Congress of the United States Bouse of Representatives

Washington, DC 20515

May 11, 2022

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

Dear Attorney General Garland:

We watch with profound concern and deep dismay as the rule of law in the United States is completely eroded under your leadership. As you should know, 18 U.S.C. § 1507 makes it a crime to picket or parade outside of a judge's home, particularly if the intent of such actions are to influence them in the discharge of their official duties. We therefore ask a simple question: as Supreme Court Justices are being illegally targeted at their homes, do you intend to enforce the law? Your failure to act is a shameless and implicit endorsement of mob rule in America.

The right to peaceful assembly is among the most sacred rights we hold as Americans, which is why our forbearers demanded it be enshrined in the First Amendment to the United States Constitution. This right has been exercised responsibly and respectfully by generations of Americans, who have relied on First Amendment protections to protest injustices, fight for change, and make their voices heard. We should zealously guard our First Amendment rights.

Yet our sacred right to peacefully assemble has never permitted Americans to intimidate judges, jurors, or officers of the court with the expressed objective of swaying the outcome of an independent judicial proceeding. This is not justice – it is mob rule. 18 U.S.C. § 1507 reflects the vitally important interest of safeguarding not only the independence and fairness of the judiciary but also in protecting our constitutionally protected right to due process under the Fourteenth Amendment. We have included the statute in its entirety below for your reference:

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both. Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

Importantly, enforcing 18 U.S.C. § 1507 in no way deprives protestors of their constitutional right to assembly. Protestors have ample opportunity to gather in one of a million other places, including on sidewalks outside of the U.S. Supreme Court, as was upheld by *United States* v. *Grace* (1983). There is therefore no compelling justification for your failure to act other than to permit protestors to unlawfully intimidate justices of the United States Supreme Court.

We urge you to enforce the laws of the United States and stop the mob. You should send the clear and unmistakable message to all Americans – regardless of party or political affiliation – that the intimidation of justices and the judicial process will not stand. Will you act? We look forward to your response to this urgent question no later than Monday, May 16, 2022.

Sincerely,

Claudia Tenney

Member of Congress

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Elise M. Stefanik

Member of Congress

Elise M. Sofank

Tom Cole

Member of Congress

Rodney Davis

Member of Congress

Bruce Westerman

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Mike Johnson

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Andrew R. Garbarino Member of Congress

Ralph Norman Member of Congress

Don Bacon Member of Congress

Ken Buck Member of Congress

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John Ow Rose

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Vicky Hartzler Member of Congress

John Rose

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Charles J. "Chuck"

Fleischmann

Member of Congress

Lisa C. McClain Member of Congress

Ted Budd

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Jefferson Van Drew Member of Congress

Gregory F. Murphy, M.D. Member of Congress

W. Gregory Steube Member of Congress

John R. Moolenaar Member of Congress

Tracey Mann
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Markwayne Mullin Member of Congress

Burgess Owens Member of Congress

Doug LaMalfa Member of Congress

Andy Biggs Member of Congress

Eric A. "Rick" Crawford Member of Congress

Tom Rice Member of Congress

Brian Babin, D.D.S. Member of Congress

Jody B. Hice Member of Congress

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Diana Harshbarger Member of Congress Member of Congress

Louie Gohmert Member of Congress

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Jack Bergman Member of Congress Member of Congress

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Thomas P. Tiffany
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Michael Cloud Member of Congress Troy Balderson

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