

From: Brennan, Shea (OLA)
Subject: OLA Weekly Report 08/15/2022
To: Scoped Out Per Agreement with Requester; Alexander, John B. (OLA); Ante, Kira M. (OLA); Haddad, Soraya (OLA); Benedict, Margot (ODAG); Berger, Christine (OAG); [REDACTED]; Ca ce, Christina M. (OLA); Ca ier, Sandra M (OLA); [REDACTED]; Chand er, Adam (ODAG); [REDACTED]; Co ange o, Matthew (OASG); [REDACTED]; Co ey, Anthony D. (PAO); Creighton, Ke y M (PAO); [REDACTED]; Davies, Susan M. (OLP); [REDACTED]; De inger, Hampton Y. (OLP); Dickerson, Julie (OAG); [REDACTED]; Evers, Austin (ODAG); [REDACTED]; Figures, Shomari (OAG); [REDACTED]; Gardner, Joshua E. (OLA); [REDACTED]; God, Jonathan (OLA); [REDACTED]; Good ander, Margaret V. (OAG); [REDACTED]; Gupta, Vanita (OASG); Hahn, Adrienne M. (OLA); [REDACTED]; Hanson, Matthew B. (OLA); [REDACTED]; Heinze man, Kate (OAG); Henthorne, Betsy (OASG); Herbert, Jene e R. (OLA); [REDACTED]; Hyun, Peter (OLA); Iverson, Dena (PAO); Jinks, Kevin (OLA); [REDACTED]; Johnson, Joanne E. (OLA); [REDACTED]; Ke ner, Kenneth E. (OLA); [REDACTED]; Kapper, Matthew B. (OAG); [REDACTED]; Lai, Albert K. (OLA); [REDACTED]; Lawrie, Heather (OLA); [REDACTED]; Linares, E va E. (OLA); Loeb, Emi y M. (ODAG); [REDACTED]; Nsor, Janice M. (OLA); O'Conne , Justin D. (OLA); O'Nei , Sean (OIP); Payton, Rayshon (OLA); [REDACTED]; Si as, Adrien (OLA); Simms, Iesha (OLA); Singh, Anita M. (ODAG); [REDACTED]; Snead, Jacqueline C. (OLP); [REDACTED]; Stamper, Gwendyn A. (ODAG); [REDACTED]; Stoika, Dennis (OLA); [REDACTED]; Suero, Maya A. (ODAG); Ta ebian, Bobak (OIP); [REDACTED]; Toenges, Jeffrey (OLA); [REDACTED]; Underwood, Ryan M. (OLA); Uriarte, Carlos F. (OLA); [REDACTED]; Wahdan, Rana S. (OLA); [REDACTED]; West Rasmus, Emma (ASG); [REDACTED]; Whitehead, Thaimarah (OLA); Wi es, Morgan (OAG); [REDACTED]; Wi iams, Kim (OLA); Wi son, Ash ey (OASG); [REDACTED];

Sent: August 15, 2022 9:36 AM (UTC-04:00)
Attached: OLA Weekly Report 08-15-22 FINAL.docx, OLA Weekly Report 08-15-22 FINAL.pdf

Good morning,

Please find attached the OLA Weekly Report.

Best,
Shea

Shea Brennan
Congressional Affairs Specialist
Office of Legislative Affairs
U.S. Department of Justice
Cell: (b)(6)
Desk: (b)(6)



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 15, 2022

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

FROM: Carlos Felipe Uriarte, Assistant Attorney General

SUBJECT: Weekly Report for August 15 to August 19, 2022

Scoped Out Per Agreement with Requester

C. Scheduled Briefings

Scoped Out Per Agreement with Requester

- 2. SCOTUS Threats Briefing to Senate Judiciary Staff:** At a date to be determined the week of September 12, the Department will provide a bipartisan briefing to Senate Judiciary Committee staff regarding threats to Supreme Court justices and 18 U.S.C. § 1507.

Scoped Out Per Agreement with Requester



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 24, 2022

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

FROM: Peter S. Hyun, Acting Assistant Attorney General

SUBJECT: Weekly Report for June 27 to July 1, 2022

Scoped Out Per Agreement with Requester

Scoped Out Per Agreement with Requester



K. Congressional Priority Correspondence

1. Incoming

Scoped Out Per Agreement with Requester



Scoped Out Per Agreement with Requester



Letter from Representatives Jordan and Johnson to Attorney General Garland requesting information and documents regarding all communication that relates to the Supreme Court protests taking place outside of Justices' homes. (June 23, 2022)

Scoped Out Per Agreement with Requester



From: Loeb, Emi y M. (ODAG)
Subject: FW: OLA incoming Congressiona correspondence 6/14/22
To: Suero, Maya A. (ODAG); Brockman, Audrey (ODAG)
Cc: Stamper, Gwendyn A. (ODAG); Toomey, Kath een (ODAG); Chand er, Adam (ODAG); Atkinson, Lawrence (ODAG); Newman, David A. (ODAG); Braden, Myesha (ODAG)
Sent: June 15, 2022 12:13 PM (UTC-04:00)
Attached: Scoped Out Per Agreement with Requester
[REDACTED], 2022-06-14-IN-Hawey- Post Dobbs Vio ence. Kavanaugh house attack.pdf, 2022-06-13-IN-OLA-Cruz-Protests at Justices Homes.pdf, Scoped Out Per Agreement with Requester

Hi please print these for the DAG and PADAG. All are attached except for #4.

From: Schwartz, Leah F. (OLA) (b)(6)
Sent: Tuesday, June 14, 2022 8:57 PM
To: Klapper, Matthew B. (OAG) (b)(6); Goodlander, Margaret V. (OAG) (b)(6); Davies, Susan M. (OLP) (b)(6); Henthorne, Betsy (OASG) (b)(6); Colangelo, Matthew (OASG) (b)(6); Loeb, Emily M. (ODAG) (b)(6)
Cc: Hyun, Peter (OLA) (b)(6); Antell, Kira M. (OLA) (b)(6); Calce, Christina M. (OLA) (b)(6); Gaeta, Joseph (OLA) (b)(6); Uriarte, Carlos F. (OLA) (b)(6)
Subject: OLA incoming Congressional correspondence 6/14/22

Good evening,

Please see below and attached. Also, since today is my last day, I just wanted to send my thanks to everyone on this chain for the honor of working at the Department and for all your support and guidance during my time here. Take care!

Scoped Out Per Agreement with Requester

5. Letter from Sen. Hawley to AG – requesting a full account of why the DOJ did not immediately arrest those who illegally flocked around Justice Kavanaugh’s home on June 8th, 2022.
6. Letter from Sen. Cruz to AG – expressing concern not only for the safety and security of SCOTUS Justices, but also for the neutrality and integrity of our judicial process.

Scoped Out Per Agreement with Requester

United States Senate

June 13, 2022

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington D.C. 20530-0001

Dear Attorney General Garland,

I write to you today out of great concern not only for the safety and security of our Supreme Court Justices, but also out of concern for the neutrality and integrity of our judicial process. As you know, on May 2, 2022, the Supreme Court suffered one of the largest betrayals in its nearly 233-year history, with an unknown person leaking a draft opinion in the matter of *Dobbs v. Jackson Women's Health Organization*. This draft opinion courageously set forth a principle that regular Americans have known for the past fifty years, namely, that *Roe v. Wade* has no basis in the text of the constitution and should be overruled.

The intent behind the leaking of the draft opinion is clear; it was designed to entreat leftist radicals to publicly pressure, harass, and intimidate the Court into changing its opinion before it could be issued. Not only does such a maneuver undermine the rule of law and the integrity of the Supreme Court, it also invites its intended audience to commit a violation of federal law. Sadly, there are far too many who have decided to accept this invitation to criminality.

18 U.S.C. § 1507 makes it illegal, *inter alia*, to attempt to influence a judge in the exercise of his or her duties by picketing them at their home. The law exists to prevent trial judges and Supreme Court Justices alike, from being intimidated at their home in order to sway the outcome of a case. This law has unquestionably been violated—and continues to be violated—by the mobs of protestors assembling at the homes of Justices, doing so for the clear purpose of intimidating these Justices during their ongoing deliberations. The Supreme Court Police, U.S. Capitol Police, and Metropolitan Police Department have reportedly worked together to protect the Supreme Court justices, and they have performed admirably during the present unrest, erecting a barrier around the Supreme Court building to allow peaceful protest a safe distance from the Court, balancing both the First Amendment rights of the protestors and the integrity and impartiality of the Court's deliberative process. Unfortunately, the Department of Justice, under your leadership, has not been similarly proactive, with predictable results.

On June 8, 2022, a would-be assassin was arrested outside the home of Justice Brett Kavanaugh. The man had in his possession a handgun, burglary tools, pepper spray, a knife, zip ties, and boots designed for stealth. Upon his arrest he admitted that he had traveled from California to Maryland

for the express purpose of killing Justice Kavanaugh, and that he was motivated to do so by the leak of the draft opinion in *Dobbs*. He also stated that he was able to determine the approximate location of Justice Kavanaugh's residence from viewing video of the ongoing protests at the Kavanaugh home. Similarly, a pro-abortion group—Ruth Sent Us—has organized protests at the home of Justice Barrett, at her children's school, and provided details as to the Justice's daily routine. Picketing has also occurred at the homes of Justice Alito, Justice Thomas, and Chief Justice Roberts. Despite the fact that peaceful protest has obviously given way to targeted harassment, and, even some instances, attempted murder, the Department of Justice continues to turn a blind eye to the intimidation campaign being exercised against our Supreme Court Justices.

On the front of the Supreme Court is inscribed the phrase "Equal Justice Under Law." It is a simple guarantee, yet one incredibly vital to our nation and its people. It is a promise the Supreme Court has made to this nation, and one that it has dutifully kept. The Court is equally entitled to this same guarantee, to receive the protection of the law regardless of the judicial philosophy of its constituent members. I call upon you to enforce the law and end this shameful harassment campaign once and for all.

In light of the Department of Justice's apparent unwillingness to act, please a written response to the following questions by Friday, June 24, 2022:

- (1) How many persons have been charged with violations of 18 U.S.C. § 1507 in connection with the ongoing picketing at Supreme Court Justices' homes?
- (2) How many person have been charged with violations of 18 U.S.C. § 1507 nationwide since the beginning of the Biden Administration in January of 2021?
- (3) Do you have any reason to believe, from a factual standpoint, that the ongoing picketing at the homes of certain Supreme Court Justices does *not* violate 18 U.S.C. § 1507?
- (4) If you have concerns that 18 U.S.C. § 1507 is constitutionally or legally infirm, please provide me with a dated opinion from the Office of Legal Counsel indicating the same.

Sincerely,



Ted Cruz
Ranking Member
Subcommittee on the Constitution
U.S. Senate Committee on the Judiciary

June 14, 2022

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

Just hours after a man tried to assassinate Justice Kavanaugh, far-left agitators flocked outside his house in brazen violation of federal law. Meanwhile, there is an epidemic of pro-abortion attacks on pregnancy resource centers across the country, and there have been few, if any, arrests. To tamp down on this wave of violence, you must immediately stand up and enforce the law, prosecute those who break it, and condemn the violent rhetoric coming from the left.

The assassination attempt on Justice Kavanaugh's life on June 8 by a man armed with a gun, a knife, and burglary tools did not happen in a vacuum. Activists and even elected officials have openly threatened the Justices. Two years ago, when the Supreme Court last was ruling on a case about abortion, Senator Chuck Schumer took to the steps of the Supreme Court and threatened Justice Kavanaugh by name. He said, "I want to tell you, Kavanaugh. You have released the whirlwind, and you will pay the price. You won't know what hit you if you go forward with these awful decisions." Other politicians have unfortunately followed this example. After the draft Supreme Court opinion was leaked last month, Chicago Mayor Lori Lightfoot said, "This moment has to be a call to arms."¹

In addition to explicit threats by the left, Democratic officials have encouraged other illegal activity against Justices. As you know from my previous letter dated May 10, 2022, federal law makes it a crime to picket or parade in front of a Justice's home. 18 U.S.C. §1507. And the Supreme Court has already upheld statutes like this one. *Cox v. State of La.*, 379 U.S. 559 (1965). Yet on May 10, then-White House Press Secretary Jen Psaki noted the picketing occurring at Justice's homes and said, "We certainly continue to encourage that outside of judges' homes."² Senate Majority Leader Schumer similarly told reporters that demonstrations outside the homes of Supreme Court Justices are "OK with me"³—even though they are a federal crime.

All of this rhetoric emboldens not only the man who tried to take the life of Justice Kavanaugh, but also the radicals who have attacked pregnancy resource centers across the country. According to a recent report, "attacks against crisis pregnancy centers, some of

¹ <https://twitter.com/LoriLightfoot/status/1523844510735908864>

² <https://nypost.com/2022/05/10/psaki-defends-peaceful-abortion-rallies-at-justices-homes/>

³ <https://news.bloomberglaw.com/us-law-week/garland-orders-supreme-court-security-amid-abortion-protests>

them faith-based, have risen steadily since the leak of a draft opinion” last month but that “police have made few arrests, if any.”⁴ The report identifies at least 13 attacks in the last month, including arson and firebombing attacks. This is a disgrace.

