

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1803**

January 25, 2022

**INITIAL SUMMARY ASSESSMENT OF THE BIDEN LAW  
ENFORCEMENT/CRIMINAL JUSTICE REFORM EXECUTIVE ORDER OF 2022**  
**By: Congressman Clay Higgins (LA-03)**

The Executive Order being summarized here is essentially a cleverly written yet nefarious intentioned order to **federalize all law enforcement agencies in America, reflective of “woke” leftist standards.** It has obviously been written by executive staff heavily influenced by the most extreme faction of the anti-law enforcement movement that has become manifest within the Democrat party. This federal mandate is built upon a deeply faulted core principle of the left... that Americans are inherently racist and immoral. The introductory page clarifies this disturbing belief, stating “...*It is time that we (Americans) acknowledge the legacy of systemic racism in our criminal justice system and eliminate the racial disparities that endure to this day.*”

This Executive Order includes **incredibly radical policy mandates that will fundamentally injure professional law enforcement at the Federal, State, Tribal, and local level.** Within the carefully scripted writ of this leftist agenda E.O., Presidential authority is used to create sweeping new law enforcement policies within the Executive Branch, while at the same time using Executive power to restructure the application requirements for Federal grant dollars and Federal recognition of every sovereign State’s standardized training certification policy and curriculum (Peace Officer Standards and Training, or “P.O.S.T.” certification). This strategy is designed to threaten and coerce sovereign States and over 17,000 non-federal Law Enforcement agencies that currently operate in America. **If enacted, the Biden Administration will essentially force State and local law enforcement agencies to comply with the new Federal standards mandated in this order.**

This Executive Order is yet to be officially disclosed. I came into possession of an advance draft in December 2021, and I have carefully analyzed every word. It is my studied opinion that this new Executive Order action will, over a very short period of time, destroy established law and order in America. The streets of America will be run by federal bureaucrats and criminals. Every Law Enforcement Officer (LEO)... in every department, everywhere... will face civil lawsuit. Many, if not most front-line cops will leave law enforcement. LEO response times will greatly increase. Departments will be unable to fill the ranks. 911 calls will go unanswered. Criminals will rule the streets. Cities will burn. Americans will die.

Included below is my explanation, section by section, the actual impact of this Executive Order. **Through this action, President Biden and the radical defund-the-police faction of the once-proud Democrat Party intend to force unprecedented criminal chaos upon our anointed nation.** Constitutionalist Patriots must stop them. This summary assessment has been written by me, Congressman Clay Higgins, a currently POST Certified Law Enforcement Officer of over 13 years. No Congressional staff was asked to participate in the writ herein. Every advisement within this summary is solid truth. I stand by every word.

## SECTION 1: POLICY

Section 1 serves as an introduction to the 25-page Executive Order. It is essentially written as a speech and will likely be the foundational script used by President Biden when he publicly reveals this E.O. This Section presents the preamble, overview, and tone of the E.O., and begins the introduction of actual orders/mandates of law enforcement policy. Section 1 also introduces the Democrats' intent to even further expand Federal oppression of States rights and more deeply control State, Tribal, and local law enforcement agencies through Congressional action. **The "legislative solutions" paragraph is a reference that is repeated throughout the Executive Order. It clearly indicates the intent of Democrats to build upon these leftist anti-police mandates with specific, coordinated legislation, pushed through Congress by their majority power.**

1. **Section 1 states:** *"To be clear, certain obstacles to lasting reform require legislative solutions. For example, the overly broad application of the doctrine of qualified immunity, and the too narrow-application of statutes...defining the limited circumstances when officers are liable for violating civil rights, have shielded some police misconduct from accountability."* The writ of Section 1 reveals the insidious intent of the left to emasculate American law enforcement, an intent cleverly wrapped in language designed to appeal to otherwise reasonable Americans who do not benefit from first-hand knowledge of the realities of the dangerous challenges faced by law enforcement every day, and the criminal mind born of hard streets. This misguided Executive Order is, no doubt, written by confused Democrat staffers who would be eaten alive by the street if they ever found themselves alone and face to face with the criminal evil that would indeed devour our cities and communities, if not for the courageous stance of 800K certified law enforcement officers across our nation... the "Thin Blue Line"... the line of dedicated Americans who stand between horror and peace. Cops are "P.O.S.T.<sup>1</sup> Certified" at the State level. **P.O.S.T. certified peace officers of America are effectively and righteously protected by qualified immunity, a term that is greatly misunderstood by civilians.** Let me explain...

