

# OVERSIGHT PROJECT

IT'S YOUR GOVERNMENT

May 9, 2025

Assistant Attorney General Harmeet Dhillon  
Civil Rights Division  
United States Department of Justice  
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Washington, D.C. 20530

Assistant Attorney General Dhillon:

I write to extend my sincerest congratulations on your confirmation as Assistant Attorney General for the Civil Rights Division. Your commitment to fair and equal application of the tremendous power of the Department of Justice is a welcome departure from the previous Administration's weaponized practices. I am certain your tenure as Assistant Attorney General will be remembered as the acme of the Civil Rights Division.

As you consider the myriad cases before the Department, I draw your attention to two groups of cases where the Civil Rights Division under your leadership can effectuate positive change for all Americans. The first is reversing the prior Administration's practice of entering ill-conceived and counter-productive consent decrees to address allegations of civil rights violations by local police departments. The second is reversing the prior Administration and their allies' practice of engaging in lawfare against individuals and groups seeking to promote election integrity.

The Biden Administration signed two consent decrees, in Minneapolis, Minnesota and Louisville, Kentucky, *after* the November 5, 2024 Presidential Election. These agreements were a clear attempt to entrench "woke" policing policies in a manner that could not be easily reversed by the new Administration. They are anti-democratic and legally flawed. I respectfully request that you direct the Civil Rights Division to withdraw from these agreements, scrutinize the findings of any on-going investigations, and direct the Civil Rights Division to approach local police reform, to the extent it is even necessary, from the perspective of assistance rather than coercion.

I submitted an *amicus curiae* brief opposing the entry of the consent decree proposed in *U.S. v. Louisville/Jefferson Cty. Metro Gov.*, No. 3:24-cv-00722 (BJB) (W.D.Ky.) on behalf of myself and the Heritage Foundation. See Brief of Heritage Foundation et al. as Amici Curie, *U.S. v. Louisville/Jefferson Cty. Metro Gov.*, No. 3:24-cv-00722 (BJB) (W.D.Ky. Jan 10, 2025) (ECF No. 33). The city of Louisville and the Biden Administration presented the Proposed Consent Decree to the District Court on December 12, 2024 (ECF No. 4-1), the same day the Justice Department filed the Complaint in the case (ECF No. 1). In my *amicus* brief, I explained that the Proposed Consent Decree was irreparably flawed as it: (1) represented an eleventh-hour attempt by a lame duck administration to influence policy; (2) violates Article III of the United States Constitution in multiple instances; (3) was premised on flawed legal theories and sought relief in excess of the pleaded violations; and (4) was not in the public interest.

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Judge Beaton agreed with much of my reasoning. Throughout the hours-long hearing on January 13, 2025, Judge Beaton repeatedly questioned the Department's factual premises.<sup>1</sup> The Department at times refused to provide complete information as it stated that to do so risked losing leverage in the event of a trial.<sup>2</sup> Judge Beaton entered a comprehensive and articulate Memorandum Opinion requiring the Government to provide additional information. See *U.S. v. Louisville/Jefferson Cty. Metro Gov.*, No. 3:24-cv-00722 (BJB), 2025 WL 238010 (W.D. Ky. Jan 18, 2025). The Government's current deadline to provide such information is May 22, 2025 at which time the Court has scheduled a remote status conference. See Minute Order, *Louisville/Jefferson Cty. Metro Gov.*, No. 3:24-cv-00722 (BJB) (W.D. Ky. Apr. 22, 2025). It appeared to me then, and appears to me now, that the prior Administration sought to mandate policies under the guise of police reform that went well above what was necessary to remedy any alleged civil rights violations. If accepted, the terms of the Proposed Consent Decree will make Louisville less safe and perpetuate a cycle of mistrust between the police and the community. It is for that reason that I request you seek to withdraw from the Proposed Consent Decree and view all other consent decrees with an eye toward withdrawal.

The Minneapolis Proposed Consent Decree suffers from similar deficiencies. See Proposed Consent Decree, *U.S. v. City of Minneapolis*, No. 25-cv-00048 (ADM) (D. Minn.) (ECF No. 2-1). While Judge Paul A. Magnuson has stayed the case until May 21, 2025 (ECF No. 51), I believe that withdrawal of the Proposed Consent Decree, re-evaluation of the evidence, and a fresh negotiation would benefit both the Department and the citizens of Minneapolis.

