

# Congress of the United States

Washington, DC 20515

May 13, 2022

Mr. Ronald A. Klain  
Assistant to the President and Chief of Staff  
The White House  
Washington, DC 20500

Dear Mr. Klain:

For several years, we have seen prominent Democrats attempt to intimidate and bully the U.S. Supreme Court so that it will be reluctant to strike down legal challenges to the left's radical progressive agenda. The Biden Administration's reluctance to condemn these radical efforts—Court-packing proposals, threats to justices and their families, and unsupported recusal demands—has created an environment in which the far left now feels emboldened to harass justices at their private homes. We write to seek information about the White House's role in and awareness of the inappropriate and potentially illegal left-wing intimidation and harassment campaign directed at Supreme Court justices.

On May 2, 2022, news outlets reported on and published a copy of a draft opinion in the *Dobbs v. Jackson Women's Health Organization*, a case currently pending before the Court regarding Mississippi's pro-life law.<sup>1</sup> The leak of the draft opinion is unprecedented, as “[n]o draft decision in the modern history of the court has been disclosed publicly while a case was still pending.”<sup>2</sup> Chief Justice John Roberts stated that the leak “was a singular and egregious breach” and “is an affront to the Court and the community of public servants who work here.”<sup>3</sup>

While the identity of the individual who leaked the draft opinion is not known, the leak has unleashed the unhinged fury of the far left, who seek to extrajudicially influence the Court's decision in *Dobbs*. One left-wing group, Ruth Sent Us, published the home addresses of the Court's six conservative justices and stirred up organized harassment at those residences.<sup>4</sup> The editor-in-chief of a publication for another left-wing group, Demand Justice, tweeted that he was “counting on” the Court never recovering from the leak.<sup>5</sup> Thus far, radical abortion fanatics have targeted the homes of Chief Justice Roberts, Justice Samuel Alito, and Justice Brett Kavanaugh. Public footage of these events shows agitators loudly chanting, “abort the Court” and, “if we

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<sup>1</sup> Josh Gerstein and Alexander Ward, *Supreme Court has voted to overturn abortion rights, draft opinion shows*, POLITICO (May 2, 2022).

<sup>2</sup> *Id.*

<sup>3</sup> Press Release, Supreme Court of the United States (May 3, 2022).

<sup>4</sup> Anders Hagstrom, *Liberal group calls for protests at conservative Supreme Court justices' homes*, FOX NEWS (May 5, 2022).

<sup>5</sup> Jay Willis (@jaywillis), Twitter (May 9, 2022, 11:56 AM), <https://twitter.com/jaywillis/status/1523693365887266818>

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don't get it, shut it down," seeming to threaten consequences for the justices if they do not uphold *Roe v. Wade*.<sup>6</sup>

These events are clear attempts to intimidate and influence the justices' rulings in violation of Title 18 of the U.S. Code, which prohibits "pickets or parades . . . in or near a building or residence" of a judge when done with the intent to interfere, obstruct, or impede "the administration of justice."<sup>7</sup> The perceived threat to the justices' security may have factored into Justice Alito cancelling his appearance at the judicial conference for the Fifth Circuit, the judicial circuit he oversees, and the reported decision to move to an undisclosed location.<sup>8</sup> This harassment and intimidation campaign even prompted the U.S. Senate to take immediate action to pass the Supreme Court Police Parity Act of 2022, which would provide "justices and their families with protective details similar to those given to members of Congress and White House officials."<sup>9</sup>

As with previous attempts to intimidate the Court, many Democrats have refused to condemn these dangerous tactics. White House Press Secretary Jen Psaki, who previously worked for Demand Justice, initially refused to condemn the posting of the justices' private addresses and the planned protests at their private residences, commenting that the "[P]resident's view is that there's a lot of passion, a lot of fear, a lot of sadness, from many, many people across this country about what they saw in that leaked document."<sup>10</sup> Then days later, conveyed that "the President's position" was to "continue to encourage [protests] outside of judges' homes."<sup>11</sup> This is not the first time that the White House has used its bully pulpit to propagate left-wing organizations' causes.

