

105TH CONGRESS
1ST SESSION

H. R. 2362

To guarantee a republican form of government to the States by preventing
paramilitary violence.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1997

Mr. SCHUMER (for himself, Mr. CONDIT, Mr. CONYERS, Ms. LOFGREN, and
Ms. SLAUGHTER) introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To guarantee a republican form of government to the States
by preventing paramilitary violence.

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 “Republican Form of
5 Government Guarantee Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) section 4 of article IV of the Constitution
9 provides that the United States shall guarantee a re-
10 publican form of government to the States;

1 (2) organized criminal actions are an increasing
2 threat to the republican form of government in some
3 States;

4 (3) people who are responsible for upholding
5 the laws of the United States and the several States,
6 and people who assist them, have been threatened,
7 harassed, and assaulted because of these activities;

8 (4) this violence is having a chilling effect on
9 the democratic process because Americans are afraid
10 to participate in town hall meetings, express their
11 views publicly, or take part in the political process;

12 (5) most victims are targeted solely because of
13 their views or activism on controversial political is-
14 sues such as gun control, abortion, environmental
15 matters, or the role of government in society;

16 (6) this violence is causing a breakdown of law
17 and order in many parts of the United States;

18 (7) this violence has increased in part because
19 of unfounded exaggerations about the impact of re-
20 cent firearms laws such as the Brady Law and the
21 ban on assault weapons, as well as baseless conspir-
22 acy theories regarding the government; and

23 (8) the climate of violence created by these
24 criminals threatens to undermine republican govern-
25 ment in some States.

1 **SEC. 3. PROTECTION AGAINST ASSAULT.**

2 Section 111(a) of title 18, United States Code, is
3 amended—

4 (1) in paragraph (1), by inserting “who is an
5 officer or employee of any State or local government,
6 is assisting such an officer or employee in the per-
7 formance of official duty, or is” after “any person”;
8 and

9 (2) in paragraph (2), by striking “designated in
10 section 1114” and inserting “described in paragraph
11 (1)”.

12 **SEC. 4. INCREASED PENALTIES.**

13 (a) ASSAULT.—Section 111 of title 18, United States
14 Code, is amended—

15 (1) in subsection (a), by striking “shall, where”
16 and all that follows through the end of the sub-
17 section and inserting “shall be punished as is pro-
18 vided in subsection (b)”;

19 (2) so that subsection (b) reads as follows:

20 “(b) PENALTIES.—Whoever is convicted of an offense
21 under this section shall be fined under this title and im-
22 prisoned not less than 2 nor more than 3 years, except
23 that—

24 “(1) in the case of a second or subsequent of-
25 fense the maximum term or imprisonment shall be
26 not more than 5 years; and

1 “(2) in the case of an offense committed with
 2 a deadly weapon, the offender shall be imprisoned
 3 not less than 8 nor more than 10 years.”.

4 (b) EXTORTION AND THREATS.—

5 (1) INTERSTATE COMMUNICATIONS.—Section
 6 875 of title 18, United States Code, is amended in
 7 subsection (c), by striking “not more than five years,
 8 or both” and inserting “not less than 2 nor more
 9 than 5 years”.

10 (2) MAILING THREATENING COMMUNICA-
 11 TIONS.—Section 876 of title 18, United States Code,
 12 is amended in the third undesignated paragraph, by
 13 striking “not more than five years, or both” and in-
 14 serting “not less than 2 nor more than 5 years”.

15 **SEC. 5. RIGHT TO PARTICIPATE IN A REPUBLICAN FORM**
 16 **OF GOVERNMENT; ENFORCEMENT.**

17 (a) REAFFIRMATION OF RIGHT.—Each person not
 18 otherwise disqualified, barred, or disabled by State or Fed-
 19 eral law shall have the right to participate in a republican
 20 form of State government free from interference from un-
 21 lawful violence and the reasonably perceived threat of un-
 22 lawful violence.

23 (b) RIGHT TO PARTICIPATE DEFINED.—As used in
 24 subsection (a), the term “right to participate in a repub-
 25 lican form of State government” means the right to—

1 (1) carry out the duties of a State, county, or
2 local office to which the person has been duly elected
3 or appointed;

4 (2) lawfully assist any duly elected or appointed
5 person described in paragraph (1) in carrying out
6 such duties;

7 (3) run for elective office, campaign for such of-
8 fice on one's own behalf, or campaign on behalf of
9 another's candidacy, in accordance with applicable
10 State and local laws;

11 (4) initiate and campaign for any initiative, ref-
12 erendum, petition, or similar political exercise, in ac-
13 cordance with applicable State and local laws;

14 (5) assemble peaceably to petition the Federal,
15 State, or local government, or to attend any public
16 forum concerning such Federal, State, or local gov-
17 ernment; and

18 (6) exercise the rights guaranteed under article
19 IV of the Constitution of the United States, and the
20 1st and 14th amendments thereto.

21 (c) ENFORCEMENT.—

22 (1) IN GENERAL.—A person whose right under
23 subsection (a) is violated by any person or organiza-
24 tion may bring an action in any United States dis-
25 trict court against such other person or organization

1 for damages, injunctive relief, and such other relief
2 as the court deems appropriate.

3 (2) GOVERNMENT REMEDY.—The chief execu-
4 tive officer of any State may bring an action in any
5 United States district court located within that State
6 for damages, injunctive relief, and such other relief
7 as the court deems appropriate against any organi-
8 zation wherever located which unlawfully violates or
9 which conspires, attempts, aids, or abets another
10 person or organization to unlawfully violate the right
11 under subsection (a) of any resident of that State.

12 (3) AUTHORITY TO AWARD A REASONABLE AT-
13 TORNEY’S FEE.—In an action brought under para-
14 graph (1) or (2), the court, in its discretion, may
15 allow the prevailing plaintiff a reasonable attorney’s
16 fee as part of the costs.

17 (4) STATUTE OF LIMITATIONS.—An action may
18 not be brought under paragraph (1) or (2) after the
19 5-year period that begins with the date that the vio-
20 lation described in paragraph (1) is discovered.

21 **SEC. 6. LAW ENFORCEMENT TRAINING.**

22 The Attorney General, in consultation with the Sec-
23 retaries of Treasury, Agriculture, and the Interior, shall
24 develop and implement a training program for Federal law

1 enforcement personnel to enable such personnel to deal
2 more effectively with politically motivated violence.

3 **SEC. 7. FEDERAL PAYMENTS WITHHELD.**

4 (a) COMPLAINT.—If an agency determines that in
5 any county any of that agency's employees or agents is
6 being unlawfully physically prevented or impeded, by em-
7 ployees or agents of a State, county, or local government,
8 from carrying out lawful duties, the agency may file a
9 complaint with the Attorney General.

10 (b) ESCROW.—The Attorney General shall investigate
11 the complaint, and if the Attorney General finds the com-
12 plaint is meritorious, the Attorney General may place in
13 escrow any payments that otherwise would be made to
14 that county under the Payments in Lieu of Taxes Act of
15 1976 (31 U.S.C. 6901 et seq.), until such time as the At-
16 torney General is satisfied that such interference has
17 ceased.

18 (c) RULES.—The Attorney General shall make rules
19 governing the procedures used to carry out this section.

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