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## **Extremist Judge Merrick Garland** **Nominee for Attorney General of the United States**

**Garland is Hostile to Gun Rights and the Second Amendment.** In 2007, Judge Garland was on the wrong side of the infamous *D.C. v. Heller* gun case. Despite the Second Amendment’s guaranty of the right to keep and bear arms, the government of D.C. passed a draconian measure barring individual hand-gun ownership, even for self-defense in one’s home. A three-judge panel voted to protect constitutional gun rights and struck down D.C.’s unconstitutional ban, but Merrick Garland voted to reconsider that ruling.<sup>1</sup>

**Garland Ignored the 1968 Law Prohibiting Federal Gun Registries.** Dave Kopel explains that Garland’s opposition to the Second Amendment in the *Heller* case was no surprise since he:

“had earlier signaled [his] *strong hostility to gun owner rights* in a 2000 case that had challenged the policy of Janet Reno’s Department of Justice of retaining for six months the records of lawful gun buyers from the National Instant Check System. At that time, the *Tatel-Garland ruling flouted the 1968 federal law prohibiting federal gun registration, and also flouted the 1994 law that created the National Instant Check System and had ordered that instant check records of law-abiding gun purchasers be destroyed.* (Attorney General John Ashcroft later ended Reno’s registration scheme).”<sup>2</sup>

**Garland Defied Science When He Refused to Commit to Protect Young Women from Having Their Sports and College Scholarships Taken Away by Biological Males.** The Western Journal details:

“[Senator John] Kennedy pointedly asked Garland ... if he agreed that ‘*allowing biological males to compete in an all-female sport deprives women of the opportunity to participate fully and fairly in sports and is fundamentally unfair to the female athletes.*’

“The question appeared to knock the wind out of President Joe Biden’s pick to head the Department of Justice. Exhaling loudly, Garland responded, ‘*This is a very difficult societal question* that you’re asking me here.’”

“Kennedy quickly interjected, ‘I know, but you’re going to be attorney general.’”

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<sup>1</sup> Allan Smith, *Merrick Garland’s most famous vote was part of a huge Second Amendment case*, Business Insider, Mar. 18, 2016; available at <https://www.businessinsider.com/merrick-garland-heller-guns-2016-3>

<sup>2</sup> Dave Kopel, *D.C.’s Gun Ban: Round 2*, America’s First Freedom, 30, July 2007 (emphasis added); available at <http://www.davekopel.org/2A/Mags/DC-Lawsuit.pdf>

“Garland smiled weakly and replied, ‘Well, but I may not be the one who has to make policy decisions like that.’

“He then shifted uncomfortably in his seat, stammered, averted his eyes and regurgitated what were plainly rehearsed lines about the need to treat every human being with dignity and respect.

“Garland concluded by saying that the question of how Title IX applies in schools in light of the Bostock case “is something that I would have to look at when I have a chance to do that. I have not had the chance to consider these kinds of issues in my career so far, but I agree that this is a *difficult question*.”<sup>3</sup>

Garland is wrong; for those that value scientific facts, this is not a “difficult question.”

**Garland Seemed to Say that Night Attacks on a Federal Court House by Antifa are Not Terrorism.** Senator Josh Hawley asked Garland whether Antifa violence in Portland was an act of domestic terrorism. Garland responded:

“An attack on a courthouse while in operation, trying to prevent judges from actually deciding cases, that plainly is domestic extremism, domestic terrorism.”

Garland continued: “[a]n attack simply on a government property at night or any other kind of circumstances is a clear crime and a serious one.”<sup>4</sup>

**Garland Does Not Know Whether “Illegal Entry” into the Country Should be “Illegal.”** Senator Hawley asked Garland if he believed “illegal entry at America’s border should remain a crime,” and Garland responded that he was not sure.

“I think the president has made clear that we are a country with borders and with a concern about national security. I don’t know of a proposal to decriminalize but still make it unlawful to enter. *I just don’t know the answer to that question*. I hadn’t thought about it [whether illegal entry should remain illegal].”<sup>5</sup>

**Garland Would not Commit to Prosecute Unlawful Border Crossings.** Senator Hawley asked Garland if he would continue to prosecute unlawful border crossings. In response, Garland seemed

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<sup>3</sup> Ameer Benno, *Sen. Kennedy Nails Merrick Garland on Men Competing in Women’s Sports*, The Western Journal, Feb. 24, 2021 (emphasis added); available at: <https://www.westernjournal.com/sen-kennedy-nails-merrick-garland-men-competing-womens-sports/>

<sup>4</sup> Emily Jacobs, *Merrick Garland, Biden’s AG nominee, approaches vote with bipartisan support*, NYPost, Feb. 24, 2021; available at: <https://nypost.com/2021/02/24/ag-nominee-merrick-garland-has-bipartisan-support-before-vote/>

<sup>5</sup> Emily Jacobs, *Merrick Garland, Biden’s AG nominee, approaches vote with bipartisan support*, NYPost, Feb. 24, 2021; available at: <https://nypost.com/2021/02/24/ag-nominee-merrick-garland-has-bipartisan-support-before-vote/>

to make it a low priority, at best: “Well, this is a question of allocation of resources ... I assume the answer would be yes, but I don’t know ....”<sup>6</sup>

**Garland Endorsed Vanita Gupta, a Radical Leftist, to Serve as Top Assistant Attorney General.** Garland said Gupta is “a person of great integrity ... dedicated to ... equal justice” even though she wants to defund the police. Carrie Severino, of the Judicial Crisis Network, explains the problems with Gupta:

“So it’s a major problem that Vanita Gupta wants to defund the police.