Last fall, the Biden Administration colluded with the National School Boards Association, a left-leaning special interest group, to orchestrate its September 29, 2021, letter urging federal law enforcement intervention against a set of parents who opposed the far-left policies favored by the Biden Administration.<sup>12</sup> That letter served as the basis for the Attorney General to weaponize federal law enforcement and counterterrorism tools against those same

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<sup>6</sup> See *Abortion rights supporters chant outside Supreme Court Justices' homes*, CNN (May 9, 2022); Patrick Reilly, *Abortion rights activities hold protests outside of Justice Alito's home*, N.Y. POST (May 10, 2022); *Protesters march to Justice Alito's home, hold 'vigil for abortion rights'*, FOX NEWS (May 10, 2022).

*America's Newsroom* (Fox News television broadcast May 10, 2022).

<sup>7</sup> 18 U.S.C. § 1507 (1994).

<sup>8</sup> See Carrie Severino (@JCNSeverino), Twitter (May 9, 2022, 11:28 AM), <https://twitter.com/JCNSeverino/status/1523686324221648897?cxt=HHwWgoDRhfOonKUqAAAA>; Nate Raymond, *Exclusive: U.S. Supreme Court's Alito cancels conference appearance after abortion ruling leak*, Reuters (May 5, 2022).

<sup>9</sup> Callie Patteson, *Senate approved bill to boost SCOTUS judge, family security*, N.Y. Post (May 9, 2022).

<sup>10</sup> Thomas Phippen, *White House encourages 'peaceful protests,' won't tell abortion activists to avoid SCOTUS justices' homes*, FOX NEWS (May 5, 2022).

<sup>11</sup> *White House press secretary Jen Psaki holds news briefing*, PBS (May 10, 2022).

<sup>12</sup> Letter from Dr. Viola M. Garcia, President, Nat'l School Board Assoc. & Mr. Chip Slaven, Chief Exec. Officer, Nat'l School Board Assoc., to President Joseph R. Biden, White House (Sept. 29, 2021)

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parents for exercising their right to direct the upbringing and education of their children.<sup>13</sup> We know from brave whistleblowers that as a result of the Attorney General's memorandum, the Administration has opened investigations into concerned parents for protected First Amendment activity using the EDUOFFICIALS threat tag.<sup>14</sup>

The White House is beholden to its extreme far-left base, refusing to condemn the use of federal law enforcement to target concerned parents or outright condemn the intimidation of Supreme Court justices at their homes. Prior to his inauguration, President Biden promised that he would unite Americans and "restore the soul of America."<sup>15</sup> Over the past sixteen months, he has failed in this promise. The White House's initial silence about the intimidation and harassment of Supreme Court justices raises the specter that the White House actually supports the intimidation of our nation's highest court. Therefore, to assist our oversight of Supreme Court security measures, we ask that you disclose the following information:

1. Identify all communications between the Executive Office of the President and left-wing activist groups, including but not limited to Ruth Sent Us and Demand Justice, referring or relating to the public posting of or demonstration events at the private residences of Supreme Court justices.
2. If the White House has not had such communications, affirmatively confirm to us that no employee of the Executive Office of the President has had any such communications.

Thank you for your attention to this matter.

  
Jim Jordan  
Ranking Member  
Committee on the Judiciary

Sincerely,

  
James Comer  
Ranking Member  
Committee on Oversight and  
Reform

cc: The Honorable Jerrold L. Nadler, Chairman, Committee on the Judiciary  
The Honorable Carolyn Maloney, Chairwoman, Committee on Oversight and Reform

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<sup>13</sup> Memorandum from Atty Gen. Merrick Garland, 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). *See also Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

<sup>14</sup> Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen. U.S. Dep't of Justice (May 11, 2022).

<sup>15</sup> *President-elect Joe Biden votes to 'restore the soul of America'*, ABC News (Jan. 19, 2021).