Cops are not wealthy. We are generally driven to service by a deeply personal motive. We gradually build our lives and families around a career that requires incredible risk and sacrifice. Our job begins with an oath and our families support us; our spouses tell us goodbye before each shift never knowing if they'll see us again. We get that support from our spouses because they know we're driven by spirit, and they understand. **Cop families understand and live with the job despite the cost... but NOT if the cost includes the family home and the kid's future. Qualified immunity<sup>2</sup> protects rank and file cops from civil lawsuits if our actions were lawful and within the parameters of department policy.** We are subject to Internal Affairs investigations, yes. We are subject to speculation and media attack, yes. We

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<sup>1</sup> Peace Officer's Standards and Training (<https://www.fletc.gov/post-certification>)

<sup>2</sup> Qualified Immunity protects a government official from lawsuits alleging that the official violated a plaintiff's rights, only allowing suits where officials violated a "clearly established" statutory or constitutional right. (<https://www.law.cornell.edu/>)

can suffer seriously unrighteous persecution, yes. But ultimately, because of qualified immunity, we will not be subject to civil lawsuit absent the protection of the departments legal team. Which basically means that being a cop comes with a whole load of potential pain, but our spouses don't really have to face losing the entire family fortune, small though it be, and fall into financial ruin. Qualified immunity insulates us from that, and without that protection, street cops across the country will face a very bad conversation with their spouse. **Families of cops have had enough. They've been pushed to the brink. To face the loss of qualified immunity is to face the loss of everything a cop's family has built, everything belonging to both Husband and Wife.** House, vehicles, a Harley, savings, kids' education fund, 401k, pensions... all of it. **Because criminals on the street will simply have a complicit attorney file a lawsuit against any cop they don't want on the street. Criminal networks are well funded, and the shot-callers are not stupid. The street knows the individual cops.** They know which cop has a house, a truck, whose wife is a nurse or a teacher, who has been on the job for a few years, etc. Cops cannot afford heavy legal teams to defend themselves against unrighteous civil suits. **Qualified immunity is all that protects a solid cop from targeted civil suits.** This Biden Executive Order would create a litigation wild wild west in every court jurisdiction across America, with the deck stacked against any cop who actually gets out of their car and enforces the law.

**Section 1 further states:** *"... Fair and just policing necessitates reform of law enforcement recruitment, hiring, promotion, and retention practices."* This broad statement describes the **intent to federalize administrative practices of ALL law enforcement agencies across America.** As I'll explain over the course of this summary, Biden intends to use the Executive Branch control of federal grant monies to force State, Tribal, and local law enforcement agencies to comply with these new federal standards. **Through financial coercion, every aspect of all law enforcement agency operations would be mandated to comply with the "reforms" included in this Executive Order.**

**Section 1 states:** *"...require accountability for misconduct and transparency through data collection and public reporting."* **This misguided policy alone would destroy law enforcement in America. Anyone who supports a national public database of accusations of "misconduct" within a law enforcement agency is woefully under-informed as to the realities of the street.** Internal Affairs investigations into allegations of misconduct by a cop are called "internal" for a reason. Cops face absurd lies and 100% fabricated accusations of "misconduct" all the time. Why would anyone think that criminals would not use false accusations against an active cop to get that cop off the street? It's extremely naïve to believe that criminals don't know the system. **A national database of accusations against cops will result in one thing: criminals easily pushing the actual street cop muscle off the street and out of law enforcement.** Does any reasonable American think that criminal networks care about administrative cops that work office hours behind a desk at HQ? The very thought is ridiculous. The cops who actually fight crime on the street are exactly the cops that get accused of everything imaginable by the criminals. Career criminals and

career cops are constantly engaged in strategy for control of the community. It's called "the game", by those of us who worked the street. They're in the game, we're in the game. Sometimes they win, sometimes we win. The moment internal affairs investigations become part of a national data base and documented public record, that's it, game over. They win, period. You know why? Because cops have lives to protect. Families, mortgages, truck notes, kids' schooling, their livelihood. **Bottom line is that good cops get accused of fabricated lies all the time, but if we're squared away, we're protected. So, the hard-core cops who actually pursue criminals and fight crime know that they can do the job without being crucified by the lies of the street criminals. That's "Qualified Immunity". By eliminating qualified immunity, Biden wants to destroy rank and file cops and their families, feeding them like raw meat to his trial lawyer base.**

A true street cop will no doubt get accused of "misconduct", but our careers will not be injured because Internal Affairs will investigate, and the truth will very likely be discovered internally and the file will be sealed. Then that's it. No national database, no lifelong career killing record of the fabricated lies that the criminals threw at you, no public hanging of an innocent cop. We get past the false accusation and continue to work the streets. If the policy "reform" from this Executive Order becomes reality, the real muscle of the Thin Blue Line will withdraw. Administrative cops will not fill that gap. The Line needs administrative cops to stay where they are because we need our gear and our units and our facilities and our insurance and our training scheduled, and we need to get paid.