“When talk about defunding law enforcement gained steam last summer, Gupta spoke approvingly of the ‘local conversations about budgets’ that were then taking place in Minneapolis and ‘all over the country.’

Gupta has asserted that ‘Police reform is not going to solve the problem of police violence.’”<sup>7</sup>

**Garland Endorsed Kristen Clark to Serve as Top Civil Rights Attorney Even Though She Said Black People have “Greater Mental, Physical and Spiritual Abilities” than Other People.** While at Harvard in 1994, Clark wrote that *black people have “greater mental, physical and spiritual abilities,” “blacks ... [have] superior physical and mental abilities.”*<sup>8</sup> Nevertheless, Garland endorsed Clark and said that she is a person he trusts as “a person of integrity.”

Shockingly, Garland refused to condemn Clark’s above remarks and instead affirmed her, stating that her “views about the Civil Rights Division ... are in line with my [Garland’s] own. I have every reason to want her.” Garland continued: “I do not believe she is discriminatory in any sense” but refused to acknowledge or explain how Clarke can be non-discriminatory and espouse discriminatory rhetoric that black people have “*greater mental, physical and spiritual abilities*” that other people.<sup>9</sup>

**Garland Claimed to be Totally Unaware of Any of the Facts Concerning Governor Cuomo’s Nursing Home Covid-Death Scandal.** Garland stated: “I don’t know any of the facts [concerning the scandal.] In response, U.S. Representative Elise Stefanik of New York, commented:

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<sup>6</sup> Cassandra Fairbanks, *Watch: Biden AG Nominee Merrick Garland Refuses to Call Illegally Crossing the Border a Crime*, Gateway Pundit, Feb. 22, 2021; available at: <https://www.thegatewaypundit.com/2021/02/watch-biden-ag-nominee-merrick-garland-refuses-call-illegally-crossing-border-crime/>

<sup>7</sup> Carrie Severino, *Biden Justice Department nominee Gupta too extreme for associate AG – here’s why*, Fox News, Feb 22, 2021; available at: <https://www.foxnews.com/opinion/biden-justice-department-nominee-gupta-extreme-carrie-severino>

<sup>8</sup> Tucker Carlson, *Biden pick to head DOJ Civil Rights Division wrote Blacks had ‘superior physical and mental abilities,’* Fox News, Jan. 11, 2021; available at: <https://www.foxnews.com/opinion/tucker-carlson-kristen-clarke-doj-civil-rights-division>

<sup>9</sup> Dennis Romboy, *What Sen. Mike Lee asked President Biden’s pick for attorney general in Senate hearing*, KSL.com, Feb. 22, 2021; available at: <https://www.ksl.com/article/50112332/what-sen-mike-lee-asked-president-bidens-pick-for-attorney-general-in-senate-hearing>

“As the American people are aware, this is a serious corruption scandal at the highest levels of New York State government .... *“We need a much clearer response from the nominee to be AG [committing to] making sure there is an independent apolitical, fair investigation. And when it comes to obstruction of justice, these are not just accusations ... this was caught on tape.”*<sup>10</sup>

**Garland Voted to Force Priests for Life to Provide Abortion In Violation of their Constitutional Rights to Religious Freedom.** During the Obama Administration, Priests for Life sued Obama’s HHS over its mandate that employers provide contraception, sterilization, and abortifacient drugs to employees (although they can opt out of the provision by filing paperwork, which requires the Priests’ insurance company to provide birth control). A Panel on the D.C. Circuit ruled against the Priests and Judge Garland affirmed their vote.<sup>11</sup>

**On Gun Rights, Garland Refused to Rule Out Universal Background Checks.** Garland stated in his hearing: "As I'm sure you know, the president is a strong supporter of gun control ... The role of the Justice Department is to advance the policy program of the administration as long as it is consistent with the law."<sup>12</sup> Reports describe that “[o]n universal background checks, Garland said it's important to be careful that people who are entitled to have guns get the background check that allows them to have firearms ....”

**Garland Kept the Door Open to Lawsuits Against Guns Manufacturer for Actions of Guns Users.** In his hearing, Garland would not take a position on liability for firearm manufacturers. He stated: "I believe the president may have a position on this question. I have not thought myself deeply about this. I don't think it raises a Second Amendment issue itself ....” In other words, Garland seems to be saying that if Biden and his team direct Attorney General Garland to use the criminal and civil powers of the United States Department of Justice to go after gun manufacturers, Garland will do it.

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<sup>10</sup> Brittany Bernstein, *Rep. Stefanik: Garland’s Answer about Cuomo Investigation ‘Not Good Enough,’* Yahoo, Feb 23, 2021. (Emphasis added.)

<sup>11</sup> Ben Johnson, *Obama’s SCOTUS nominee sided against Priests for Life in ObamaCare religious liberty case*, LifeSiteNews, Mar. 18, 2016; available at: <https://www.lifesitenews.com/news/merrick-garland-sided-against-priests-for-life-in-obamacare-religious-liber>

<sup>12</sup> Dennis Romboy, *What Sen. Mike Lee asked President Biden’s pick for attorney general in Senate hearing*, KSL.com, Feb. 22, 2021; available at: <https://www.ksl.com/article/50112332/what-sen-mike-lee-asked-president-bidens-pick-for-attorney-general-in-senate-hearing>