



COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
COMMITTEE ON HOMELAND SECURITY

Congress of the United States
House of Representatives

March 15, 2023

Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Attorney General Garland:

I write to you expressing my profound dismay at the Department of Justice's (DOJ) case against Douglass Mackey over his posting of memes on Twitter in 2016.¹ Shockingly, Mr. Mackey is being charged with 18 U.S.C. § 241², which is a subset of the Enforcement Act of 1870, also known as the Ku Klux Klan Act.³ The charge that Mr. Mackey was "conspiring with others in advance of the 2016 U.S. Presidential Election to use various social media platforms to disseminate information designed to deprive individuals of their constitutional right to vote"⁴ is not only laughable, but also a clear indication that the DOJ does not have a sound grasp on how to interpret the law.

First of all, it is an affront to African Americans lynched and murdered by the Ku Klux Klan that the DOJ is equating their treatment at the hands of racist terrorists to a Florida man posting memes on Twitter. That the DOJ thinks these two things are commensurate should be concerning to anyone. The law Mr. Mackey is accused of violating is clearly intended to criminalize physical violence and intimidation used to prevent people from exercising their rights as outlined in the Constitution, not the sharing of memes on social media. Mr. Mackey caused no one physical harm, did not threaten or intimidate anyone, and certainly did not kill anyone.

The question, then, is whether the DOJ is deliberately contorting this statute to apply to the free speech exercised by individuals with dissenting political views. All the evidence points to this being the case. Unfortunately, these tactics are nothing new for the DOJ since your appointment as Attorney General. We have seen individuals charged with felonies for obstructing legal

¹ <https://www.justice.gov/opa/pr/social-media-influencer-charged-election-interference-stemming-voter-disinformation-campaign>

² <https://www.justice.gov/opa/press-release/file/1360816/download>

³ <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3239&context=dlj>

⁴ <https://www.justice.gov/opa/pr/social-media-influencer-charged-election-interference-stemming-voter-disinformation-campaign>

proceedings on January 6, 2021, despite, in many cases, being nonviolent protestors exercising their constitutional right to freedom of assembly. Mr. Mackey's case is perhaps even more concerning because he was not involved in any sort of riot or protest, but rather he simply posted funny images on social media that the DOJ did not like.

It seems the DOJ is intent on criminalizing "disinformation," a legally undefined term, in order to squash freedom of speech. These Soviet-style methods of enforcing the law seem better suited for the governments of China or Iran, not the United States of America. There is no evidence that Mr. Mackey's meme-posting prevented anyone from voting in the 2016 U.S. Presidential Election, and there are no individuals claiming that it did. This case is simply the DOJ, on behalf of its puppeteers in the White House, versus Douglass Mackey, a.k.a. @TheRickyVaughn. This flagrant assault on free speech and political participation is utterly un-American, undemocratic, and incredibly dangerous.

I call on you, as Attorney General, to order the charges against Douglass Mackey to be dropped by the DOJ, and to immediately thereafter resign as Attorney General of the United States before your gross incompetence and twisted sense of justice further deteriorates the rights enumerated in and protected by the Constitution, and destroys the lives of more Americans.

Sincerely,

A handwritten signature in blue ink that reads "Marjorie Taylor Greene". The signature is written in a cursive, flowing style.

Marjorie Taylor Greene
Member of Congress