



## 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*.<sup>1</sup> 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.”<sup>2</sup>

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.”<sup>3</sup> 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.

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<sup>1</sup> 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>.

<sup>2</sup> 18 U.S.C. § 1507.

<sup>3</sup> 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.<sup>4</sup> 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.”<sup>5</sup> 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.<sup>6</sup>
- Antifa and black bloc protestors marching on the street where Justice Alito lives.<sup>7</sup>
- Protestors yelling “we will not go back” outside Justice Kavanaugh’s home.<sup>8</sup>
- Protestors yelling “You don’t care if people die” outside Justice Roberts’ home.<sup>9</sup>
- 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.”<sup>10</sup>

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

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<sup>4</sup> 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>.

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

<sup>6</sup> 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>.

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

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

<sup>9</sup> News Wire (@NewsWire\_US), TWITTER (May 7, 2022, 9:33 PM), [https://twitter.com/NewsWire\\_US/status/1523113859594473472](https://twitter.com/NewsWire_US/status/1523113859594473472).

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