When Democratic officials openly say that it is fine to flout the law and commit crimes, radicals take note. That is why it was so outrageous that, hours after the assassination attempt, your office did not immediately arrest illegal picketers who surrounded Justice Kavanaugh’s house in a renewed attempt to intimidate.⁵ Dangerous persons see the failure to enforce the law, and they grow bold.

You wrote in a letter to me on June 8, 2022, that you are taking measures to increase judicial safety. But taking safety seriously requires that you immediately move to counter all illegal activity directed at Supreme Court Justices, as well as all other crimes committed by radical leftists. Please respond to this letter with a full account of why your office did not immediately arrest those who illegally flocked around Justice Kavanaugh’s home on June 8, in violation of §1507, hours after the assassination attempt and also why you are dragging your feet on arresting criminals for the firebombing of pregnancy resource centers across the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is stylized with a large, looping initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator

⁴ <https://www.washingtonexaminer.com/restoring-america/community-family/violence-against-anti-abortion-movement-increases-ahead-of-dobbs-decision>

⁵ <https://twitter.com/disclosetv/status/1534681522665570309>

From: Hanson, A an R. (JMD)
Subject: Re: Hagerty, Warner Introduce Updated Emergency Funding Bi to Protect U.S. Supreme Court Justices
To: Hyun, Peter (OLA)
Cc: Kapper, Matthew B. (OAG); Good ander, Margaret V. (OAG); Lauria, Jo ene A. (JMD); Lucas, Danie (JMD); Loeb, Emi y M. (ODAG); Toomey, Kath een (ODAG); Mi er, Marsha (ODAG); Car in, John P. (ODAG); Linares, E va E. (OLA); Gaeta, Joseph (OLA)
Sent: June 14, 2022 4:36 PM (UTC-04:00)
Attached: Supreme Court Security Funding Act One-Pager and FAQ.pdf

And, just in case anybody missed it, the House approved the Senate bill extending police protection to Supreme Court justices' immediate families. It now goes to the President for signature.

On Jun 14, 2022, at 4:31 PM, Hanson, Alan R. (JMD) (b)(6) wrote:

(b)(5)

On Jun 14, 2022, at 4:11 PM, Hyun, Peter (OLA) (b)(6) wrote:

Folks: wanted to pass along this supplemental funding bill introduced by Senators Hagerty and Warner just now. The Marshal of SCOTUS has been in touch with us about ensuring that any emergency funding includes USMS (thanks to OAG meeting and follow-on conversations!), and this is a byproduct of some of the Hill engagement that the Marshal of the SCOTUS has done.

My read of this bill is that (b)(5) (Alan/Dan: possible for you to confirm?).

Will keep you all posted as this develops.

Thanks,
Peter

Peter S. Hyun
Acting Assistant Attorney General
U.S. Department of Justice
Office of Legislative Affairs
(b)(6)
Desk: (b)(6)
Cell: (b)(6)

From: George Everly (b)(6)
Sent: Tuesday, June 14, 2022 3:41 PM
To: Hyun, Peter (OLA) (b)(6)
Subject: [EXTERNAL] FW: Hagerty, Warner Introduce Updated Emergency Funding Bill to

Protect U.S. Supreme Court Justices

FYI

From: Press(Hagerty) <Press_hagerty.senate.gov>

Sent: Tuesday, June 14, 2022 2:48 PM

To: Press(Hagerty) <Press_hagerty.senate.gov>

Subject: Hagerty, Warner Introduce Updated Emergency Funding Bill to Protect U.S. Supreme Court Justices

FOR IMMEDIATE RELEASE

June 14, 2022

CONTACT: [Judd P. Deere](mailto:Judd.P.Deere)

(202) 360-6933

Hagerty, Warner Introduce Updated Emergency Funding Bill to Protect U.S. Supreme Court Justices

Bill provides supplemental security funding requested by Court and U.S. Marshals

WASHINGTON United States Senators Bill Hagerty (R-TN), a member of the Senate Appropriations Committee, and Mark Warner (D-VA), Chairman of the Senate Intelligence Committee, today introduced legislation that provides an additional \$10.3 million to the U.S. Marshals Service and \$9.1 million to the U.S. Supreme Court to address the unprecedented security threats to the justices, their families, and court employees.

The U.S. Marshals Service has already been providing around-the-clock security for the nine Justices at their homes and needs \$10.3 million in additional funding for costs that have and will be incurred to provide this protection for the remainder of Fiscal Year 2022 (FY22). Similarly, the Supreme Court needs \$9.1 million to cover its unexpected, increased security costs.

“An assassination attempt on one of our Supreme Court Justices is unthinkable, but sadly has become reality,” **said Senator Hagerty**. “We must protect our most sacred American institutions, which is why my updated legislation provides the specific amounts requested by the Supreme Court and the U.S. Marshals Service to cover their current security needs. If we, as a Congress, are willing to send tens of billions of dollars for security needs overseas, then surely we can provide a tiny fraction of that amount to protect the men and women of one of the three branches of our federal government. The cost of failing to act is incalculable, as last week’s news made chillingly clear.”

“Our government institutions are dealing with a record number of threats,” **said Senator Warner**. “We saw on January 6 what can happen when we are unprepared for those threats. This legislation will provide the level of funding the Supreme Court needs to protect the justices and court employees.”

Officials at the Court and the Marshals Service recently provided specific security

funding needs to the Appropriations Committee.

Last month, before receiving this updated information, Hagerty introduced legislation that appropriated \$10 million in additional resources to the Court.

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From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 6/13/22
To: Loeb, Emily M. (ODAG); Coango, Matthew (OASG); Kapper, Matthew B. (OAG); Davies, Susan M. (OLP); Henthorne, Betsy (OASG); Goodlander, Margaret V. (OAG)
Cc: Cauce, Christina M. (OLA); Hyun, Peter (OLA); Ante, Kira M. (OLA); Gaeta, Joseph (OLA); Uriarte, Carlos F. (OLA)
Sent: June 13, 2022 6:06 PM (UTC-04:00)
Attached: **Scoped Out Per Agreement with Requester**, 2022-06-10-IN-OLA- Rubio - danger to SCOTUS Justices and violence against pro-life groups-ECATS-2022-087856.pdf, **Scoped Out Per Agreement with**

Good evening,

Please see below and attached.

Scoped Out Per Agreement with Requester

2. Letter from Sen. Rubio to AG— following up on his May 11th, 2022 letter asking the DOJ to publicly condemn and investigate the ongoing and unlawful efforts designed to intimidate SCOTUS Justices.

Scoped Out Per Agreement with Requester

June 10, 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 to follow up on my original letter dated May 11, 2022. In that letter, I asked the U.S. Department of Justice (DOJ) to publicly condemn and investigate the ongoing and unlawful efforts designed to intimidate Supreme Court Justices, including by “protestors” who made threats outside their homes following the leak of a draft opinion from the U.S. Supreme Court in *Dobbs v. Jackson Women’s Health Organization*. I conveniently received a response to my letter from the DOJ on the same day that an attempted assassination of Justice Kavanaugh was made on June 8, 2022.

According to the federal complaint, a man carrying a Glock 17, tactical knife, zip ties, and other burglary tools, was arrested while approaching Justice Brett Kavanaugh’s home. He told officers that he was angry and wanted to kill Justice Kavanaugh because the Court may overturn *Roe v. Wade*. Violent acts like this should come as no surprise, given that the threats made outside of Justices’ homes were precisely the cause for alarm that we referenced in asking the DOJ to hold these bad actors accountable. In the Senate, we responded to those threats by passing S. 4160, the *Supreme Court Policy Parity Act*, which would enhance federal protection for the Justices and their families. As you are no doubt aware, this bipartisan legislation has been stonewalled by House Democrats, who continue to block its passage. Even in light of these disturbing facts, on June 9, 2022, Speaker Pelosi went so far as asserting that “no one is in danger.” This kind of partisan politicking by House leadership has hamstrung critical judicial security measures and made the DOJ’s responsibility of enforcing federal law even greater. The DOJ can no longer afford to remain on the sidelines and must instead commit to investigating and prosecuting criminal actors who have answered the call to violence.

These criminals are not only targeting Supreme Court Justices. As you know, radical pro-abortion activists have targeted pro-life centers, groups, and churches across the United States with arson, vandalism, and threats of violence simply because of their pro-life views. Catholic bishops and priests across the nation have reported credible threats to churches and members of the clergy. For instance, the Archdiocese of Miami Respect Life was vandalized with the threatening message, “if abortion isn’t safe, neither are you.” Similarly, pro-life crisis pregnancy centers, which provide critical resources for pregnant mothers and babies have been attacked, including one in Buffalo, New York, that was fire bombed on June 7, 2022. The violence is just what a leaked U.S. Department of Homeland Security (DHS) memo correctly predicted:

“Grievances related to restricting abortion access could fuel violence by pro-choice abortion-related violent extremists.”

The DOJ must protect the integrity of the Court and protect the rights and freedoms of pro-life organizations. I therefore request answers to the following questions:

1. Explain why the DOJ has failed to investigate acts of violence against pro-life groups, including crisis pregnancy centers?
 - a. Does the DOJ plan to classify these crimes as acts of domestic terrorism?
2. Does the DOJ believe that “no one is in danger,” as stated by Speaker Pelosi?
3. As confirmed at the time by then-White House Press Secretary Jen Psaki, is it still President Biden’s position to “encourage” protests “outside of judges’ homes”?
4. Does the DOJ support swift passage of the *Supreme Court Policy Parity Act*?
5. Is the DOJ coordinating with DHS and other U.S. Attorney’s offices across the nation to investigate and prosecute criminal acts against pro-life groups?

Thank you for your attention to this urgent matter.

Sincerely,



Marco Rubio
U.S. Senator

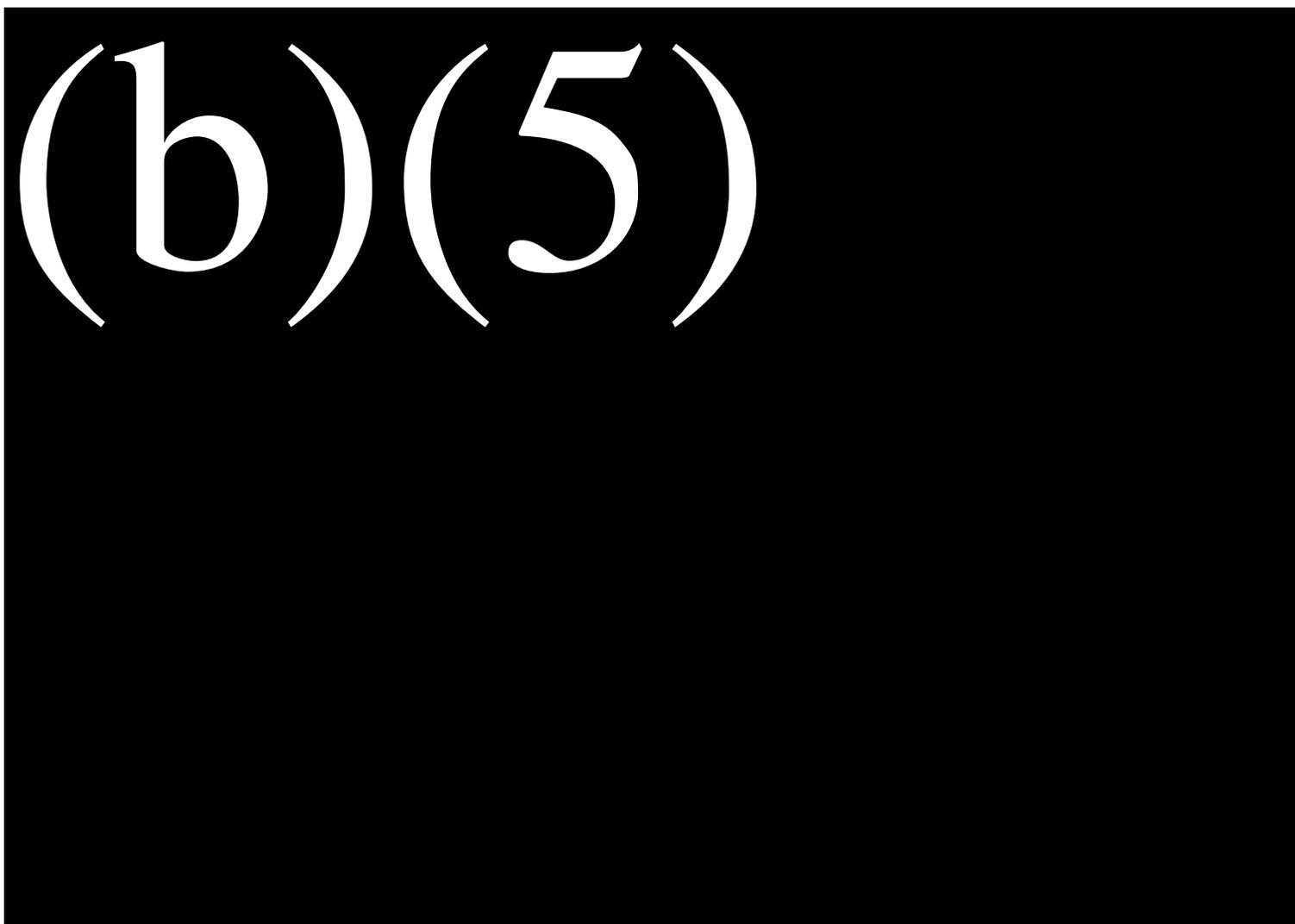
From: Gaeta, Joseph (OLA)
Subject: RE: Scotus Q&A
To: Donohue, Jennifer (PAO); Hyun, Peter (OLA)
Cc: Loeb, Emi y M. (ODAG)
Sent: May 24, 2022 3:47 PM (UTC-04:00)

We'll print for him. Discussed the issue generally and I think he's in good shape.

