memo](#) rescinding the Trump administration’s [tempered approach](#) to the practice.

Fight Biden’s Immigration Crisis: Conservatives must continue their ongoing efforts to fight the Biden administration’s illegal open-border agenda. This must include securing the border, faithfully enforcing U.S. immigration laws, and if necessary, taking steps to remove Secretary Alejandro Mayorkas from office. While there are seemingly countless reforms that are needed to address Biden’s immigration crisis, conservatives should immediately seek to strengthen immigration laws that determine when immigrants must be deported or denied admission for certain crimes. In particular, membership in a criminal enterprise (i.e., gangs) should result in immediate deportation.

Anti-Police Education: Conservatives must recognize that the battle for our streets is also [taking place in our nation’s classrooms](#), where “[woke](#)” teachers are [indoctrinating](#) our youth with radical ideologies, like Critical Race Theory, the Black Lives Matter agenda, and the Defund the Police movement that side with criminals over law abiding Americans. Conservatives must continue [ongoing efforts](#) to keep federal tax dollars from funding these dangerous ideologies, [empower parents](#), and to [advance school choice](#).

Qualified Immunity: Conservatives should advance legislation to codify qualified immunity for police officers. Protecting our nation’s law enforcement from frivolous lawsuits is critical to ensuring that we are attracting quality officers to police agencies. That is why RSC Chairman Jim Banks introduced the [Qualified Immunity Act of 2021](#), which would codify qualified immunity for police officers.

Stop Violence Against Police: Conservatives should pursue legislation enhancing federal punishments for crimes against police. For example, RSC Member Rep. Vern Buchanan (R-FL) along with Sen. Tom Cotton (R-PA) introduced the Thin Blue Line Act to [ensure](#) the list of statutory aggravating factors in death penalty determinations includes killing or targeting a law enforcement officer, firefighter, or other first responder. RSC Member Rep. Don Bacon (R-NE) introduced the Back the Blue Act with Sen. John Cornyn (R-TX) which, among other things, [would](#) create new criminal offenses for killing, assaulting, and fleeing to avoid prosecution for killing a judge, law enforcement officer, or public safety officer. It would also expand existing authority for federal law enforcement officers to carry firearms. Similarly, the Defending Our Defenders Act, introduced by RSC Member Rep. Yvette Herrell and Sen. Tom Cotton (R-AR), [would](#) create federal criminal offenses, punishable by life in prison or death, for criminals involved in the murder of federal, state, or local law enforcement officers. Also, Rep. John Rutherford’s Protect and Serve Act would create a new criminal offense for knowingly assaulting a law enforcement officer and causing serious bodily injury. Sen. Josh Hawley has also introduced [several](#) pieces of legislation designed to strengthen penalties for crimes against police.

Big Tech Accountability: Conservatives should seek to hold Big Tech accountable when it facilitates or is complicit in criminal activity. For instance, Big Tech social media platforms should not be able to hide behind Section 230 of the Communications Decency Act when they knowingly share illegal content, such as child pornography—which has become an epidemic in [recent years](#). The Stop Shielding Culpable Platforms Act, introduced by RSC Chairman Jim Banks would help [accomplish this](#) by ensuring that Big Tech platforms may still be subject to “distributor liability.” Big Tech—mainly Amazon—should also be held accountable for and required to take steps to address the surge in retail theft rings that rely on the Amazon Marketplace to sell stolen goods.

BOTTOM LINE: *From the White House to liberal state and local governments, there has been a systemic failure to contain crime in America. It stems from the dangerous belief that enforcing the law is somehow morally wrong or even racist. It has paralyzed law enforcement agencies at all levels and created prosecutors who would rather let a dangerous criminal walk out of jail than enforce the law. Once again, Democrats have broken a part of our civil society, and once again it will be conservatives who will step up to piece it together.*