

May 11, 2022

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland:

I write with great concern to ask that the Department of Justice (DOJ) publicly condemn the ongoing and unlawful efforts to intimidate Supreme Court Justices. This includes disturbing and dangerous threats made toward the justices, and their families, outside of their homes. This behavior, and lack of DOJ enforcement against those who are violating federal law, is unacceptable.

In the past, you have opined on similar incidents, including in the October 4, 2021 DOJ memorandum, “Partnership among federal, state, local, tribal, and territorial law enforcement to address threats against school administrators, board members, teachers, and staff.” In that memo, you promised to address the “disturbing spike in harassment, intimidation, and threats of violence” against school-board administrators. You also state that the Constitution does not protect “threats of violence or efforts to intimidate individuals,” and that “threats against public servants are not only illegal, they run counter to our nation’s core values.” You also pledged to use the DOJ’s authority to identify and pursue criminal charges against bad actors who commit such crimes. Of course, Supreme Court Justices are also public servants who deserve protection. So why have you remained silent while evidence mounts of a coordinated campaign to intimidate them as they consider *Dobbs v. Jackson*?

As you know, there is an ongoing, coordinated campaign of intimidation against the majority of the justices on the Supreme Court. It first took the form of an unprecedented leak of a draft opinion, and now, disguised as protestors, vigilantes have taken “justice” into their own hands. One group, “Ruth Sent Us,” has posted the home addresses of the justices’ online. Following the posting, streets in front of the justices’ homes have been filled by mobs of angry picketers, shouting threatening speech in scenes similar to the unhinged riots during the summer of 2020. Some have drawn hangers, symbolizing abortion, on the street pavement in front of the justices’ homes, while others have threatened, “if you take away our choices, we will riot.” Standing before the Supreme Court, one person yelled, “F*** it! Let’s burn this place down.” That call was amplified thousands of times on social media.

Worse yet, the Biden Administration is actively encouraging this behavior. This week, White House Press Secretary Jen Psaki stated, “I know that there’s an outrage right now, I guess, about protests that have been peaceful to date” and “we certainly continue to encourage that,

outside of judges' homes, and that's the President's position." Similarly, Chicago Mayor Lori Lightfoot tweeted that the news surrounding *Roe*'s potential reversal "has to be a call to arms." The comments made by the president's staff and members of the Democratic Party threaten the safety of members of the Court. Those who act at their behest should be held to account as violating federal law, which is clearly laid out in 18 U.S.C. § 1507 and prohibits the picketing or parading outside of a residence occupied by "any judge, juror, witness or court officer" with the intent of influencing the "discharge of his duty." These woke actors are not engaged in protected speech but instead attempting to intimidate Supreme Court Justices into submission.

The DOJ can no longer remain silent on this issue if it hopes to protect the integrity of the Supreme Court. As such, I ask for responses to the following questions:

1. Is the DOJ investigating the doxing of U.S. Supreme Court Justices and how the locations of their homes were obtained?
2. Will the DOJ commit to identifying and pursuing criminal charges against those who violate 18 U.S.C. § 1507? If not, why?
3. Will the DOJ publicly condemn the activities outside of the Justices' homes?

Thank you for your attention to this urgent matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Rubio", is centered below the word "Sincerely,".

Marco Rubio
U.S. Senator