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May 11, 2022

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

Re: Recent Efforts To Intimidate Supreme Court Justices

Dear Attorney General Garland,

Following last week's leak of a draft opinion in *Dobbs v. Jackson Women's Health Organization*, pro-abortion activists have begun protesting not just outside the Supreme Court, but outside the Justices' homes, in the hope of pressuring the Justices to change their votes. As a former federal judge and the current head of the Department of Justice, you must surely appreciate the unique risks to both judges and the rule of law when judges are targeted at their homes. That is why Congress has long barred "picket[ing] or parad[ing]" near a judge's home "with the intent of interfering with, obstructing, or impeding the administration of justice."¹ We the undersigned Attorneys General act daily to uphold the rule of law. These remarkable recent events provide you an opportunity to do the same.

A group calling itself "Ruth Sent Us" declares that "[o]ur 6-3 extremist Supreme Court routinely issues rulings that hurt women, racial minorities, LGBTQ+ and immigrant rights," and has called on its supporters to "rise up to force accountability using a diversity of tactics."² One of these "tactics" is publishing the Justices' personal addresses and organizing a "walk-by" to take place "[a]t the homes of

¹ See 18 U.S.C. § 1507.

² See Ruth Sent Us, <https://www.ruthsent.us/home>.

the six extremist Justices.”³ Their strategy is already in full swing, with protestors yelling “You don’t care if people die” while picketing outside the homes of Chief Justice Roberts and Justice Kavanaugh this past weekend.⁴

The same group has called for and carried out protests at Catholic Masses, based on the religious faith of several of the Justices,⁵ and the group’s general condemnation of “Catholic Churches.”⁶ The group has further threatened to “burn[] the Eucharist.”⁷

Others, it appears, have taken to burning buildings. This past weekend, a Molotov cocktail was thrown into the Madison-based headquarters of a pro-life group called Wisconsin Family Action.⁸ Graffitied on the building’s walls was the message: “If abortions aren’t safe then you aren’t either.”⁹ Likewise earlier this week, the office of an Oregon-based pro-life group was the target of another attack using Molotov cocktails.¹⁰ There are those who would seek to legitimize such acts of violence as “Fiery But Mostly Peaceful Protests.”¹¹ You should not be so cavalier. As the Wall Street Journal recently suggested, “[a]

³ *Id.*

⁴ Greg Stohr, *Abortion-Rights Protest Targets Homes of Kavanaugh, Roberts*, Bloomberg (May 7, 2022), <https://www.bloomberg.com/news/articles/2022-05-08/abortion-rights-protest-targets-homes-of-kavanaugh-roberts>.

⁵ Joshua Rhett Miller, *Pro-choice Abortion Activists Call for Mother’s Day Protests at Churches*, New York Post (May 6, 2022), <https://nypost.com/2022/05/06/abortion-activists-call-on-americans-to-protest-at-churches/>; Joe Bukuras, *Costumed protesters disrupt Mother’s Day Mass in Los Angeles*, Catholic News Agency (May 8, 2022), <https://www.catholicnewsagency.com/news/251176/costumed-protesters-disrupt-los-angeles-mass>.

⁶ Jon Brown, *DC Police Aware of ‘First Amendment demonstrations’ Meant to Disrupt Sunday Mass*, Fox News, May 8, 2022, <https://www.foxnews.com/us/dc-police-aware-first-amendment-demonstrations-disrupt-sunday-mass>.

⁷ *Id.*

⁸ Luke Vander Ploeg & Addison Lathers, *Anti-Abortion Group in Wisconsin Is Hit by Arson, Authorities Say*, The New York Times (May 8, 2022), <https://www.nytimes.com/2022/05/08/us/madison-anti-abortion-center-vandalized.html>.

⁹ *Id.*

¹⁰ *Oregon Right to Life building in Keizer hit with Molotov cocktails*, KGW (May 9, 2022), <https://www.kgw.com/article/news/crime/molotov-cocktails-oregon-right-to-life-keizer/283-84ffd04a-41ba-47fd-99d9-7af4a61ddfde>.

¹¹ Joe Concha (@JoeConchaTV), Twitter (Aug. 27, 2020, 1:03 AM), <https://twitter.com/JoeConchaTV/status/1298863702272344064>.

violent act by a fanatic can't be ruled out, and this warrants the attention of Attorney General Merrick Garland.”¹²

You were quick to respond to the purported “threat” of parents speaking out at local school board meetings¹³ (though the basis for your threat assessment was shaky to say the least).¹⁴ Here, in the face of escalating extremism directed at the judicial branch, you have an obvious role to play. Congress recognized that pressuring judges to change their votes by protesting outside their homes directly threatens the rule of law.¹⁵ You profess to share those concerns, having unequivocally stated that attacking a courthouse “to prevent judges from actually deciding cases” plainly constitutes “domestic extremism, domestic terrorism.”¹⁶ You can and should act accordingly by faithfully executing federal law to prevent protestors from attempting to intimidate the Justices of the Supreme Court, both to protect the Justices and to safeguard the rule of law.

Sincerely,



Steve Marshall
Attorney General of Alabama

¹² *Who's a Threat to Democracy*, The Wall Street Journal (May 6, 2022), <https://www.wsj.com/articles/whos-a-threat-to-democracy-supreme-court-abortion-roe-v-wade-ruth-sent-us-11651875512>.

¹³ Memorandum from the Office of the Attorney General, *Re: Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff*, (October 4, 2021), <https://www.justice.gov/ag/page/file/1438986/download>.

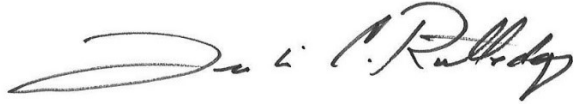
¹⁴ See Peter Hasson, *NSBA Chief Had Advance Notice of DOJ's Controversial School Board Memo: Email*, Fox News (Feb. 14, 2022), <https://www.foxnews.com/politics/nsba-advance-notice-doj-controversial-school-board-memo-email>.

¹⁵ See 18 U.S.C. § 1507.

¹⁶ *LIVE COVERAGE: Senate Set to Consider Garland for AG*, The Hill (Feb. 22, 2021), <https://thehill.com/homenews/senate/539824-live-coverage-senate-set-to-consider-garland-for-ag/>.



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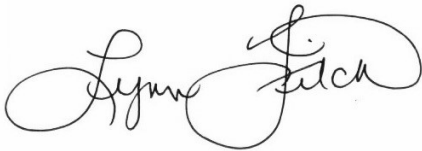
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