From: Donohue, Jennifer (PAO) (b)(6)
Sent: Tuesday, May 24, 2022 3:26 PM
To: Gaeta, Joseph (OLA) (b)(6); Hyun, Peter (OLA) (b)(6)
Cc: Loeb, Emily M. (ODAG) (b)(6)
Subject: Scotus Q&A

Joe, this is good to give to Steve. Let me know the best way to get it to him. Thanks!

Proposed/Draft/Deliberative/Predecisional



Jennifer Donohue | Senior Communications Advisor

Office of Public Affairs, U.S. Department of Justice

Desk: (b)(6)

Cell: (b)(6)

From: Iverson, Dena (PAO)
Subject: RE: Press conf tomorrow
To: Matthews-Johnson, Tamarra D. (OAG); Dickerson, Julie (OAG); Purdy, Nikita (OAG)
Cc: Klapper, Matthew B. (OAG); Davidson, Marcia A. (OAG); Watson, Theresa (OAG); Brogger, Marissa J. (PAO)
Sent: May 24, 2022 1:19 PM (UTC-04:00)
Attached: Scoped Out Per Agreement with Requester
Tab D 05242022 AG Presser Off Topic QA.docx

He got the full binder last night and Klapper got his own copy. Anthony briefed him and did Q&A this morning

The full set of Documents are attached, however we are currently discussing with CRM the status of the SDNY case and some changes will be made to the release and the AG's remarks to reflect the updates.

Dena Iverson
Principal Deputy Director, Office of Public Affairs
U.S. Department of Justice

(b)(6) - Office
(b)(6) - Cell
(b)(6)

From: Matthews-Johnson, Tamarra D. (OAG) (b)(6)
Sent: Tuesday, May 24, 2022 1:10 PM
To: Iverson, Dena (PAO) (b)(6); Dickerson, Julie (OAG) (b)(6); Purdy, Nikita (OAG) (b)(6)
Cc: Klapper, Matthew B. (OAG) (b)(6); Davidson, Marcia A. (OAG) (b)(6); Watson, Theresa (OAG) (b)(6); Brogger, Marissa J. (PAO) (b)(6)
Subject: Re: Press conf tomorrow

Hi Dena -
Could you please send the full package to everyone on this email?

And is there a confirmed time to brief the AG? We want to make sure we have people ready on standby - T

Tamarra Matthews Johnson
she/her/hers
Counsel
Office of the Attorney General
U.S. Department of Justice
Mobile: (b)(6)

On May 24, 2022, at 12:04 PM, Purdy, Nikita (OAG) (b)(6) wrote:

Hi Dena,

Do we have run of show?

Thanks!
Nikita

On May 23, 2022, at 3:24 PM, Matthews-Johnson, Tamarra D. (OAG)

(b)(6) wrote:

Thanks so much Dena - and CRM will have reviewed and signed off on the content (that's relevant to the case of course)

Thanks! T

Tamarra Matthews Johnson

she/her/hers

Counsel

Office of the Attorney General

U.S. Department of Justice

Mobile: (b)(6)

On May 23, 2022, at 2:20 PM, Iverson, Dena (PAO)

(b)(6) wrote:

Will do, we are finalizing the AG memo shortly and will have a binder for him to take home tonight. What time do we need to bring it up?

Dena Iverson

Principal Deputy Director, Office of Public Affairs

U.S. Department of Justice

(b)(6) - Office

(b)(6) - Cell

(b)(6)

-----Original Message-----

From: Purdy, Nikita (OAG) (b)(6)

Sent: Monday, May 23, 2022 3:09 PM

To: Klapper, Matthew B. (OAG) (b)(6)

Cc: Davidson, Marcia A. (OAG) (b)(6); Watson,

Theresa (OAG) (b)(6); Iverson, Dena (PAO)

(b)(6); Dickerson, Julie (OAG)

(b)(6); Matthews-Johnson, Tamarra D. (OAG)

(b)(6)

Subject: Re: Press conf tomorrow

Understood! Dena, let me know when you have run of show. AG will be coming from an event prior too.

Thanks,
Nikita

On May 23, 2022, at 2:33 PM, Klapper, Matthew B. (OAG)

(b)(6) wrote:

FYI AG will be participating in a 30 minute press conference tomorrow from 2:30-3p. Dena will send more.

Sent from my iPhone

**Proposed Draft Off Topic Q&A
AG 5/24/22 Press Conference**

(b) (5)

(b)(5)

Scoped Out Per Agreement with Requester

From: DOJ Correspondence (SMO)
Subject: OLA Weekly Report 5-20-2022
To: Alex Ventura; Ante, Kira M. (OLA); [Redacted]; Benedict, Margot (ODAG); [Redacted];
[Redacted]; Cace, Christina M. (OLA);
Cazier, Sandra M (OLA); [Redacted]; Chandler, Adam (ODAG); Chase, Abigail (OLA);
[Redacted]; Coango, Matthew (OASG); [Redacted];
Coe, Anthony D. (PAO); Creighton, Kelly M (PAO); [Redacted]; Davies, Susan M. (OLP);
[Redacted]; Deinger, Hampton Y. (OLP); Dickerson, Julie (OAG); Donohue, Jennifer (PAO);
[Redacted]; Gaeta, Joseph (OLA); Gardner, Joshua E. (OLA);
[Redacted]; Gilder, Kandi (OLA); [Redacted]; God, Jonathan (OLA); [Redacted];
Goodander, Margaret V. (OAG); [Redacted]; Gupta, Vanita (OASG); Ha, Sara T.
(OLA); [Redacted]; Heinze, Kate
(OAG); Henthorne, Betsy (OASG); Herbert, Jennifer R. (OLA); [Redacted]; Hyun, Peter (OLA);
Iverson, Dena (PAO); Jackson, Jamie L. (OLA); [Redacted]; Johnson, Joanne E. (OLA);
[Redacted]; Kassabian, Tamara (OLA); [Redacted]; Keener,
Kenneth E. (OLA); [Redacted]; Kapper, Matthew B. (OAG);
[Redacted]; Kueter, Dean (OLA);
[Redacted]; Lawrie, Heather (OLA); [Redacted]; Linares, Eva E. (OLA); Loeb, Emily
M. (ODAG); [Redacted]; McCoy, Tyler D. (OLA);
[Redacted];
Nsor, Janice M. (OLA); O'Connell, Justin D. (OLA); O'Neil, Sean (OIP);
Payton, Rayshon (OLA); [Redacted]; Schwartz, Leah F. (OLA);
[Redacted]; Sias, Adrien (OLA); Simms, Iesha (OLA); Singh, Anita M.
(ODAG); [Redacted]; Snead, Jacqueline C. (OLP); [Redacted]; Stamper,
Gwendolyn A. (ODAG); [Redacted]; Stoika, Dennis (OLA); [Redacted]; Suero, Maya A.
(ODAG); Taebian, Bobak (OIP); [Redacted]; Thiemann, Robyn (OLP);
[Redacted]; Underwood, Ryan M. (OLA);
[Redacted]; Wahdan, Rana S. (OLA); Wang, Linda (OLA);
West Rasmus, Emma (ASG); [Redacted]; Whitehead, Thaimarah (OLA); Wies, Morgan
(OAG); [Redacted]; Williams, Kim (OLA); Wilson, Ashley
(OASG); Woldemariam, Wintta (OLA);
[Redacted]

Sent: May 20, 2022 5:24 PM (UTC-04:00)
Attached: OLA Weekly Report 05-20-22 FINAL.docx, OLA Weekly Report 05-20-22 FINAL.pdf

All:

Please find attached the OLA Weekly Report.

Best,

Soraya Haddad
Office of Legislative Affairs
U.S. Department of Justice



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 20, 2022

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

FROM: Peter S. Hyun, Acting Assistant Attorney General

SUBJECT: Weekly Report for May 23 to May 27, 2022

Scoped Out Per Agreement with Requester

Scoped Out Per Agreement with Requester

K. Congressional Priority Correspondence

1. Incoming

Letter from Representative Banks to Attorney General Garland calling on the Department to stop the Biden Administration's corruption and to move with all deliberate speed to demonstrate that the Department enforces the law fairly and without favor, especially in the wake of protests threatening SCOTUS Justices at home. (May 13, 2022)

Scoped Out Per Agreement with Requester

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 5/13/22
To: Kapper, Matthew B. (OAG); Loeb, Emily M. (ODAG); Davies, Susan M. (OLP); Coango, Matthew (OASG); Henthorne, Betsy (OASG); Goodlander, Margaret V. (OAG)
Cc: Hyun, Peter (OLA); Ante, Kira M. (OLA); Cauce, Christina M. (OLA); Gaeta, Joseph (OLA)
Sent: May 13, 2022 7:11 PM (UTC-04:00)
Attached: 2022-05-13-IN-OLA- Banks - SCOTUS protests.pdf, **Scoped Out Per Agreement with Requester**
[REDACTED], 2022-05-13-IN-OLA-Comer et al - SCOTUS residence picketing-ECATS-2022-080647.pdf

Good evening,

Please see below and attached. Once again, I'm highlighting SCOTUS protest-related letters.

1. Letter from Rep. **Banks** to AG – calling on DOJ to stop the Biden Administration's corruption and to move with all deliberate speed to demonstrate that the Department enforces the law fairly and without favor, especially in the wake of protests threatening SCOTUS Justices at home.

Scoped Out Per Agreement with Requester

3. Letter from Rep. **Comer** and 18 other MoCs to AG – requesting further information regarding steps the Justice Department is taking to enforce federal law and ensure the protection of Supreme Court Justices.



Congress of the United States
House of Representatives
Washington, DC 20515-1403

May 13th, 2022

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

Re: DOJ's Response to Threats and Acts of Violence in Response to Leaked SCOTUS Draft Opinion

Dear Attorney General Garland:

As you are aware, a leaked draft Supreme Court opinion in the case of *Dobbs v. Jackson Women's Health Organization* has become another pretext for "progressives" to engage in unlawful acts of political and physical intimidation. Chief Justice Roberts and Justices Thomas, Alito, Gorsuch, Kavanaugh, and Barrett, and their families, have been targeted in their homes by dark money groups that pay "stipends" to demonstrators.¹ These "protests" are organized and led by an organization described as:

[A]n empty vessel operated by a small clique of well-funded professional activists whose job is to imitate the appearance of an organic political movement by staging high-profile 'actions' that they get the media to cover The group is like a shell company or holding corporation; it's made up of at least 24 groups, including stalwarts of the professional activist scene like Black Lives Matter DC, Code Pink, the Climate Action Network Action Fund, and Extinction Rebellion DC. That complicated structure appears to serve the same purpose here that it does in corporations with multiple addresses and offshore bank

¹ Andrew Kerr, *Abortion rights group doxes Supreme Court justices, offers stipends for protests*, Washington Examiner (May 5, 2021), <https://washex.am/3Pcpl7G>; Anders Hagstrom, *Liberal Group Calls for Protests at Conservative Supreme Court Justices' Homes*, FOX NEWS (May 5, 2022), <https://fxn.ws/3FIx7BR>; see also Ryan Lovelace, *'Ruth Sent Us' Activists Plan Abortion Protests at Churches, Supreme Court Justices' Homes*, WASH. TIMES (May 5, 2022), <https://bit.ly/37H4EQu>; "Ruth Sent Us" Home Page, <https://www.ruthsent.us/> (last visited May 5, 2022).

accounts—it makes it hard to see where the money is coming from and even harder to see who’s in charge.²

Additionally, leftist political figures and journalists have called for violence,³ and those calls have been answered.⁴ A group claiming national reach boasted about firebombing a Wisconsin pro-life group’s office, and spray painting a message reading, “if abortions aren’t safe then you aren’t either.”⁵ More attacks have been promised.

