

116TH CONGRESS  
2D SESSION

# H. R. 7742

To require the Attorney General to report on potential violations of Bill of Rights during the COVID-19 pandemic, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2020

Mr. DAVIDSON of Ohio (for himself and Mr. BUDD) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require the Attorney General to report on potential violations of Bill of Rights during the COVID-19 pandemic, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defending Freedom  
5 Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The United States of America was founded  
9 to secure individual liberties and its powers are de-  
10 rived from the consent of the governed.

1           (2) In the reaction to the COVID-19 outbreak,  
2           many government officials have used the state of  
3           emergency to unjustly, and often undemocratically,  
4           limit the liberty of their citizens.

5           (3) Article IV section 4 of the United States  
6           Constitution guarantees the American people a re-  
7           publican form of government and the prolonged use  
8           of executive decrees without legislative authorization  
9           will constitute a breach of that guarantee.

10          (4) The due process clause of the Fourteenth  
11          Amendment prohibits any State from violating the  
12          Bill of Rights.

13          (5) The First Amendment establishes protec-  
14          tions for the free exercise of religion, the right to as-  
15          semble, and freedom of speech.

16          (6) Numerous local governments around the  
17          country have restricted the free exercise of religion  
18          by mandating closures of church buildings and drive-  
19          in church services.

20          (7) Certain government officials have restricted  
21          the right of individuals to assemble in public places  
22          and government buildings.

23          (8) On April 6, in the Commonwealth of Puerto  
24          Rico, Governor Wanda Vázquez signed an Executive  
25          order making it illegal for media outlets or social

1 media accounts “to transmit or allow the trans-  
2 mission” of “false information” relating to govern-  
3 ment proclamations or Executive orders concerning  
4 COVID-19 or other disasters.

5 (9) The Second Amendment establishes that the  
6 right of the people to keep and bear arms, shall not  
7 be infringed.

8 (10) States demanded the closure of federally  
9 licensed firearms dealers, stripping citizens of Sec-  
10 ond Amendment rights without due process.

11 (11) Local governments are considering access-  
12 ing Bluetooth and GPS cellular device data, which  
13 compromises the American right to privacy and the  
14 sanctity of our homes. This is possible because all  
15 bank accounts, new vehicles, and FCC regulated de-  
16 vices have embedded government surveillance. The  
17 government is ever-present, in violation of the Third  
18 Amendment.

19 (12) The Fourth Amendment guarantees the  
20 right of the people to be secure in their persons,  
21 houses, papers, and effects, against unreasonable  
22 searches and seizures.

23 (13) Numerous State governors have issued or-  
24 ders to stop and search vehicles based on an Ameri-

1 can's State of residence, rather than the probable  
2 cause standard required by the Fourth Amendment.

3 (14) Private-sector telecommunications compa-  
4 nies have the capability to track the location of  
5 American citizens and share that information with  
6 government officials without a warrant issued upon  
7 probable cause of a crime.

8 (15) The Fifth Amendment ensures that Ameri-  
9 cans will not be deprived of life, liberty, or property,  
10 without due process of law.

11 (16) Forty-two states have issued stay-at-home  
12 orders or lockdowns which have deprived Americans  
13 of their economic liberty without due process.

14 (17) Forcibly shutting down businesses denies  
15 business owners the economically viable use of their  
16 property and therefore constitutes a "taking" under  
17 the Fifth and Fourteenth Amendments.

18 (18) The Sixth amendment protects our right  
19 to a speedy and public trial.

20 (19) On March 21, 2020, it was reported that  
21 the Department of Justice requested the ability to  
22 pause court proceedings "whenever the district court  
23 is fully or partially closed by virtue of any natural  
24 disaster, civil disobedience, or other emergency situa-  
25 tion.", thereby preventing speedy trials.

1   **SEC. 3. ATTORNEY GENERAL REPORT.**

2           The Attorney General shall review the actions of Fed-  
3   eral, State, and local government officials taken during the  
4   COVID-19 pandemic which may violate the Bill of Rights.  
5   One year after the enactment of this Act, the Attorney  
6   General shall report to Congress on the Department of  
7   Justice's efforts to document, remedy, and prosecute in-  
8   fringements of the Bill of Rights. If the Attorney General  
9   finds a violation of the Bill of Rights and does not pros-  
10   ecute that violation, then he shall include an explanation  
11   of that decision. The Attorney General shall refer cases  
12   outside of his jurisdiction to the appropriate prosecutorial  
13   body.

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