But administrative cops are NOT hitting the streets when you call 911. **America needs tactically sound, courageous street cops to respond when a wheel comes off in life, and hundreds of thousands of hard-core cops will just disappear from departments across America if this Executive Order is enacted and qualified immunity is lost.** Law and order will falter under the woke weight of the agenda driven policies of the anti-law enforcement Biden Executive Branch summarized thus far, and I'm only in Section 1 of the Executive Order.

**Section 1 further states:** *"... requires eliminating profiling based on perceived race..."* Racial profiling is already strictly forbidden in P.O.S.T. training in every State and against policy in every department in America. *Suspect* profiling is another matter. **A description of a suspect does indeed include any data we can get on the individual, which obviously will include race, gender, etc. Professional LEAs and P.O.S.T. certified LEOs across America are quite capable of common sense. It is the Biden Administration that seems to abandon reality here.** No police department in America uses racial profiling for officer-initiated interaction. It's not 1950. This one sentence, in the midst of an incredibly bad Executive Order, presents a vicious lie to our citizenry, suggesting that racial profiling is still an accepted or even a trained LEA practice.

**Section 1 further states:** *"ensuring new law enforcement technologies do not exacerbate disparities based on these protected characteristics."* This statement in

Section 1 pushes the standard leftist narrative that opposes pretty much any and all law enforcement technologies. Using race as the go-to cornerstone, the Democrats demonize emerging technology used to enforce the law. Technology like license plate readers, high-crime-zone digital cameras, facial recognition software, etc.

**Section 1 further states:** *"... ending discriminatory pretextual stops, reducing traffic stops for minor equipment violations that disproportionately impact economically disadvantaged communities..."* This is another shocking allegation that officer-initiated interactions are driven by racial prejudice. Cops pull over vehicles all the time for "minor equipment violations", with zero racial bias. What usually happens is we advise the driver that they have a brake light out, or a tire nearly flat, etc. It's the kind of thing any driver can overlook, and generally the interaction is courteous and peaceful, and no citations are issued. Traffic code enforcement is a matter of public safety and it's also a regular opportunity to give a citizen a break. Cops recognize economic despair because we live it. Giving a verbal warning as opposed to a citation to a hardworking citizen is something most cops look forward to. **The Thin Blue Line understands struggle, certainly more than the gated community Democrats that will push this anti-cop Executive Order. Peaceful traffic stops advising drivers of equipment issues are good for every community.** The only people complaining are the drug dealers and the guys with beat up girlfriends in the front seat and the pimps with scared looking teenage girls in the SUV. These are the kind of things that get noticed during an officer-initiated traffic stop, and We, the People, should damn sure never allow our Executive Branch to dictate basic police work and enforcement of the laws of our sovereign states. Including public safety traffic laws and courteous officer-initiated interaction.

**Section 1 further states:** *"... supporting evidence-based community interventions to address mental illness, substance use disorders, and homelessness. It calls for improving standards for police activities such as the execution of search warrants and the use of force. Federal grantmaking should promote practices that build community trust and advance best practices that ensure fairness, transparency, accountability and racial justice."* Virtually every 911 call involves some level of mental issues or drug abuse or homelessness. Imagine what will happen when it becomes law that police officers have to respond with social workers to a 911 call, which is a suggestion that has been talked about frequently by Democrats over the last year. And "evidence-based community intervention" is what, exactly? **When Democrats say, "improving standards" and "use of force" in the same paragraph that they say "Federal grantmaking should promote", what they mean is that State, Tribal, and local law enforcement agencies better replicate the new federal "reforms" being introduced here, or the State, Tribal, and local agencies won't qualify for federal grant money.** The same "federal" money that is either seized from the paychecks of Americans to begin with or is added to the \$31 trillion in debt that the federal government has amassed, which is a financial curse upon generations of Americans yet unborn.

**Finally, Section 1 states:** *"We also must ensure that conditions of confinement are safe and humane, and that those who are incarcerated have access to quality health care, including mental health care... no one should be required to serve an excessive prison sentence... including by providing access to housing, public benefits, health care, education, nutrition, employment and occupational licensing, credit, the ballot, and other critical opportunities..."* I would call on President Biden to look in the mirror and reflect upon the abhorrent record of inhumane treatment his own Bureau of Prisons has secured, as the most horrific Executive Branch violator of 8th Amendment rights in modern history. (I have attached my letter, dated just a few weeks ago, to the then Director of the Bureau of Prisons regarding same. He resigned three days after delivery of the letter.) **There is no more egregious offender of the human rights of incarcerated American citizens than Biden and his criminally complicit colleagues in Congress and the City of Washington, DC. They have kept J6 pre-trial detainees in 24-hour confinement, abused, starved, and tortured for over a year, transferred from facility to facility, again and again, to keep their families and legal counsel always one step behind them while their cases languish and their will breaks, whereby they may ultimately confess to crimes they did not commit.** Biden has a lot of nerve regarding prison reform. He and the Democrats have zero actual concern about our incarcerated Americans. They are more like the CCP every day, and their record of torture and "re-education" of political prisoners should shock every Patriot American.