Review of the Civil Rights Division's pattern-and-practice cases, such as the Louisville case, is urgent. On April 23, 2025, President Trump issued an Executive Order titled *Restoring Equality of Opportunity and Meritocracy* that requires the Attorney General to "assess all pending investigations, civil suits, or positions taken in ongoing matters under every Federal civil rights law . . . that rely on a theory of disparate-impact liability, and shall take appropriate action with respect to such matters consistent with the policy of this order." Exec. Order No. 14,281, *Restoring Equality of Opportunity and Meritocracy*, 90 Fed. Reg. 17,537, 17,538 (Apr. 23, 2025). As noted in our *amicus* brief, the prior Administration not only proceeded under evidentiary questionable disparate impact claims, but sought to police the Louisville Metropolitan Police Department's sexual harassment and domestic violence policies under a novel theory of disparate-impact violations stemming from the Safe Streets Act. 34 U.S.C.A. § 10228. This overreach demands review and correction.

While I understand the complexities and time involved in reaching consent decrees, I believe that the overbreadth of the Louisville and Minneapolis Proposed Consent Decrees demand a holistic examination of the entire practice of entering consent decrees. Your Office's mission is to uphold the civil and constitutional rights of all persons in the United States. It is difficult to see how that mission can be reconciled with a practice of entering into consent decrees that hamstring law enforcement and leaves the most vulnerable members of our society at the mercy of criminals. There are no rights and freedoms in a lawless society.

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<sup>1</sup> Trans. of Mot. Hearing 130–32 *U.S. v. Louisville/Jefferson Cty. Metro Gov.*, No. 3:24-cv-00722 (BJB), 2025 WL 238010 (W.D. Ky. Jan 13, 2025) (ECF No. 52) (for Safe Streets Act/Sexual Discrimination); *id.* at 45–46, 49–50, 50–54, 96–98 (for excessive force)

<sup>2</sup> *Id.* at 58.

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The second issue I bring to your attention concerns two cases involving Catherine Engelbrecht and True the Vote, Inc. These cases involve efforts to promote election integrity. In *Fair Fight v. Catherine Engelbrecht, et al.*, Case No. 24-10372 (11th Cir.) the Justice Department under the prior Administration intervened in a case brought by the Elias Law Group and filed an *amicus* brief in support of the Plaintiff. This case involves True the Vote's assistance to Georgia citizens in challenging likely ineligible voter records. True the Vote used a process codified in Georgia law where a citizen may submit challenges to their county for review. Following a 7-day jury trial, True the Vote won at the District Court and the Plaintiff appealed to the 11th Circuit where the Justice Department intervened and filed an *amicus* brief supporting the Plaintiff. We believe it would advance the Department's goals under your leadership if the Justice Department withdrew its *amicus* brief and the position of the prior Administration. Oral argument before the 11<sup>th</sup> Circuit is scheduled for May 12, 2025.

I also want to call your attention to another case involving True the Vote and election integrity. In *Mark Andrews v. True the Vote, Inc., et al.*, Case No. 22-cv-04259 (N.D. Ga.) the Plaintiff (represented *pro bono* by powerful white shoe law firms and non-governmental organizations) brought a lawsuit containing several claims including defamation and conspiracy to violate 42 U.S.C. § 1985(3) (the Ku Klux Klan Act) over a 1.8 second clip from public surveillance video and interviews that appeared in the film "2000 Mules." In the clip, Mr. Andrews is wearing a COVID mask and was not otherwise identifiable. To the extent Mr. Andrews's identity became known, it was because of a public investigation by the Georgia Secretary of State's office.

Summary judgment briefing in this case has concluded and oral argument is scheduled for June 6, 2025. We encourage the Justice Department to file an *amicus* brief or statement of interest that makes clear that the Justice Department (1) views election integrity as an issue of great public concern, (2) where an individual becomes a public figure, the actual malice standard should apply for defamation, and (3) for the KKK Act conspiracy claim, there was no conspiracy and the Defendants acted with no purpose to force, intimidate, or threaten Plaintiff. Recall, the purpose of film was to highlight issues of election integrity, particularly the use of drop boxes in the 2020 election.

Once again, congratulations on your appointment. I have great confidence in your leadership and judgment as you guide the Civil Rights Division forward. I would welcome the opportunity to discuss these matters further and to provide any information that might assist your review. We are ready to share that work in a collaborative manner to serve everyone's shared goal to make America truly safe again and promote election integrity. My counsel and I are available for a meeting at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Michael Howell". The signature is written in a cursive, flowing style.

President  
The Oversight Project