The protests at the Supreme Court Justices’ homes violate 18 U.S.C. § 1507, and the threats of violent assault against them violates 18 U.S.C. § 115(a)(1). The firebombing of the Wisconsin pro-life group violates, *inter alia*, 18 U.S.C. § 241. Churches have been desecrated as part of an interstate conspiracy in violation of 18 U.S.C. § 247.⁶ To date, however, you have been able to muster only this: “Attorney General Garland continues to be briefed on security matters related to the Supreme Court and Supreme Court Justices. The Attorney General directed the U.S. Marshals Service to help ensure the Justices’ safety by providing additional support to the Marshal of the Supreme Court and Supreme Court Police.”⁷

Your supine response to this unprecedented and ongoing attack on the Supreme Court, and the apparently coordinated threats to churches and to Americans who value life stands, in stark contrast to your aggressive action against parents protesting at school board meetings, and your disproportionately harsh treatment of the January 6 defendants for their alleged crimes of trespassing, obstruction, and parading or picketing. To refresh your recollection, on September 29, 2021, the National School Boards Association (NSBA), at the request of Biden Administration officials, wrote a letter to President Biden accusing parents of “heinous actions [which] could be the equivalent to a form of domestic terrorism and hate crimes.” NSBA “requested” a joint expedited review by the U.S. Departments of Justice, Homeland Security, and the FBI,

² Jacob Siegel and Sean Cooper, *What Happened Today: May 10, 2022*, The Scroll (May 10, 2022), <https://bit.ly/3w3iE0h>; compare Mark Hosenball and Sarah N. Lynch, *Exclusive: FBI finds scant evidence U.S. Capitol attack was coordinated – sources*, Reuters (Aug. 20, 2021), <https://reut.rs/3FfEty>.

³ Jordan Boyd, *Let’s Burn This Place Down’: Left Calls For Violence After Treasonous SCOTUS Abortion Leak*, The Federalist (May 3, 2022), <https://bit.ly/3soEWaz>.

⁴ See, e.g., *Seattle Abortion Rights Rallies and Protests Planned in Response to Supreme Court Leak – UPDATE: Hundreds March*, CAPITOL HILL SEATTLE BLOG (May 3, 2022), <https://bit.ly/3sqWtyT> (citing @Sadenochill, Twitter (May 3, 2022, 11:27 PM), <https://bit.ly/3yucTdt> (“BURN OUR RIGHTS WE BURN UR STATE”)); Luke Anderson, *Protesters Damage Property in Downtown Portland Following SCOTUS Opinion on Abortion Rights*, KXL (May 4, 2022), <https://bit.ly/37H6zVc>; Emma Colton, *LA Abortion Protest Turns Violent: Protesters Lob ‘Rocks and Bottles’ at Cops, Smash Cruiser’s Window*, FOX NEWS (May 4, 2022), <https://fxn.ws/3PgiiuN>; compare Byron York, “Armed insurrection”: What weapons did the Capitol rioters carry?, Washington Examiner (Oct. 11, 2021), <https://washex.am/3l6SROi>.

⁵ Danielle Wallace, *Wisconsin Anti-abortion Group Targeted in Molotov Cocktail Arson Attack: Police*, FOX NEWS (May 8, 2022), <https://fxn.ws/3sxzdiB>.

⁶ CNA Staff, *Catholics under attack: Incidents since SCOTUS draft abortion decision, by state*, Catholic News Service (May 10, 2022), <https://bit.ly/3N4FaLM>.

⁷ Compare Office of Public Affairs, U.S. Dep’t of Justice, *Justice Department Statement regarding Supreme Court Security* (May 11, 2022), <https://bit.ly/3FIREXc> with Office of the Attorney General, U.S. Dep’t of Justice, *Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff* (Oct. 4, 2021), <https://bit.ly/3laUWIZ>.

including its National Security Branch and Counterterrorism Division to “examine appropriate enforceable actions against these crimes and acts of violence” under the Patriot Act and other authorities.⁸

The NSBA’s claims were fabricated falsehoods, and you knew it. Nevertheless, on October 4, 2021, you directed law enforcement action against American parents for a non-existent “increase in harassment, intimidation and threats of violence against school board members, teachers and workers in our nation’s public schools.” You launched a task force including the Criminal Division, National Security Division, Civil Rights Divisions, the FBI, and others. You urged school board members and officials to use the FBI’s National Threat Operations Center’s 1-800-CALL-FBI tip line to turn in parents.⁹ Then, in sworn testimony before the House Committee on the Judiciary, you denied that the Department of Justice or its components were using counterterrorism statutes and resources to target parents at school board meetings. However, as [I/Ranking Members Jordan and Johnson] advised you on May 11, 2022, the evidence contradicts you. In fact, it appears the FBI has labeled at least dozens of investigations into parents with a threat tag created by the FBI’s Counterterrorism Division to assess and track investigations related to school boards.¹⁰

Also, your most recent budget request seeks funds for 131 more prosecutors to handle cases against the January 6 trespassers and rioters.¹¹ Yet the Department has refused to make even a token commitment of resources to prosecute those who organized, funded, and carried out the far more destructive and deadly riots in Minneapolis, New York, Washington, D.C., Kenosha, Los Angeles, and other cities throughout the United States during 2020.¹² Some rioters, it seems, are more equal than others.¹³

⁸ Nat’l Sch. Bd. Ass’n, *Letter to Joseph R. Biden Re: Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators (sic)* (Sep. 29, 2021), <https://bit.ly/3yvgtUT>.

⁹ See Press Release, U.S. Dep’t Just., *Justice Department Addresses Violent Threats Against School Officials and Teachers* (Oct. 4, 2021), <https://bit.ly/3M8ijiz>.

¹⁰ *Letter from Ranking Members Jordan and Johnson to the Hon. Merrick B. Garland* at 1 (May 11, 2022), <https://bit.ly/3FICJMr>.

¹¹ Kevin Johnson, *DOJ Seeks 131 More Prosecutors for Jan. 6 Cases as Investigation of Capitol Riot Continues*, USA TODAY (Mar. 28, 2022), <https://bit.ly/3wl2L45>.

¹² See *Updated and Reposted: RCI’s Jan. 6-BLM Riots Side-by-Side Comparison*, Real Clear Investigations (Jan. 4, 2022), <https://bit.ly/3sxC2jH>; Major Cities Chiefs Association Intelligence and Commanders Group, *Report on the 2020 Protests & Civil Unrest* (Oct. 2020), <https://bit.ly/3MbubQO>; Jennifer A. Kingson, *Exclusive: \$1 billion-plus riot damage is most expensive in insurance history*, Axios (Sept. 20, 2020), <https://bit.ly/38iPnFV>.

¹³ On June 5, 2020, Oscar Lee Stewart, age 30, was reported missing. On July 20, 2020, local police found him—burned to death—in the rubble of a building torched during anti-police rioting in Minneapolis, Minnesota. The defendant had prior convictions for burglary, assault, violation of no contact order, and theft of property. He had “a terrible incident of domestic violence in his criminal history, in which he viciously assaulted a woman and ruptured her left ear-drum.” At the time of the arson, he “was under a criminal justice sentence for his prior assault conviction...” Nevertheless, the Department recommended leniency because the defendant “was in the streets to protest unlawful police violence against black men.” It claimed he felt “angry, frustrated, and disenfranchised,” that he was “engaging in ‘the language of the unheard’” through looting and arson, that the riots were “informed by forces that have been present in this country since its inception” and that had circumstances been “just a little different, Mr. Stewart would be alive today, and [the defendant] would face significantly less criminal liability ... the cruel caprices of fate.” However, the Department did not explain how, precisely, randomly burning down a pawn shop and killing a man was “engaging in ‘the language of the unheard’” or how the defendant’s conduct was specifically “informed by forces that have been present in this

On your first day in office, you promised that “there [would] not be one rule for Democrats and another for Republicans, one rule for friends and another for foes.”¹⁴ When you testified last October before Congress, you affirmed that every person living in this country deserves that their government protect them against threats from domestic terrorism.¹⁵ But the pro-abortion lobby, like the teacher unions and other interests behind the NASB charade, is a critical Biden Administration stakeholder and an important source of campaign funds. Thus, the Department has taken no obvious steps to deter, investigate, or prosecute the pro-abortion groups and individuals who have conspired and combined to harass the Supreme Court’s Justices and interfere with its deliberations; to intentionally deface, damage, or destroy church property; and to harm or intimidate Americans who value life.

The evidence shows that under your leadership, the Department has one rule for the Biden Administration’s friends, and a different, much harsher rule, for its opponents. While you had a great deal to say about punishing parents for peacefully exercising their rights to protest the indoctrination to and harm of their children, and very publicly deployed the full weight of federal law enforcement against them, in the face of obvious crimes and violence by the Biden Administration’s ideological allies and financial supporters, you are effectively mute. This is a dangerous path.

Our system cannot function when citizens lose faith in the Justice Department’s commitment to the principle that the law applies equally to all Americans. But a series of self-inflicted wounds – the pre-planned 2016 tarmac meeting between the Attorney General and Bill Clinton during the midst of the Hillary Clinton email scandal, the “Russia Collusion” hoax, the Department’s inexplicable special treatment of those who organized and paid for the burning of our cities during the riots of 2020, the labeling of parents as domestic terrorists, and now its failure to protect Supreme Court justices and enforce the law against pro-abortion law breakers – have substantially eroded public confidence in the Department’s commitment to fairly exercise its law enforcement powers.

Accordingly, for the sake of the institution you steward, and in recognition of the fact that you are a former distinguished judge who sat with distinction on the District of Columbia Court of Appeals, we call on you now to stop the Biden Administration’s corruption and to move with all deliberate speed to demonstrate that the Department enforces the law fairly and without favor.



Jim Banks
Member of Congress

country since its inception.” See *United States of America v. Montez Terriel Lee, Jr.*, Case No. 0:20-cr-00168-WMW-ECW Doc. 67 at 3, 6-8 (D. Minn., Nov. 4, 2021).

¹⁴ Emily Jacobs, *Merrick Garland Speaks at DOJ Before Swearing-in by VP Kamala Harris*, N.Y. POST (Mar. 11, 2021), <https://bit.ly/3L6ITas>.

¹⁵ *Oversight of the Department of Justice: Hearing Before the S. Comm. On the Judiciary*, 117th Cong. 1 (2021) (statement of Merrick Garland, Att’y Gen. of the United States), <https://bit.ly/3w6Ovgo>.

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

May 13, 2022

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

Dear Attorney General Garland:

We continue to conduct oversight of efforts by the U.S. Department of Justice (Justice Department) to enforce federal laws protecting the integrity of the Supreme Court. In the wake of the unprecedented leak of a draft opinion on a matter currently pending before the Supreme Court,¹ a reactionary wave of violence by radical ideologues has descended upon the country, as crisis pregnancy centers,² pro-life organizations³ and churches⁴ have been vandalized and subject to arson attacks and theft of sacred objects. Other protestors are picketing at Supreme Court Justices' family residences⁵ with the goal of influencing or intimidating the Justices. This likely violates federal law,⁶ notwithstanding the Biden Administration⁷ and other prominent Democrats⁸ stating their support for these unlawful actions. We request further information regarding steps the Justice Department is taking to enforce federal law and ensure the protection of Supreme Court Justices.

¹ Tierney Sneed et al., *Supreme Court draft opinion that would overturn Roe v. Wade published by Politico*, CNN NEWS (May 3, 2022); *see also* Mark Sherman & Zeke Miller, *Report: Supreme Court draft suggests Roe could be overturned*, AP NEWS (May 3, 2022).

² Kravetz, Andy, *Arson blamed in fire that caused \$250,000 in damage to Peoria Women's Care Center*, JOURNAL STAR (May 3, 2021).

³ Vander Ploeg, Luke & Addison Lathers, *Anti-Abortion Group in Wisconsin Is Hit by Arson, Authorities Say*, N.Y. TIMES (May 8, 2022).

⁴ *See e.g.* Nieto, Greg, *Abortion-rights vandalism stirs church parishioners*, FOX31 COLORADO (May 9, 2022); Betz, Bradford, *Boulder Catholic church vandalized with abortion rights graffiti*, FOX NEWS (May 5, 2022); Mullen, Shannon, *Update on Unrest: Tabernacle Stolen, Catholic Church Defaced, Pregnancy Clinic Vandalized*, NATIONAL CATHOLIC REGISTER (May 10, 2022).

⁵ Sanchez-Cruz, Rafael, *Pro-choice protests outside Maryland homes of Justices Roberts and Kavanaugh*, WUSA9 (May 8, 2022); Alder, Madison, *Justice Alito's Home Targeted by Abortion Rights Protesters*, BLOOMBERG (May 9, 2022).

⁶ *See* 18 U.S.C. § 1507.

⁷ Mordock, Jeff, *Psaki says Biden supports peaceful abortion protests outside justices' homes*, WASH. TIMES (May 10, 2022).

⁸ Prieb, Natalie, *Schumer says he sees no issue with peaceful protests at houses of Supreme Court justices*, THE HILL (May 10, 2022).

