

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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May 3, 2023

The Honorable Ronald L. Davis
Director
U.S. Marshals Service
1215 S. Clark St.
Arlington, VA 22202

Dear Director Davis:

The Committee on the Judiciary is continuing to investigate the politicization of federal law-enforcement agencies. Following the leak of a draft Supreme Court opinion in *Dobbs v. Jackson Women's Health Organization* in May 2022, some Supreme Court justices faced relentless protests at their homes, seemingly intended to influence the Court's decision.¹ Although federal law prohibits picketing near the residence of a federal judge with the intent to influence the judge's official duties,² recent evidence indicates that the U.S. Marshals protecting the justices were directed to "not" conduct arrests "unless it was absolutely necessary."³ As the Supreme Court and the justices continue to face a barrage of unrelenting attacks, we write to you requesting documents and information relating to this matter.

Following the unprecedented leak of the draft *Dobbs* opinion in May 2022, radical left-wing groups engaged in prolonged harassment and intimidation campaigns outside justices' homes.⁴ One group, Ruth Sent Us, published the home addresses of six justices and fomented organized harassment at those residences.⁵ Some activists shouted "no privacy for us, no peace for you,"⁶ while others offered bounties for the "location of the six Supreme Court Justices who

¹ 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).

² 18 U.S.C. § 1507.

³ Mark Moore, *US Marshals told 'not' to arrest abortion protestors at SCOTUS justices' homes*, N.Y. Post (Mar. 29, 2023).

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

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

⁶ Moore, *supra* note 2.

voted to overturn *Roe v. Wade*.”⁷ The threat became so grave that in June 2022, a man showed up to the home of Justice Kavanaugh with 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 The man hoped to assassinate as many as three justices because, in his own words, if “there are more liberal than conservative judges, they will have the power.”⁹

Section 1507 of title 18 of the U.S. Code 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” or “with the intent of influencing any judge . . . in the discharge of his duty.”¹⁰ While authorities apprehended the man who intended to do harm to Justice Kavanaugh, we are aware of no other arrests or charges for agitators demonstrating outside of the justices’ homes—despite the actions clearly violating federal law.

During a hearing of the Senate Appropriations Committee in March 2023, Senator Katie Britt questioned Attorney General Garland regarding training materials provided to the U.S. Marshals, which reveals why there have been no arrests.¹¹ Among other things, the training slides instructed Marshals “to avoid, unless absolutely necessary, any criminal enforcement,” stated that “making arrests and initiating prosecutions is not the goal,” that arrests of protestors should be a “last resort” and would be “counter-productive.”¹² These directives appear to contradict Attorney General Garland’s previous statements to Congress that Marshals had “full authority” to make arrest decisions.¹³

The directives for law enforcement to stand down are particularly troubling given the long line of recent left-wing attempts to intimidate and influence the Court. For example, in 2019, Senate Democrats threatened the Supreme Court in an amicus brief to decide a case in the manner they preferred or be “restructured.”¹⁴ In March 2020, Senator Schumer, the Senate Democrat Leader, stood on the Supreme Court steps and threatened specific justices by name: “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.”¹⁵ Most recently, Senate Democrats have launched an offensive against conservative

⁷ Rich Calder, *Lefty Group ShutDownDC offering 200 Bounty for Intel on SCOTUS Justices*, N.Y. POST (Jul. 9, 2022).

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

⁹ *Id.*

¹⁰ 18 U.S.C. § 1507.

¹¹ *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).

¹² 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>.

¹³ *Oversight of the Department of Justice Before the S. Comm. on the Jud.*, 118th Cong. 1 (2023) (statement of Merrick Garland, Att’y Gen. of the United States).

¹⁴ Madison Gesiotto, *Democrats Want to Chip Away Our Cherished Freedoms and Liberties*, THE HILL (Aug. 19, 2019).

¹⁵ Orion Rummier, *Chief Justice Roberts laments Chuck Schumer’s “dangerous” comments*, AXIOS (Mar. 4, 2020).

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justices under the pretext of judicial ethics reform.¹⁶ All of these tactics are meant to intimidate conservative justices and ultimately undermine judicial independence.

The training materials provided to the U.S. Marshals strongly suggest that the Biden Administration is continuing to weaponize federal law enforcement agencies for partisan purposes. Accordingly, so the Committee can conduct its oversight, we ask that you please provide the following documents and information:

1. All documents and communications between the U.S. Marshals Service and the Department of Justice referring or relating to enforcement of 18 U.S.C. § 1507 for the period May 2, 2022, to the present;
2. All documents and communications between the U.S. Marshals Service and the U.S. Attorney's Office for the District of Maryland referring or relating to the enforcement of 18 U.S.C. § 1507 for the period May 2, 2022, to the present;
3. All documents and communications between the U.S. Marshals Service and the U.S. Attorney's Office for the Eastern District of Virginia referring or relating to the enforcement of 18 U.S.C. § 1507 for the period May 2, 2022, and the present; and
4. All documents and communications between the U.S. Marshals Service and the Executive Office of the President referring or relating to the enforcement of 18 U.S.C. § 1507 for the period May 2, 2022, and the present.

Please provide this information as soon as possible but no later than 5:00 p.m. on May 17, 2023. The Judiciary Committee is authorized to conduct oversight of the Justice Department pursuant to the Rules of the House of Representatives.¹⁷ 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

cc: The Honorable Jerrold L. Nadler, Ranking Member

¹⁶ Letter from Sen. Durbin, Chairman, Sen. Comm. on the Jud., to John G. Roberts, Jr., Chief Justice, U.S. Supreme Court (Apr. 10, 2023).

¹⁷ Rules of the U.S. House of Representatives, R. X (2023).