

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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July 23, 2024

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

Dear Attorney General Garland:

On July 13, 2024, all Americans were shocked by the assassination attempt on President Donald Trump as he campaigned for the presidency, an attack that left one innocent American dead and others injured. Given the recent incendiary rhetoric directed towards other federal officials, including in particular the men and women serving on our nation's highest court, we write to understand the steps undertaken by the Department of Justice to ensure the safety of all Supreme Court justices.

In recent years, left-wing groups and partisan activists have been unrelenting in their attacks on the Court and its independence. For example, in 2019, Senate Democrats threatened the Court in an amicus brief that it would be "restructured" if the Court did not decide a case in the manner they preferred.¹ In March 2020, the Senate Democrat Leader went to the steps of the Court and threatened specific justices by name for their official actions: "I want to tell you, Gorsuch, 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."²

Following the leak of the draft Court opinion in *Dobbs v. Jackson Women's Health Organization* in May 2022, conservative justices faced relentless protests at their homes, seemingly intended to influence the Court's decision.³ Radical left-wing groups engaged in prolonged harassment and intimidation campaigns outside justices' homes.⁴ One radical group published the home addresses of the six Republican-appointed justices with the intent of stirring

¹ Madison Gesiotto, *Democrats want to chip away our cherished freedoms and liberties*, THE HILL (Aug. 19, 2019).

² Orion Rummier, *Chief Justice Roberts laments Chuck Schumer's "dangerous" comments*, AXIOS (Mar. 4, 2020).

³ Kaelan Deese, *US marshals providing 'around-the-clock security' at Supreme Court justices' homes*, WASH. EXAMINER (May 18, 2022); Anders Hagstrom, *Liberal group calls for protests at conservative Supreme Court justices' homes*, FOX NEWS (May 5, 2022).

⁴ Hans A. von Spakovsky, *Refusing to Prosecute Those Protesting at Supreme Court Justices' Homes is Inexcusable*, THE HERITAGE FOUND. (June 1, 2022).

up organized harassment at their residences.⁵ Another radical group went as far as offering bounties for the “location of the six Supreme Court Justices who voted [] to overturn *Roe v. Wade*.”⁶ In June 2022, a man showed up to the home of Justice Kavanaugh with weapons to allegedly kill Justice Kavanaugh because he was upset over Court’s decision in the leaked draft opinion.⁷ The man had on him a handgun, a tactical knife, pepper spray, zip ties, a hammer, and other gear to “remove some people from the Supreme Court,” in order to “stop *Roe v. Wade* from being overturned.”⁸

More recently, Democrats, in further attempts to undermine and delegitimize the Court, have continued their offensive against Republican-appointed justices under the pretext of judicial ethics reform.⁹ Recently, two prominent Democrat Senators baselessly demanded that the Department launch a criminal investigation into Justice Clarence Thomas.¹⁰ A far-left Democrat Member of Congress “introduced articles of impeachment against conservative Supreme Court Justices Clarence Thomas and Samuel Alito.”¹¹ Democrats have also made many inaccurate or intentionally misleading statements to assert that the Court has no legitimacy. For example, one Democrat Member of Congress stated that the Supreme Court “threatens our rights[,] our democracy[,] and our planet.”¹² That Member then went on to wrongly say that “Republicans captured the court against the will of most Americans.”¹³ A Democrat Senator argued that Democrats must pack the court—or, add more Democrats to the Supreme Court—to “undo[] the Republicans thievery”¹⁴ All of these tactics are meant to intimidate conservative justices for their official actions.

Last year, during a Senate Appropriations Hearing, Senator Katie Britt revealed that she had obtained a slide deck used to prepare U.S. Marshals for their protective details outside of Supreme Court Justices’ homes.¹⁵ Those slides downplayed the authority of the Marshals to

⁵ Anders Hagstrom, *Liberal group calls for protests at conservative Supreme Court justices’ homes*, FOX NEWS (May 5, 2022).

⁶ Rich Calder, *Lefty Group ShutDownDC offering 200 Bounty for Intel on SCOTUS Justices*, N.Y. POST (Jul. 9, 2022).

⁷ Criminal Complaint at 1-3, *United States v. Roske*, No. 22-mj-1848-TJS (D.M.D. June 8, 2022).

⁸ Brittany Bernstein, *Suspect in Kavanaugh Assassination Plot Planned to Target Two Other Justices: Report*, NAT. REV. (Jul. 27, 2022).

⁹ See Letter from Sen. Durbin, Chairman, Sen. Comm. on the Jud., to John G. Roberts, Jr., Chief Justice, U.S. Supreme Court (Apr. 10, 2023); see also Brady Knox, *McConnell blasts Democrats’ attempts to undermine Supreme Court*, WASH. EXAMINER (June 12, 2024).

¹⁰ Press Release, Senator Sheldon Whitehouse, *Whitehouse and Wyden Ask Attorney General to Appoint Special Counsel to Investigate Potential Ethics and Tax Law Violations by Justice Clarence Thomas and His Benefactors* (July 9, 2024).

¹¹ Andrew Solender, *AOC unveils articles of impeachment against Justices Thomas and Alito*, AXIOS (July 10, 2024).

¹² Alexandra Limon, ‘Head-spinning hypocrisy’: Democrats renew calls to expand Supreme Court, WNCT (May 16, 2023).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *A Review of the President’s Fiscal Year 2024 Funding Request for the U.S. Department of Justice Before the S. Comm. On Approp.*, 118th Cong. 1 (2023) (statement of Sen. Katie Britt).

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arrest protestors and went as far as explicitly encouraging the Marshals to not make arrests.¹⁶ In particular, the training slides instructed Marshals “to avoid, unless absolutely necessary, any criminal enforcement,” stated that “making arrests and initiating prosecutions is not the goal,” and noted that arrests of protestors should be a “last resort” and would be “counter-productive.” In light of the incendiary rhetoric directed toward Supreme Court justices, such a limitation on the authority of U.S. Marshals is dangerous and misguided. Indeed, we have seen how U.S. Marshals can act decisively and professionally to prevent crime, as happened outside the home of Justice Sonia Sotomayor earlier this month.¹⁷

Accordingly, in light of the heightened rhetoric and the recent assassination attempt on President Trump, we remain concerned about the security and safety of all judicial branch officers—including and especially the safety of Supreme Court justices. As such, we request a staff-level briefing regarding the Department’s efforts and the steps taken to ensure and bolster the safety of Supreme Court justices. Please arrange for this briefing to occur as soon as possible, but no later than August 6, 2024.


The Judiciary Committee is authorized to conduct oversight of the Justice Department pursuant to the Rules of the House of Representatives.¹⁸ If you have any questions, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Darrell Issa
Chairman
Subcommittee on Courts, Intellectual
Property, and the Internet

cc: The Honorable Jerrold L. Nadler, Ranking Member

The Honorable Hank C. Johnson, Ranking Member, Subcommittee on Courts,
Intellectual Property, and the Internet

¹⁶ Training Slides: U.S. Marshals – SCOTUS Residence Protective Details, <https://www.britt.senate.gov/wp-content/uploads/2023/03/U.S.-Marshals-SCOTUS-Training-Slides.pdf>.

¹⁷ Keith L. Alexander, *U.S. marshal shoots teen in carjacking attempt near Sotomayor home, police say*, WASH. POST (July 9, 2024).

¹⁸ Rules of the U.S. House of Representatives, R. X (2023).