Our Constitution guarantees citizens freedom of speech, the right to assemble, and to petition the government,⁹ however these rights are not without limits.¹⁰ We have already seen Americans exercising this right to make their voices heard in front of the Supreme Court building and other public squares.¹¹ Governing bodies have passed, and the Supreme Court has upheld, content-neutral time, place, and manner restrictions on First Amendment activities.¹² Under federal law, picketing or parading “in or near a building or residence occupied or used by [a] judge” with intent of “interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge... in the discharge of his duty...” is a misdemeanor offense punishable by fines or jail time.¹³ It is unclear whether the Justice Department has been investigating or prosecuting any cases related to the current protests at the Justices’ homes. The recent leaked draft opinion has the potential to undermine the ability of Justices to deliberate on cases of national importance. Our system of law and order must stand firm against any illegal attempts to intimidate Justices by mobbing their neighborhoods.

To assist the Republicans on the Committee in understanding the Justice Department’s efforts to enforce federal laws protecting the integrity of the Supreme Court, we request that you produce the following documents and information no later than May 27, 2022, from the time period May 2, 2022 to the present:

1. All documents and communications regarding any open Justice Department investigation or other law enforcement partners into violations of federal law related to picketing at the Supreme Court Justices’ personal family residences;
2. All documents and communications regarding any accepted or declined criminal prosecution related to picketing at Supreme Court Justices’ personal family residences;
3. The number of open investigations into any threats made against members of the Supreme Court, especially threats stemming from the release of the draft opinion referenced above;
4. All documents and communications regarding any Justice Department response to threats made against members of the Supreme Court.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact the Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad

⁹ U.S. Const. amend. I.

¹⁰ See e.g. *Ward v. Rock against Racism*, 491 U.S. 781 (1989); *Hill v. Colorado*, 530 U.S. 703 (2000).

¹¹ Qiu, Linda & Sarahbeth Maney, *Demonstrators Gathered at Supreme Court Lament, and Celebrate, Leaked Draft*, N.Y. TIMES (May 3, 2022).

¹² *Supra*, n.10.

¹³ 18 U.S.C. § 1507.

authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

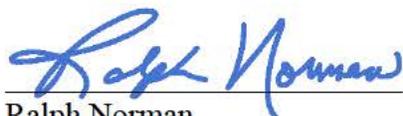
Sincerely,



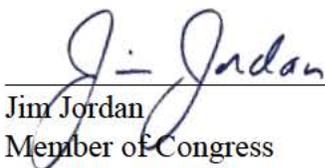
James Comer
Ranking Member
Committee on Oversight and Reform



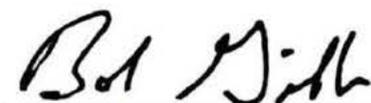
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



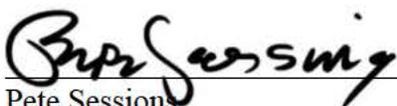
Ralph Norman
Ranking Member
Subcommittee on Environment



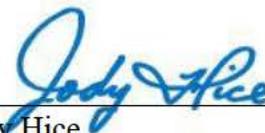
Jim Jordan
Member of Congress



Bob Gibbs
Member of Congress



Pete Sessions
Member of Congress



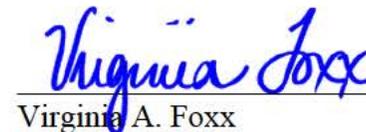
Jody Hice
Ranking Member
Subcommittee on Government
Operations



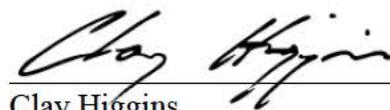
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



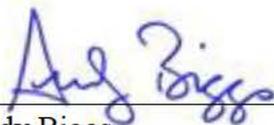
Virginia A. Foxx
Member of Congress



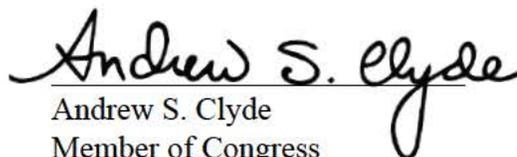
Clay Higgins
Member of Congress



Fred Keller
Member of Congress



Andy Biggs
Member of Congress



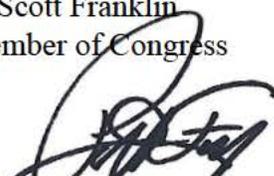
Andrew S. Clyde
Member of Congress



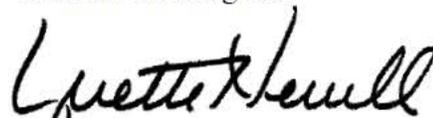
C. Scott Franklin
Member of Congress



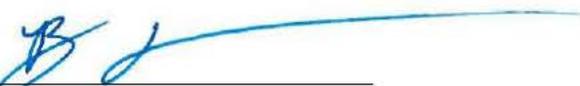
Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 5/11/22 and 5/12/22
To: Kapper, Matthew B. (OAG); Good ander, Margaret V. (OAG); Loeb, Emi y M. (ODAG); Henthorne, Betsy (OASG); Co ange o, Matthew (OASG); Davies, Susan M. (OLP)
Cc: Hyun, Peter (OLA); Ante , Kira M. (OLA); Ca ce, Christina M. (OLA); Gaeta, Joseph (OLA)
Sent: May 12, 2022 6:20 PM (UTC-04:00)
Attached: Scoped Out Per Agreement with Requester
2022-05-10-IN-OLA- Graham- Roe protests Roe protests & Judicia Security.pdf, Scoped Out Per Agreement with Requester
, 2022-05-11-IN-OLA-Govs Youngkin, Hogan - Judicia security.pdf, Scoped Out Per Agreement with Requester
, 2022-05-11-IN-OLA- Rubio - SCOTUS threats, Judicia security-ECA S-2022-080099.pdf, Scoped Out Per Agreement with Requester
, 2022-05-11-IN-OLA-McConne - Judicia Security, threats-ECATS-2022-079999.pdf, 2022-05-11-IN-OLA-Tenney e a - Protests at Homes of Supreme Court Justices-ECATS-2022-080212.pdf, 2022-05-11-IN-OLA-Loudermi k- Roe SCOTUS Protests-ECATS-2022-080207.pdf

Good evening,

Please see below and attached. I have highlighted letters relating to protests outside of SCOTUS Justices' homes, since 6 out of 12 are on that topic.

Scoped Out Per Agreement with Requester

4. Letter from Sen. **Graham** to AG – urging DOJ to take action against recent protests targeting several Supreme Court Justices' homes.

Scoped Out Per Agreement with Requester

6. Letter from VA Gov **Youngkin** and MD Gov **Hogan** to AG – requesting that the DOJ provide appropriate resources to safeguard the Justices of the Supreme Court.

Scoped Out Per Agreement with Requester

8. Letter from Sen. **Rubio** to AG – requesting that the DOJ publicly condemn the ongoing and unlawful efforts to intimidate Supreme Court Justices.

Scoped Out Per Agreement with Requester

10. Letter from Sen. **McConnell** to AG – urging AG Garland to give protests outside the homes of Supreme Court Justices the same attention the DOJ has afforded to other recent episodes like the January 6th riots.
11. Letter from Rep **Tenney** and 47 other MoCs to AG – urging DOJ to enforce the laws of the United States and stop the mob gathering outside the homes of Supreme Court Justices.
12. Letter from Rep. **Loudermilk** to AG – expressing concern and frustration at the DOJ's apparent lack of response to

protests at the home of a sitting Justice of the Supreme Court.



UNITED STATES SENATE

May 10, 2022

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

Dear Attorney General Garland,

I write to you regarding the ongoing protests targeting several Supreme Court justices at their homes following the unprecedented leak of a draft opinion in the case *Dobbs v. Jackson Women's Health Organization*.¹ While every American enjoys the right to peaceably assemble and to express their opinion, these protests appear to go beyond lawful exercise by impeding the orderly administration of justice, and have no doubt disrupted the lives of these justices and their families. I urge you to take any action necessary, including consideration of 18 U.S.C § 1507, to protect the justices, their families, and the independence of the federal judiciary. You have both the duty and the jurisdiction to do so.

Intervention to protect the lawful functioning of the Supreme Court is warranted under federal statutory law. In 1950, Congress passed into law 18 U.S.C. § 1507, which prohibits picketing, parades or any other demonstrations outside federal courts or the homes of federal judges and justices that are conducted “with the intent of influencing any judge, juror, witness or court officer, in the discharge of his duty.”²

Non-violent protests in front of the Supreme Court building are one thing, but protesting at the home of a justice is beyond the pale. Protests at a person’s home carry with them the implicit threat of violence and can be designed to stoke fear for their personal and their families’ safety. In the words of the *Washington Post* editorial board “[t]o picket a judge’s home is especially problematic. It tries to bring direct public pressure to bear on a decision-making process that must be controlled, evidence-based and rational if there is to be any hope of an independent judiciary.”³ The *Washington Post* is right. The angry protests in front of the homes of Justices Alito, Roberts, and Kavanaugh have been part of an immense public pressure campaign, directed at the Supreme Court, with the goal of influencing its final decision in the *Dobbs* case.

¹ Josh Gerstein & Alexander Ward, *Supreme Court Has Voted to Overturn Abortion Rights, Draft Opinion Shows*, POLITICO, May 2, 2022, <https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>.

² 18 U.S.C. § 1507.

³ Editorial, *Leave the Justices Alone*, WASH. POST, May 10, 2022, <https://www.washingtonpost.com/opinions/2022/05/09/stop-protesting-outside-supreme-court-justice-houses/>.

This public pressure campaign has been orchestrated by groups like Ruth Sent Us, which published a map on its website identifying where Justices Kavanaugh, Alito, Roberts, Barrett, Gorsuch and Thomas live.⁴ The website for Ruth Sent Us says “our 6-3 extremist Supreme Court routinely issues rulings that hurt women...we must rise up to force accountability using a diversity of tactics.”⁵ It seems to be no secret that the group organizing these protests are hoping doing so will cause a shift in the Supreme Court’s rulings. At protests in front of justices’ homes in the past week, the protestors have engaged in conduct like the following:

- Protestors yelling “F*** Brett Kavanaugh, F*** Samuel Alito,” “abort the court,” “Alito is a coward” and “we’ll be back” in front of Justice Alito’s home.⁶
- Antifa and black bloc protestors marching on the street where Justice Alito lives.⁷
- Protestors yelling “we will not go back” outside Justice Kavanaugh’s home.⁸
- Protestors yelling “You don’t care if people die” outside Justice Roberts’ home.⁹
- One protester, before marching to the homes of Justice Roberts and Kavanaugh, said “You don’t get to take away our bodily autonomy and enjoy your Saturday night at home. You get to do one or the other.”¹⁰

These protests are ongoing – more are planned for later this week. Meanwhile, the Supreme Court continues to deliberate in the *Dobbs* case. It is those deliberations that are under attack in these protests.

The Department of Justice should bring its resources to bear and enforce the statute that Congress passed to address circumstances like the ones playing out right now. Supreme Court justices must be able to rule independently, without fear or favor. Their ability to do so is undermined by these protests. It is incumbent upon you to act and protect the integrity of the Supreme Court and the justices who serve on it. Please take that charge seriously.

Sincerely,



Lindsey O. Graham
United States Senator

⁴ Editorial, *Who’s a Threat to Democracy?*, WALL ST. J., May 6, 2022, <https://www.wsj.com/articles/whos-a-threat-to-democracy-supreme-court-abortion-roe-v-wade-ruth-sent-us-11651875512>.

⁵ RUTH SENT US, <https://www.ruthsent.us/> (last visited May 10, 2022).

⁶ The Columbia Bugle (@ColumbiaBugle), TWITTER (May 10, 2022, 12:30 AM),

<https://twitter.com/ColumbiaBugle/status/1523883130553352193>; Jerry Dunleavy (@JerryDunleavy), TWITTER (May 9, 2022, 8:27 PM),

<https://twitter.com/JerryDunleavy/status/1523822026229792768>; Ford Fischer, (@FordFischer), TWITTER (May 9, 2022, 11:18 PM),

<https://twitter.com/FordFischer/status/1523865028520288257>.

⁷ Douglas Blair (@DouglasKBlair), TWITTER (May 9, 2022, 7:53 PM), <https://twitter.com/DouglasKBlair/status/1523813504997810176>.

⁸ Douglas Blair (@DouglasKBlair), TWITTER (May 7, 2022, 8:20 PM), <https://twitter.com/DouglasKBlair/status/1523095574156742657>.

⁹ News Wire (@NewsWire_US), TWITTER (May 7, 2022, 9:33 PM), https://twitter.com/NewsWire_US/status/1523113859594473472.

¹⁰ Douglas Blair (@DouglasKBlair), TWITTER (May 7, 2022, 8:02 PM), <https://twitter.com/DouglasKBlair/status/1523091036616245248>.