**To be continued, with written summary of Biden Executive Order Sections 2 through 20. Word by word, I will break this E.O. down and I will deliver the truth to We, the People. I will expose this willful attack on American Law Enforcement.**





**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

January 3, 2022

Director Michael Carvajal  
Federal Bureau of Prisons  
320 First St., NW  
Washington, DC 20534

Director Carvajal,

Sir, as Director of the Federal Bureau of Prisons, it is your personal responsibility to ensure that the Constitutional rights to basic humanitarian care of federally incarcerated Americans are protected. Regardless of the charges faced, every incarcerated human being is to be treated humanely and with due consideration of their rights. Evidence of 8th Amendment violations and denial of basic medical needs has been brought to the attention of Congress. We, the undersigned, are officially advising you, Director Carvajal, that you are to immediately address the abhorrent persecution of American citizens being held in pre-trial detention under your watch. We demand that you use your authority to investigate this abuse, or we will use our authority to investigate your failure. You have a choice to make Sir. This letter is fair advisement. You swore an oath to uphold the Constitution. We expect you to stand by that oath and protect the basic human rights of the incarcerated citizens under your care.

Many instances of physical and psychological abuse, denial of medical care, 24-hour solitary confinement, denial of basic personal hygiene, denial of access to legal counsel, destruction of records, and general abuse of rights and mandated standards for prisoners have been brought to our attention. Constitutionalist Republicans in Congress will not stand idly by and allow these atrocities to continue. We promise you, good Sir, those responsible within BOP will be held to account. Despite the collaborative effort of some members of Congress and the Executive branch to suppress facts and interfere with our individual investigations, we have, collectively, already harvested a tremendous amount of condemning evidence of abuse and persecution within BOP. Thus, we are somberly prayerful that you will recognize the significance of this official letter, and act to correct the grievances that you must, by any reasonable man's assessment, be knowledgeable of. Failure to act within the parameters of your authority will be interpreted as your personal complicity with the ongoing abuse of American citizens incarcerated within BOP facilities.

These instances of violations of your legal responsibility to protect the incarcerated population under your care include an accusation of gradual, continuous poisoning... a

documented accusation of longstanding torture... where one prisoner has been forced to ingest foods that cause him incredible internal pain, slowly killing him. The gluten-free diet parameters that have been prescribed by his physician to alleviate a medically diagnosed condition, celiac disease, has been repeatedly denied by BOP wardens under your command. To protect the privacy rights of this particular pre-trial detainee, we have attached a confidential file with this letter. We expect action from your office to provide immediate medical care for the referenced American citizen. If he dies from the poisoning you are allowing, you will face criminal referral before the sun sets on his grave.

Very serious accusations are being made by the families of federally incarcerated American citizens under your care. Failure to follow the laws of our nation which dictate the way your facilities should treat incarcerated United States citizens will indeed result in legal and criminal liability. The Republican majority 118<sup>th</sup> Congress is nigh, and the reimplementaion of responsible and vigorous Congressional oversight of important issues such as this will return to our nation's Capital.

Director Carvajal, good Sir, we have no doubt that in response to this letter, you will claim to be a man of honor and resolve. Demonstrate then, your commitment to the core principles you've sworn to uphold. Use your authority to stand for legal and Constitutional leadership. Aggressively address the violations we now officially and publicly bring to your attention. Failure to do so will bring dire consequence upon you, your office, your chain of command, and the entire Bureau of Prisons.

Respectfully, as members of Congress united to stand for the rights of all Americans, we are...



Clay Higgins  
Member of Congress



Marjorie Taylor Greene  
Member of Congress



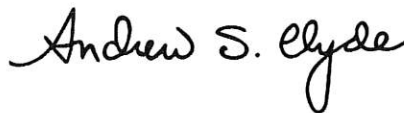
Jeff Duncan  
Member of Congress



Jody Hice  
Member of Congress

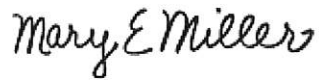


Andy Biggs  
Member of Congress



Andrew Clyde  
Member of Congress





Mary E. Miller  
Member of Congress



Byron Donalds  
Member of Congress



Ralph Norman  
Member of Congress



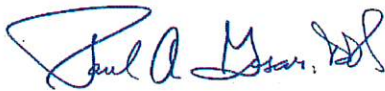
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Member of Congress



Lauren Boebert  
Member of Congress



Randy Weber  
Member of Congress



Paul Gosar, D.D.S.  
Member of Congress



Scott Perry  
Member of Congress