

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE, *et al.*,

Plaintiffs,

vs.

JOSEPH R. BIDEN, JR., in his capacity as
President of the United States, *et al.*,

Defendants.

Civil Action No. 2:20-cv-01560-BHS

NOTICE

Defendants respectfully notify the Court and Plaintiffs that, on February 24, 2021, the President issued an Executive Order addressing issues pertinent to the above-captioned action. *See* Executive Order on the Revocation of Certain Presidential Actions, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-the-revocation-of-certain-presidential-actions/>. Defendants further notify the Court and Plaintiffs that, on February 25, 2021, the Acting Attorney General issued a Memorandum also addressing issues relevant to the above-captioned action. *See* Exhibit 1, Memorandum for Heads of Department Components, Withdrawal of Designation of Anarchist Jurisdictions.

Section 1 of the Executive Order revokes seven “Presidential actions,” including the

1 September 2, 2020 Presidential Memorandum entitled *Memorandum on Reviewing Funding to State*
2 *and Local Government Recipients That Are Permitting Anarchy, Violence, and Destruction in*
3 *American Cities* (“September 2 Memorandum”). To implement this revocation, Section 2 of the
4 Executive Order instructs the “Director of the Office of Management and Budget and the heads of
5 executive departments and agencies” to “promptly consider taking steps to rescind any orders, rules,
6 regulations, guidelines, or policies, or portions thereof, implementing or enforcing the Presidential
7 actions identified” in Section 1 of the Executive Order, including the September 2 Memorandum.
8 Section 2 of the Executive Order also states that “any personnel positions, committees, task forces,
9 or other entities established pursuant to the Presidential actions identified in section 1 of this order
10 shall be abolished, as appropriate and consistent with applicable law.”

11 On February 25, 2021, in accordance with Section 2 of the Executive Order, the Acting
12 Attorney General issued a Memorandum withdrawing the Department’s September 21, 2020
13 designation of New York, New York; Portland, Oregon, and Seattle, Washington as anarchist
14 jurisdictions. Pursuant to the Acting Attorney General’s Memorandum, “[a]ll Department
15 grantmaking components shall ensure that the September 2 Memorandum and September 21, 2020
16 Department of Justice designation are removed as considerations in any grant solicitations or award
17 determinations.” The Acting Attorney General also directed all Department components “to take
18 any other steps necessary to effectuate the revocation of the September 2 Memorandum and to
19 ensure that no state or local jurisdictions are disfavored in any Departmental programs on the basis
20 of either the revoked memorandum or the withdrawn designation.”

21 Defendants intend to confer with Plaintiffs about the implications for this litigation of the
22 Executive Order and the Acting Attorney General’s Memorandum.
23

1 Dated: February 26, 2021

Respectfully submitted,

2 BRIAN M. BOYNTON
Acting Assistant Attorney General

3 BRIGHAM J. BOWEN
4 Assistant Branch Director

5 /s/ Michael J. Gaffney
MICHAEL J. GAFFNEY
6 (D.C. Bar No. 1048531)
JOSEPH J. DEMOTT
7 (Va. Bar No. 93981)
Trial Attorneys
8 United States Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW
9 Washington, DC 20005
Tel: (202) 514-2356
10 Facsimile: (202) 616-8460
E-mail: Michael.J.Gaffney@usdoj.gov

11 *Counsel for Defendants*

Exhibit 1

Memorandum of Acting Attorney General Wilkinson Withdrawal of Designation of Anarchist Jurisdictions (February 25, 2021)

City of Seattle, et al. v. Joseph R. Biden, Jr., et al.
2:20-cv-01560-BHS
Exhibit to Defendants' Notice


U.S. Department of Justice
1100 L St. NW, Washington, DC 20005
(202) 514-2356



Office of the Attorney General
Washington, D. C. 20530

February 25, 2021

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: THE ACTING ATTORNEY GENERAL 
SUBJECT: Withdrawal of Designation of Anarchist Jurisdictions

On September 2, 2020, a Presidential Memorandum was issued entitled *Memorandum on Reviewing Funding to State and Local Government Recipients That Are Permitting Anarchy, Violence, and Destruction in American Cities* ("September 2 Memorandum"). The September 2 Memorandum required the Attorney General to designate certain state and local jurisdictions as "anarchist" and instructed federal agencies to restrict the flow of federal funds to them. In response, on September 21, 2020, the Department of Justice issued a press release (Press Release Number 20-966) identifying three cities as qualifying jurisdictions: New York City; Portland, Oregon; and Seattle, Washington.

On February 24, 2021, the President issued an Executive Order entitled *Executive Order on the Revocation of Certain Presidential Actions*, which revoked the September 2, 2020 Memorandum. Accordingly, the September 21, 2020, Department of Justice designation is hereby also withdrawn. All Department grantmaking components shall ensure that the September 2 Memorandum and September 21, 2020 Department of Justice designation are removed as considerations in any grant solicitations or award determinations. All Department components are directed to take any other steps necessary to effectuate the revocation of the September 2 Memorandum and to ensure that no state or local jurisdictions are disfavored in any Departmental programs on the basis of either the revoked memorandum or the withdrawn designation.