United States Senate
WASHINGTON, DC 20510-0908

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

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,



Marco Rubio
U.S. Senator



May 11, 2022

The Honorable Merrick Garland
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland,

As a result of the recent *Dobbs v. Jackson* draft opinion press leak from the U.S. Supreme Court, hundreds of demonstrators have recently chosen to picket Supreme Court Justices at their homes in Virginia and Maryland. While protesting a final opinion from the Supreme Court is commonplace when done on the steps of the Court or in the public square, the circumstances of the current picketing at the Justices' private homes in residential neighborhoods are markedly different.

The United States Federal Code, 18 U.S. Code § 1507¹, states: *Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both.*

In short, federal law prohibits picketing the home of a judge with the aim to influence the judge's decision making process. Given that the document in question is a draft opinion, it seems clear this federal code is applicable. We are also deeply concerned by reports of demonstrators using threatening language such as these comments to ABC News: "His [sic Justice Alito's] intrusion into our rights deserves some intrusion into his peace and comfort" and "If you take away our choices, we will riot."² It is in your hands to ensure that applicable federal law is enforced to preserve the integrity of our American judicial system and the safety of our citizens.

¹ <https://www.law.cornell.edu/uscode/text/18/1507>

² <https://www.wusa9.com/article/news/local/virginia/group-hold-vigil-outside-supreme-court-justice-samuel-alitos-home/65-0e70723b-6696-4829-bb56-e9887021c480>

Last week, our respective state law enforcement leaders engaged with federal and local counterparts to provide threat analysis and assessment updates, draft operational security plans, and ensure consistent lines of communication. While we are willing to assist in the event the need for increased security measures becomes imminent, federal law enforcement entities must take the lead and provide sustained resources to protect the Justices and ensure these residential areas are secure in the weeks and months ahead.

Today, we together ask that the Department of Justice through the respective United States Attorneys' offices provide appropriate resources to safeguard the Justices and enforce the law as it is written. It is critical that our Department acts to preserve the safety and standards of the highest court in the land. There is simply too much at stake.

Sincerely,



Governor Glenn Youngkin of Virginia



Governor Larry Hogan of Maryland

Congress of the United States
Washington, DC 20515

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 today deeply concerned and frustrated with the state of affairs at the Department of Justice regarding an apparent lack of response to protests at the home of a sitting Justice of the United States Supreme Court. The First Amendment right to peaceably assemble and to petition the government for a redress of grievances continues to be a cornerstone principle to a functional government, but I question the Department of Justice's inaction and inability in this matter given your previous statements about harassment, intimidation, and threats of violence against government officials.¹

The Supreme Court has previously held that the First Amendment is not absolute, and that reasonable time, place, and manner restrictions can be placed on speech. In *Clark v. Community for Creative Non-Violence* (1984), the Court held that time, place, and manner restrictions are permissible but must be “justified without reference to the content of the regulated speech,” “narrowly tailored to serve a significant governmental interest,” and “leave open ample alternative channels for communication of the information.”² This could include use of amplified sound or restricting vehicular traffic. The Court later established a three-prong test in *Ward v. Rock Against Racism* (1989) that guides time, place, and manner restrictions and a government's interest in maintaining order.³

18 U.S.C. § 1507 is also relevant as it clearly prohibits picketing or parading “with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty.” Justices are clearly carrying out their duty when considering a petition before the Court. Using intimidating tactics or behaviors to influence a decision before the Supreme Court, the highest appellate court in the federal judiciary, is unacceptable and unlawful.

I am concerned with the Department of Justice's unequal application of what constitutes “harassment, intimidation and threats of violence” against government officials. In your memorandum of October 4, 2021, you correctly stated, “while spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence

¹ <https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>

² <https://supreme.justia.com/cases/federal/us/468/288/>

³ <https://supreme.justia.com/cases/federal/us/491/781/>

or efforts to intimidate individuals based on their views.”⁴ I hope that you would also believe Supreme Court justices should also “be able to do their work without fear for their safety” and that you take these threats as seriously as the ones you referenced in this memorandum. As the events in Madison, Wisconsin with the arson of the Wisconsin Family Action office make clear, threats can evolve into action. I hope you will take the proper actions to protect the activities of the Supreme Court.

I ask that you respond to the following questions:

- 1) What actions are you taking to ensure protestors are not unduly harassing justices in their private residences?
- 2) What actions are you taking to stop protestors from using intimidating behavior to coerce justices into making a certain ruling in *Dobbs v. Jackson Women’s Health Organization*?
- 3) Is it the position of the Department that Justices of the Supreme Court are carrying out their duty, as referenced in 18 U.S.C. § 1507, when considering or ruling on an issue before them?

Sincerely,



Barry Loudermilk
Member of Congress

⁴ <https://www.justice.gov/ag/page/file/1438986/download>

MITCH McCONNELL
KENTUCKY



United States Senate
OFFICE OF THE REPUBLICAN LEADER
WASHINGTON, D.C. 20510

May 11, 2022

Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Garland:

The past week has witnessed the spectacle of coordinated intimidation against Supreme Court Justices. Following the unprecedented leak of a draft opinion in *Dobbs v. Jackson Women's Health Organization*, agitators have descended on the homes of Supreme Court Justices in an overt attempt to change the course of that pending litigation. As you know as well as anyone, judges guard jealously against the possibility of *ex parte* communication in pending litigation. What we have here is *ex parte* intimidation.

This behavior shatters cherished norms of judicial independence. It also violates federal law. Section 1507 of the Criminal Code makes it a crime to “picket[] or parade[]” “with the intent of influencing any judge ... in the discharge of his duty ... in or near a building or residence occupied or used by such judge” The mobs descending on the houses of the Chief Justice and Justices Alito and Kavanaugh meet the elements of that crime on their face. Indeed even the editors of the *Washington Post* readily acknowledge this, saying of this statute, “[t]hese are limited and justifiable restraints on where and how people exercise the right to assembly.” The *Post* even concludes that “relevant governments should take appropriate action” if this law is not obeyed.

I, for once, agree with the *Washington Post*. The ability of our courts to operate independently is a compelling interest of our government. The Department of Justice should investigate and charge violations of Section 1507 as appropriate. There is one solution to the rule of the mob and that is the rule of law. Perhaps it’s the case that this particular provision has been rarely charged in the past. If so, I think that’s because—until very recently—this kind of orchestrated campaign of harassment against judges at home was unheard of. We simply cannot allow this intimidation to become the “new normal” of political or legal dispute. It is *not* “the American way.”

Unfortunately the White House is not handling this issue with the seriousness it deserves. In numerous statements the Press Secretary has seemed to *condone* mob intimidation so long as it doesn’t bleed into overt violence. But, of course, federal law doesn’t only prohibit violent demonstrations in this context; it bans exactly what we’re seeing. In any event, you repeatedly told the Judiciary Committee that you will not take direction from the White House when it comes to criminal prosecutions and that you “believe the role of the Department is to investigate and prosecute ... crimes regardless of associated ideology....” Now is the time to prove it.

The law here is clear. Apart from being an intolerable assault on our constitutional values, the mob descending on the homes of Supreme Court Justices to influence them in pending litigation violates a federal criminal statute. I therefore urge you to give this the same attention you have admirably given other recent episodes of political intimidation, most notably the January 6th riots. Whether the mob descends on the U.S. Capitol or Chevy Chase, it's up to responsible law enforcement to stop it. I expect that you are up to that task.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch McConnell", with a long horizontal flourish extending to the right.

MITCH McCONNELL
SENATE REPUBLICAN LEADER

Congress of the United States
House of Representatives
Washington, DC 20515

May 11, 2022

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

Dear Attorney General Garland:

We watch with profound concern and deep dismay as the rule of law in the United States is completely eroded under your leadership. As you should know, 18 U.S.C. § 1507 makes it a crime to picket or parade outside of a judge's home, particularly if the intent of such actions are to influence them in the discharge of their official duties. We therefore ask a simple question: as Supreme Court Justices are being illegally targeted at their homes, do you intend to enforce the law? Your failure to act is a shameless and implicit endorsement of mob rule in America.

The right to peaceful assembly is among the most sacred rights we hold as Americans, which is why our forbearers demanded it be enshrined in the First Amendment to the United States Constitution. This right has been exercised responsibly and respectfully by generations of Americans, who have relied on First Amendment protections to protest injustices, fight for change, and make their voices heard. We should zealously guard our First Amendment rights.

Yet our sacred right to peacefully assemble has never permitted Americans to intimidate judges, jurors, or officers of the court with the expressed objective of swaying the outcome of an independent judicial proceeding. This is not justice – it is mob rule. 18 U.S.C. § 1507 reflects the vitally important interest of safeguarding not only the independence and fairness of the judiciary but also in protecting our constitutionally protected right to due process under the Fourteenth Amendment. We have included the statute in its entirety below for your reference:

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both. Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

Importantly, enforcing 18 U.S.C. § 1507 in no way deprives protestors of their constitutional right to assembly. Protestors have ample opportunity to gather in one of a million other places, including on sidewalks outside of the U.S. Supreme Court, as was upheld by *United States v. Grace* (1983). There is therefore no compelling justification for your failure to act other than to permit protestors to unlawfully intimidate justices of the United States Supreme Court.

We urge you to enforce the laws of the United States and stop the mob. You should send the clear and unmistakable message to all Americans – regardless of party or political affiliation – that the intimidation of justices and the judicial process will not stand. Will you act? We look forward to your response to this urgent question no later than Monday, May 16, 2022.

Sincerely,



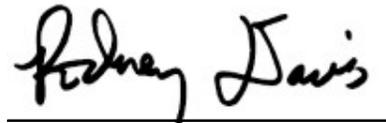
Claudia Tenney
Member of Congress



Elise M. Stefanik
Member of Congress



Tom Cole
Member of Congress



Rodney Davis
Member of Congress



Bruce Westerman
Member of Congress



Mike Johnson
Member of Congress



Lee Zeldin
Member of Congress



Andrew R. Garbarino
Member of Congress



Ralph Norman
Member of Congress



Don Bacon
Member of Congress



Ken Buck
Member of Congress



Vicky Hartzler
Member of Congress



John Rose
Member of Congress



Charles J. "Chuck"
Fleischmann
Member of Congress



Lisa C. McClain
Member of Congress



Ted Budd
Member of Congress



Jefferson Van Drew
Member of Congress



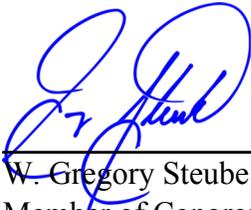
Markwayne Mullin
Member of Congress



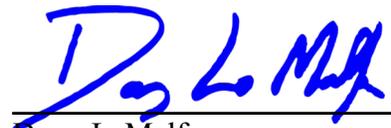
Gregory F. Murphy, M.D.
Member of Congress



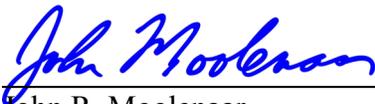
Burgess Owens
Member of Congress



W. Gregory Steube
Member of Congress



Doug LaMalfa
Member of Congress



John R. Moolenaar
Member of Congress



Andy Biggs
Member of Congress



Tracey Mann
Member of Congress



Eric A. "Rick" Crawford
Member of Congress



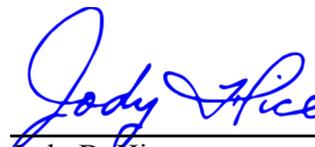
Tom Rice
Member of Congress



Andy Barr
Member of Congress



Brian Babin, D.D.S.
Member of Congress



Jody B. Hice
Member of Congress



Warren Davidson
Member of Congress



Diana Harshbarger
Member of Congress



Louie Gohmert
Member of Congress



Glenn Grothman
Member of Congress



Jack Bergman
Member of Congress



John H. Rutherford
Member of Congress



Vern Buchanan
Member of Congress



Dan Bishop
Member of Congress



Bill Posey
Member of Congress



Bob Gibbs
Member of Congress



Madison Cawthorn
Member of Congress



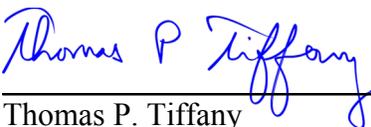
Steven M. Palazzo
Member of Congress



Byron Donalds
Member of Congress



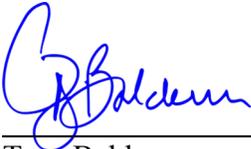
Barry Loudermilk
Member of Congress



Thomas P. Tiffany
Member of Congress



Michael Cloud
Member of Congress



Troy Balderson
Member of Congress



Jodey C. Arrington
Member of Congress

From: Coey, Anthony D. (PAO)
Subject: Re: Protests Outside SCOTUS Homes
To: Loeb, Emily M. (ODAG)
Cc: Donohue, Jennifer (PAO); Pietranton, Kelsey (PAO); Atkinson, Lawrence (ODAG); Folk, Anders (ODAG); Iverson, Dena (PAO); Hyun, Peter (OLA)
Sent: May 11, 2022 8:17 AM (UTC-04:00)

Thanks. Tweaked here. Also adding Peter:

From a Department Spokesperson: (b)(5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

On May 10, 2022, at 3:32 PM, Loeb, Emily M. (ODAG) (b)(6) wrote:

What about this? Would need to run by Klapper if OPA is ok with it.

From a Department Spokesperson: (b)(5)

[Redacted]

From: Donohue, Jennifer (PAO) (b)(6)
Sent: Tuesday, May 10, 2022 3:05 PM
To: Loeb, Emily M. (ODAG) (b)(6); Pietranton, Kelsey (PAO) (b)(6)
Cc: Atkinson, Lawrence (ODAG) (b)(6); Folk, Anders (ODAG) (b)(6); Coey, Anthony D. (PAO) (b)(6); Iverson, Dena (PAO) (b)(6)
Subject: RE: Protests Outside SCOTUS Homes

FYI. Just now.

Reporter: "I do want to ask as well...The Department of Justice was very swift in responding to school board members who felt like they were being harassed and intimidated a couple months back. Does the President feel that the demonstrations, say outside of Justice Alito's home...Are those attempts to interfere or intimidate?"

Psaki: "Well, I think I said yesterday, but I'm happy to repeat because I think its important for everybody to hear that the President's longstanding view has been that violence, threats and intimidation of any kind have no place in political discourse and we believe, of course, in peaceful protest. What I do find is interesting and I think many people have noted is that there are voices on the right who have called out this protest...that are happening...while remaining silent for years on protests that have happened outside

of the homes of school board members, the Michigan Secretary of State, or including threats made to women seeking reproductive health care or even an insurrection against our Capitol...So 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, but the silence is pretty deafening about all of the other intimidation that we've seen to a number of people."

Jennifer Donohue | Senior Communications Advisor

Office of Public Affairs, U.S. Department of Justice

Desk: (b)(6)

Cell: (b)(6)

From: Donohue, Jennifer (PAO)

Sent: Tuesday, May 10, 2022 2:53 PM

To: Loeb, Emily M. (ODAG) (b)(6); Pietranton, Kelsey (PAO)

(b)(6)

Cc: Atkinson, Lawrence (ODAG) (b)(6); Folk, Anders (ODAG)

(b)(6); Coley, Anthony D. (PAO) (b)(6); Iverson, Dena (PAO) (b)(6)

Subject: RE: Protests Outside SCOTUS Homes

Looping Anthony and Dena. What do we think about this?

From a Department Spokesperson: (b)(5)

[Redacted]

Jennifer Donohue | Senior Communications Advisor

Office of Public Affairs, U.S. Department of Justice

Desk: (b)(6)

Cell: (b)(6)

From: Loeb, Emily M. (ODAG) (b)(6)

Sent: Tuesday, May 10, 2022 2:27 PM

To: Pietranton, Kelsey (PAO) (b)(6); Donohue, Jennifer (PAO)

(b)(6)

Cc: Atkinson, Lawrence (ODAG) (b)(6); Folk, Anders (ODAG)

(b)(6)

Subject: RE: Protests Outside SCOTUS Homes

Yes, I understand. Thinking through.

From: Pietranton, Kelsey (PAO) (b)(6)

Sent: Tuesday, May 10, 2022 2:15 PM

To: Donohue, Jennifer (PAO) (b)(6); Loeb, Emily M. (ODAG)

(b)(6)

Cc: Atkinson, Lawrence (ODAG) (b)(6); Folk, Anders (ODAG)

(b)(6)

Subject: RE: Protests Outside SCOTUS Homes

No DAG questions yet.

From: Donohue, Jennifer (PAO) (b)(6)

Sent: Tuesday, May 10, 2022 2:14 PM

To: Loeb, Emily M. (ODAG) (b)(6); Pietranton, Kelsey (PAO)

(b)(6)

Cc: Atkinson, Lawrence (ODAG) (b)(6); Folk, Anders (ODAG)

(b)(6)

Subject: RE: Protests Outside SCOTUS Homes

Thanks Emily. We can certainly draft something along those lines. I just want to flag that we are getting several questions specific to this statute.

[18 U.S.C. Section 1507](#) prohibits “pickets or parades” at any judge’s residence, “with the intent of influencing” a jurist “in the discharge of his duty.”

Jennifer Donohue | Senior Communications Advisor

Office of Public Affairs, U.S. Department of Justice

Desk: (b)(6)

Cell: (b)(6)

From: Loeb, Emily M. (ODAG) (b)(6)

Sent: Tuesday, May 10, 2022 2:05 PM

To: Pietranton, Kelsey (PAO) (b)(6); Donohue, Jennifer (PAO)

(b)(6)

Cc: Atkinson, Lawrence (ODAG) (b)(6); Folk, Anders (ODAG)

(b)(6)

Subject: RE: Protests Outside SCOTUS Homes

Kelsey did the DAG get a question yet on this?

Has OPA drafted something to start with that (b)(5)

From: Pietranton, Kelsey (PAO) (b)(6)

Sent: Tuesday, May 10, 2022 1:07 PM

To: Donohue, Jennifer (PAO) (b)(6)

Cc: Atkinson, Lawrence (ODAG) (b)(6); Loeb, Emily M. (ODAG)

(b)(6); Folk, Anders (ODAG) (b)(6)

Subject: Re: Protests Outside SCOTUS Homes

Plus Anders who covers USMS for ODAG.

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o) (b)(6)
(m) (b)(6)

On May 10, 2022, at 11:55 AM, Donohue, Jennifer (PAO) (b)(6) wrote:

Hey guys, we are increasingly starting to get questions like the one below. I am separately working with Kristina and USMS to see what we can say about the security that the Marshals provide. But I would love to chat with someone about what the law says. If you are not the right folks, can you loop me with who that might be?

Give me a call on my cell anytime.

Thanks!

Jennifer Donohue | Senior Communications Advisor

Office of Public Affairs, U.S. Department of Justice

Desk: (b)(6)

Cell: (b)(6)

From: Spunt, David (b)(6)
Sent: Tuesday, May 10, 2022 11:13 AM
To: Coley, Anthony D. (PAO) (b)(6)
Cc: Iverson, Dena (PAO) (b)(6); Gibson, Jake (b)(6)
Subject: [EXTERNAL] FOX NEWS COMMENT RE: SCOTUS

Hi to you both,

Reaching out to see if DOJ has a comment about the demonstrations outside of SCOTUS justices homes. A federal law [18 U.S.C. Section 1507](#) prohibits “pickets or parades” at any judge’s residence, “with the intent of influencing” a jurist “in the discharge of his duty.”

Thanks,

David

David Spunt
Correspondent
Fox News
(b)(6)

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of

them. No representation is made that this email or its attachments are without defect.

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 5/10/22
To: Loeb, Emily M. (ODAG); Coango, Matthew (OASG); Kapper, Matthew B. (OAG); Davies, Susan M. (OLP); Henthorne, Betsy (OASG); Goodlander, Margaret V. (OAG)
Cc: Hyun, Peter (OLA); Ante, Kira M. (OLA); Cauce, Christina M. (OLA); Gaeta, Joseph (OLA)
Sent: May 10, 2022 6:16 PM (UTC-04:00)
Attached: 2022-05-10-IN-OLA- Hawley- crimes related to abortion.pdf

Good evening,

Please see below and attached.

1. Letter from Sen. Hawley to AG—requesting that DOJ vigorously investigate and prosecute crimes committed in recent days in response to the leaked SCOTUS draft opinion.

May 10, 2022

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

Across the nation, radical pro-abortion activists have begun a campaign of violence, destruction, and intimidation in response to the leak of a draft document from the Supreme Court. You must vigorously investigate and prosecute the crimes committed in recent days. The rule of law demands no less.

Video evidence shows dozens of pro-abortion activists surrounding the homes of Supreme Court Justices in an attempt to influence those Justices to change their decision in *Dobbs v. Jackson Women's Health Organization*, the case that asks the Court to overturn *Roe v. Wade*. News outlets report that one individual has targeted Justice Kavanaugh in this manner at least five times, and has targeted at least one other Justice. Neighbors have described her conduct as “dangerous.”¹

This conduct has only one purpose: intimidation. It is also flagrantly illegal. Federal law makes it a crime for a person, “with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty,” to “picket[] or parade[] ... in or near a building or residence occupied or used by such judge.” 18 U.S.C. §1507. The First Amendment is no shield to this illegal conduct. Those upset by the leaks have plenty of places to protest that do not involve intimidation and do not place the Justices and their families at risk. And the Supreme Court already upheld a statute similar to this one, stressing that these laws are critical to democracy. Because “influence or domination by either a hostile or friendly mob ... is the very antithesis of due process,” *Cox v. State of La.*, 379 U.S. 559, 562 (1965), the unlawful picketing by these radical activists is nothing less than an attack on the Court itself.

Meanwhile, harrowing reports have arisen in recent days of radical pro-abortion activists attacking pro-life persons and organizations. Over the weekend, criminals firebombed a pro-life organization in Madison, Wisconsin. Along with the arson, they left a threatening note that stated, “If abortions aren’t safe, then you aren’t either.”² Luckily, nobody was

¹ <https://www.washingtonpost.com/dc-md-va/2022/05/07/wooten-holway-protest-justice-kavanaugh-neighbor>

² <https://www.nytimes.com/2022/05/08/us/madison-anti-abortion-center-vandalized.html>

killed in the violent attack. But next time, the victims might not be so lucky. Your office must investigate and prosecute.

Additionally, radical activists have targeted religious organizations in the past week because those organizations hold pro-life religious beliefs. Those activists vandalized a Catholic church in Boulder, Colorado, with pro-abortion slogans and anti-religion messages.³ Anti-religion vandalism in recent days also goes well beyond mere spray paint on doors. One radical organization suggested that its members had already stolen from a Catholic church the holiest of its contents—the Eucharist—and intend to destroy it in an act of gross sacrilege.⁴ These acts of vandalism are not just hateful; they also clearly violate federal law, which prohibits “intentionally damag[ing] or destroy[ing] the property of a place of religious worship.” 18 U.S.C. §248(a)(3).

Activists around the country also have prevented religious Americans from participating in religious services and plan to do so in the future. Radicals interfered with religious services in Los Angeles this past weekend.⁵ This, too, is brazenly illegal under federal law. 18 U.S.C. §248(a)(2).

You must not allow this brazen and unlawful intimidation to go unchecked. Last fall, your Department committed substantial resources to investigating parents at school board meetings. Failure to vigorously investigate and prosecute these crimes would send the message that your Department is only interested in prosecuting the Biden Administration’s political opponents—like parents speaking at school board meetings—leaving victims of actual crimes committed by the far left to fend for themselves. Within two weeks, please respond to my office with a full report about whether you have opened investigations into these cases and the status of those investigations.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator

³ <https://denver.cbslocal.com/2022/05/04/sacred-heart-mary-catholic-church-boulder-vandalism/>

⁴ <https://twitter.com/RuthSentUs/status/1522942814895546370>; <https://www.foxnews.com/us/activist-group-threatens-burn-eucharist-display-disgust-catholics>

⁵ <https://www.washingtontimes.com/news/2022/may/9/costumed-protesters-disrupt-mass-los-angeles-catho>

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 5/9/22
To: Loeb, Emily M. (ODAG); Henthorne, Betsy (OASG); Davies, Susan M. (OLP); Conango, Matthew (OASG); Kapper, Matthew B. (OAG); Goodlander, Margaret V. (OAG)
Cc: Hyun, Peter (OLA); Ante, Kira M. (OLA); Casce, Christina M. (OLA); Gaeta, Joseph (OLA)
Sent: May 9, 2022 7:01 PM (UTC-04:00)
Attached: [Scoped Out Per Agreement with Requester](#), 2022-05-06-IN-Lee, Roy-Threats of Church Disruptions re Abortion ban.pdf

Good evening,

Please see below and attached. Hope everyone had a good weekend.

Scoped Out Per Agreement with Requester

2. Letter from Sen. Lee and Rep. Roy to AG – expressing extreme concern over reports that left-wing activists intend to protest, and possibly disrupt, church services this weekend in direct response to the leaked opinion authored by Justice Alito that would overturn *Roe v. Wade*.

Congress of the United States
Washington, DC 20515

May 6, 2022

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland,

We write to you today extremely concerned by multiple reports surfacing that left-wing activists intend to protest, and possibly disrupt, church services this weekend in direct response to the leaked opinion authored by Justice Alito that would overturn *Roe v. Wade*.^{1,2,3} We believe these rumors should be taken seriously as protests have already begun occurring across the country this week, with the Sacred Heart of Mary Church in Boulder, Colorado vandalized.⁴

Regardless of one's position on abortion, the free exercise of religion is a core tenet of our Constitution.⁵ We condemn behaviors that infringe upon the freedom to exercise one's religious beliefs and respectfully ask that you swiftly alert and coordinate resources with state and local law enforcement to ensure that any organized effort across the country is properly addressed and the rights of Americans are protected.

Sincerely,



Michael S. Lee
United States Senator



Chip Roy
Member of Congress

¹ O'Neil, Tyler, *Pro-Abortion Groups Target Churches for Mother's Day Protests*, Fox News (May 6, 2022).

² Lovelace, Ryan, ["Ruth Sent Us" Activists Plan Abortion Protests at Churches, Supreme Court Justices' Homes](#), The Washington Times (May 5, 2022).

³ Mary Margaret Olohan (@MaryMargOlohan), Twitter (May 6, 2022), <https://twitter.com/MaryMargOlohan/status/1522621941676494860?s=20&t=R-DPuETUs1mmaKJ8euvI3Q>.

⁴ Thomas, Dillon, *Catholic Church in Boulder Vandalized with Abortion-Rights Graffiti*, CBS News Denver (May 4, 2022).

⁵ U.S. Const. Amend. I.

Office of the Marshal
Supreme Court of the United States
Washington, D. C. 20543

202-479-3333

July 1, 2022

FAX
202-479-2971

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401-1925

Dear Governor Hogan:

I am writing to request that the Maryland State Police, in conjunction with local authorities as appropriate, enforce laws that prohibit picketing outside of the homes of Supreme Court Justices who live in Maryland.

Maryland law provides that “[a] person may not intentionally assemble with another in a manner that disrupts a person’s right to tranquility in the person’s home.” Md. Crim. Code § 3-904(c). The statute provides for imprisonment for up to 90 days or a \$100 fine or both, and states that a court may enjoin prohibited conduct and award damages. *Id.* § 3-904(d), (e).

Montgomery County law states that “[a] person or group of persons must not picket in front of or adjacent to any private residence.” Montgomery Cnty. Code § 32-23(a). “Picketing” means “to post a person or persons at a particular place to convey a message.” *Id.* § 32-23(c)(1). The ordinance permits a group to march in a residential area “without stopping at any particular private residence.” *Id.* § 32-23(b)(1). The ordinance may be enforced civilly or criminally: violations of a civil offense are subject to a \$100 fine, while violations of a criminal offense are subject to imprisonment for up to 30 days and a fine of \$200 or both. *Id.* §§ 32-23(d), 1-19.¹

You recently stated that you were “deeply concerned” that “hundreds of demonstrators have recently chosen to picket Supreme Court Justices at their homes in . . . Maryland,” while using “threatening language” – jeopardizing “the integrity of our American judicial system and the safety of our citizens.” Gov. Hogan-Gov. Youngkin Letter (May 11, 2022). Since then, protest activity at Justices’ homes, as well as threatening activity, has only increased. For weeks on end, large groups of protesters chanting slogans, using bullhorns, and banging drums have picketed Justices’ homes in Maryland. Earlier this week, for example, 75 protesters loudly picketed at one Justice’s home in Maryland for 20-30 minutes in the evening, then proceeded to picket at another Justice’s home for 30 minutes, where the crowd grew to 100, and finally returned to the first Justice’s home to picket for another 20 minutes. This is exactly the kind of

¹ See *Frisby v. Schultz*, 487 U.S. 474, 484-85 (1988) (upholding ordinance prohibiting residential picketing, stating: “a special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions. . . . There is simply no right to force speech into the home of an unwilling listener.”).

conduct that the Maryland and Montgomery County laws prohibit. As you noted in response to an attempt on a Justice's life last month, "[i]t is vital to our constitutional system that the justices be able to carry out their duties without fear of violence against them and their families." Press Release, Gov. Hogan (June 8, 2022). You stated: "We will continue to partner with both federal and local law enforcement officials to help ensure these residential areas are secure." *Id.* Maryland and Montgomery County laws provide the tools to prevent picketing activity at the Justices' homes, and they should be enforced without delay.

I would respectfully request that you direct the Maryland State Police to enforce Maryland and Montgomery County laws that squarely prohibit picketing at the homes of Supreme Court Justices who reside in Maryland.

Thank you very much for your consideration.

Very truly yours,



Gail A. Curley
Marshal of the Court

Office of the Marshal
Supreme Court of the United States
Washington, D. C. 20543

202-479-3333

July 1, 2022

FAX
202-479-2971

The Honorable Marc Elrich
Montgomery County Executive
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, Maryland 20850

Dear Mr. Elrich:

I am writing to request that the Montgomery County Police enforce laws that prohibit picketing outside of the homes of Supreme Court Justices who live in Montgomery County.

Maryland law provides that “[a] person may not intentionally assemble with another in a manner that disrupts a person’s right to tranquility in the person’s home.” Md. Crim. Code § 3-904(c). The statute provides for imprisonment for up to 90 days or a \$100 fine or both, and states that a court may enjoin prohibited conduct and award damages. *Id.* § 3-904(d), (e).

Montgomery County law states that “[a] person or group of persons must not picket in front of or adjacent to any private residence.” Montgomery Cnty. Code § 32-23(a). “Picketing” means “to post a person or persons at a particular place to convey a message.” *Id.* § 32-23(c)(1). The ordinance permits a group to march in a residential area “without stopping at any particular private residence.” *Id.* § 32-23(b)(1). The ordinance may be enforced civilly or criminally: violations of a civil offense are subject to a \$100 fine, while violations of a criminal offense are subject to imprisonment for up to 30 days and a fine of \$200 or both. *Id.* §§ 32-23(d), 1-19.

Protest activity at Justices’ homes, as well as threatening activity, has increased since May, when we asked the Montgomery County Police Department to enforce the Montgomery County ordinance. For weeks on end, large groups of protesters chanting slogans, using bullhorns, and banging drums have picketed Justices’ homes in Montgomery County. Earlier this week, for example, 75 protesters loudly picketed at one Justice’s home in Montgomery County for 20-30 minutes in the evening, then proceeded to picket at another Justice’s home for 30 minutes, where the crowd grew to 100, and finally returned to the first Justice’s home to picket for another 20 minutes. This is exactly the kind of conduct that the Maryland and Montgomery County laws prohibit. As you noted in response to protests in front of a Justice’s home in Montgomery County last week, “if everybody’s going to protest everybody who does something at their houses, we’re going to have a very hard time maintaining civil society.” Kevin Lewis, Man Accused of Plotting to Kill S.Ct. Justice Pleads Not Guilty, *WCTI.com* (June 23, 2022) (“Montgomery County Assistant Chief Administrative Officer . . . explained that what

protesters have been doing in recent weeks and months is, technically, illegal. ‘There’s an ordinance in Montgomery County that requires that you can’t statically protest in front of someone’s house for political reasons [T]he protesters are told that they have to be moving, they can’t stay in one place for an extended period of time.’”). The author of the county ordinance has urged Montgomery County to enforce the ordinance against protesters outside of Supreme Court Justices’ homes. She wrote: “It is against the law in Montgomery County to picket at a person’s home for an issue that is about a person’s work. I wrote the anti-picketing bill back in the 1990s to protect neighborhoods, individuals and their families. . . . The county executive and the Montgomery County Police Department should enforce the law.” Gail Ewing, Opinion, *Protesting at a Justice’s Home*, *Wash. Post* (Sept. 19, 2021).¹

I would respectfully request that you direct the Montgomery County Police Department to enforce Maryland and Montgomery County laws that squarely prohibit picketing at the homes of Supreme Court Justices who reside in Montgomery County.

Thank you very much for your consideration.

Very truly yours,



Gail A. Curley
Marshal of the Court

¹ See *Frisby v. Schultz*, 487 U.S. 474, 484-85 (1988) (upholding ordinance prohibiting residential picketing, stating: “a special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions. . . . There is simply no right to force speech into the home of an unwilling listener.”).

Office of the Marshal
Supreme Court of the United States
Washington, D. C. 20543

202-479-3333

FAX
202-479-2971

July 2, 2022

The Honorable Glenn Youngkin
Governor of Virginia
P.O. Box 1475
Richmond, Virginia 23218

Dear Governor Youngkin:

I am writing to request that the Virginia State Police, in conjunction with local authorities as appropriate, enforce state law that prohibits picketing outside of the homes of Supreme Court Justices who live in Virginia.

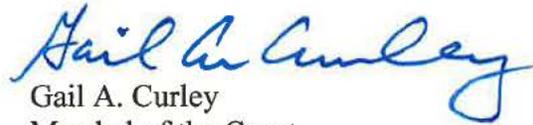
Virginia law provides that “[a]ny person who shall engage in picketing before or about the residence or dwelling place of any individual, or who shall assemble with another person or persons in a manner which disrupts or threatens to disrupt any individual’s right to tranquility in his home, shall be guilty of a class 3 misdemeanor.” Va. Code Ann. § 18.2-419. A violation of the statute is punishable by a fine of up to \$500, and a court may order injunctive relief and damages. *Id.* §§ 18.2-419, 18.2-11(c). The Virginia Attorney General has concluded that the statute should be enforced, even though a Virginia trial court outside of Fairfax County declined to enforce it many years ago. *See* Jackie DeFusco, *Are Abortion Protests at S.Ct. Justices’ Homes Illegal in Virginia?*, *WRIC.com* (May 12, 2022) (“a spokesperson for Attorney General Jason Miyares, said in a statement that state law prohibits protesting in front of an individual’s private residence. . . . ‘Attorney General Miyares urges every Commonwealth’s Attorney to put their personal politics aside and enforce the law.’”); 1989 Va. A.G. 157 at *8 (1989) (“§ 18.2-419 may be enforced.”).

I share your concern that “hundreds of demonstrators have recently chosen to picket Supreme Court Justices at their homes in Virginia,” while using “threatening language” – jeopardizing “the integrity of our American judicial system and the safety of our citizens.” Gov. Youngkin-Gov. Hogan Letter (May 11, 2022). As you noted, “such demonstrations and picketing should not be allowed at the Justices’ homes as they are meant to intimidate and influence the Justices, not to mention, scaring their families and small children.” Gov. Youngkin Letter (May 11, 2022). Since you wrote those words, protest activity at Justices’ homes, as well as threatening activity, has only increased. For weeks on end, large groups of protesters chanting slogans, using bullhorns, and banging drums have picketed Justices’ homes in Virginia. Earlier this week, for example, at least 30 protesters gathered outside one Justice’s Fairfax County home chanting expletives, and dozens appeared outside another’s Fairfax County home chanting “no privacy for us, no peace for you!” This is exactly the kind of conduct that Virginia law prohibits.

I would respectfully request that you direct the Virginia State Police to enforce the Virginia law that prohibits picketing at the homes of Supreme Court Justices who reside in Virginia.

Thank you very much for your consideration.

Very truly yours,



Gail A. Curley
Marshal of the Court

Office of the Marshal
Supreme Court of the United States
Washington, D. C. 20543

202-479-3333

FAX
202-479-2971

July 2, 2022

The Honorable Jeffrey C. McKay
Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, Virginia 22035

Dear Chairman McKay:

I am writing to request that the Fairfax County Police enforce state law that prohibits picketing outside of the homes of Supreme Court Justices who live in Fairfax County.

Virginia law provides that “[a]ny person who shall engage in picketing before or about the residence or dwelling place of any individual, or who shall assemble with another person or persons in a manner which disrupts or threatens to disrupt any individual’s right to tranquility in his home, shall be guilty of a class 3 misdemeanor.” Va. Code Ann. § 18.2-419. A violation of the statute is punishable by a fine of up to \$500, and a court may order injunctive relief and damages. *Id.* §§ 18.2-419, 18.2-11(c). The Virginia Attorney General has concluded that the statute should be enforced, even though a Virginia trial court outside of Fairfax County declined to enforce it many years ago. *See* Jackie DeFusco, *Are Abortion Protests at S.Ct. Justices’ Homes Illegal in Virginia?*, *WRIC.com* (May 12, 2022) (“a spokesperson for Attorney General Jason Miyares, said in a statement that state law prohibits protesting in front of an individual’s private residence. . . . ‘Attorney General Miyares urges every Commonwealth’s Attorney to put their personal politics aside and enforce the law.’”); 1989 Va. A.G. 157 at *8 (1989) (“§ 18.2-419 may be enforced.”).

Governor Youngkin has expressed deep concern that “hundreds of demonstrators have recently chosen to picket Supreme Court Justices at their homes in Virginia,” while using “threatening language” – jeopardizing “the integrity of our American judicial system and the safety of our citizens.” Gov. Youngkin-Gov. Hogan Letter (May 11, 2022). In May, you suggested that section 18.2-419 should not be enforced, noting at the time that “[r]ecent protests have been limited in numbers and duration.” Jeffrey C. McKay, *Political Change Doesn’t Happen Outside People’s Homes*, *Wash. Post* (May 16, 2022). Since then, protest activity at Justices’ homes, as well as threatening activity, has only increased. For weeks on end, large groups of protesters chanting slogans, using bullhorns, and banging drums have picketed Justices’ homes in Virginia. Earlier this week, for example, at least 30 protesters gathered outside one Justice’s Fairfax County home chanting expletives, and dozens appeared outside another’s Fairfax County home chanting “no privacy for us, no peace for you!” This is exactly the kind of conduct that Virginia law prohibits.

I would respectfully request that you direct the Fairfax County Police to enforce the Virginia law that prohibits picketing at the homes of Supreme Court Justices who reside in Fairfax County.

Thank you very much for your consideration.

Very truly yours,



Gail A. Curley
Marshal of the Court