

## THE RULE OF LAW MATTERS

March 26, 2025

### VIA HAND DELIVERY

Senator John Barrasso  
2120 Capitol Avenue  
Suite 2013  
Cheyenne, WY 82001

Senator Cynthia Lummis  
2120 Capitol Avenue  
Suite 2007  
Cheyenne, WY 82001

Representative Harriet Hageman  
2120 Capitol Avenue  
Suite 8005  
Cheyenne, WY 82001

### *Re: Threats to Judges, Judicial Independence, and Rule of Law*

Dear Senators Barrasso & Lummis, and Representative Hageman:

As Wyoming lawyers and retired judges who have sworn to uphold the Constitution, we are deeply concerned about the growing number of attacks on our judiciary and the Rule of Law.

Following January 6, 2021, we urged you to speak out against election fraud disinformation that had been rejected by courts. <https://wyofile.com/the-rule-of-law-matters/>. Now, we see the same kind of disinformation in the form of attacks on judges who have ruled against DOGE's unprecedented actions rejecting Congressionally appropriated funding and its summary firing of thousands of federal civil servants. In particular, Elon Musk is using his captive social media platform to regularly call these rulings "illegal," "corrupt," "radical," and "evil." He has even proclaimed that "we are witnessing an attempted coup of American democracy by radical left activists posing as judges!"

Many others are chiming in. These include the President's spokesperson, White House Press Secretary Karoline Leavitt, who recently claimed federal judges are "abusing their power" and the "real constitutional crisis is taking place within our judicial branch."

Public tweets call for judges to be “beheaded.” Another asks “why so few judges are hanged?” Aside from the calls to violence, the amount of invective and misinformation being shared on X and other sites about judges and calls for their impeachment is unprecedented in our history.

Not surprisingly, these evidence-free attacks have fomented threats of violence. At year end, Chief Justice Roberts warned of “dramatic increases in the number of threats of violence against judges and the risks such threats pose to the independence of the federal judiciary.” The American Bar Association has similarly warned that recent intimidating words and actions “are designed to cow our country's judges.”

And the threats and intimidation are not limited to mere commentary. As you know, several members of the House of Representatives have recently filed actual articles of impeachment against federal judges, using the opportunity to launch venomous personal attacks. For example, one member announced his impeachment articles were directed to a highly regarded senior federal judge whom he called a “predator” and a “RADICAL LGBTQ ACTIVIST” who is endangering children. These provocations have been rewarded by Mr. Musk with campaign donations.

Dismayingly, on March 18<sup>th</sup> the President himself posted that a federal judge who issued a ruling he particularly dislikes is a “Radical Left Lunatic of a Judge” who along with “the many Crooked Judges I am forced to appear before” “should be IMPEACHED!!!” This in turn prompted his followers to post photos of the judge labeled “Terrorist Loving Judge” and messages to “ignore” him and all “repugnant” laws. Within hours of the President’s messaging the Chief Justice felt compelled to issue a rare personal public statement reminding Americans that “[f]or more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose.” Even conservative commentators understand this. In the recent words of the *Wall Street Journal*’s Editorial Board, “if impeachment is the remedy for every adverse judicial ruling, we wouldn’t have a judiciary left.”

These attacks are part of a growing effort to discredit, not just judges, but seemingly the American Rule of Law as we know it. Recent executive orders targeting prominent national law firms disfavored by the administration with severe retribution—unprecedented executive action immediately deemed unconstitutional on many grounds by a federal court—has, as night follows day, resulted in yet more incendiary social media postings attacking the judiciary and openly encouraging the executive branch to disobey court orders. The risks from all of this to our political, social, and economic stability cannot be ignored. As the Federal Judges Association recently stated: “*Any erosion in the independence of the judiciary is a threat to our Constitution and to democratic rule of law. Ensuring judicial security is not just about protecting individuals, it is about preserving the integrity of our legal system and the public's trust in an impartial judiciary.*”

We understand there is an appetite among sizeable members of the electorate for radical change at any cost, but the growing reckless disdain for the independence and security of our judiciary must be resisted by anyone sworn to uphold our Constitution. That includes us, and it certainly includes you. Silence in the face of such threats from those with a duty to uphold the Constitution will be properly seen as complicity.

The judiciary lacks the Executive's bully pulpit or the Legislature's power to defend itself. It does not have its own social media platform. Judges are not permitted to publicly discuss their decisions. The Judicial Branch must therefore rely on the other branches of government to respect and defend its constitutional role. We do not see that happening. As our elected federal representatives—and as required by your own oaths—we thus urge you to publicly condemn these threats, affirm judicial independence, and remind Americans that appeals—not violence, intimidation, or invitations to lawlessness—are the constitutional remedy for undesired court decisions.

We welcome your earliest public response to these very serious concerns.

*Michael J. Sullivan (Former Wyoming Governor & U.S. Ambassador (Ireland), Mediator, Attorney (Retired), Casper), Marilyn S. Kite (Wyoming Supreme Court, Chief Justice (Retired)), Michael Golden (Wyoming Supreme Court, Chief Justice (Retired)), Michael K. Davis (Wyoming Supreme Court, Chief Justice (Retired)), E. James Burke (Wyoming Supreme Court, Chief Justice (Retired)), William F. Downes (U.S. District Court Chief Judge (Retired), Mediator), Gay V. Woodhouse (Former Wyoming Attorney General, Attorney, Cheyenne), Patrick J. Crank (Former Wyoming Attorney General, Attorney, Cheyenne), Timothy C. Day (District Court Judge, Ninth District (Retired), Past President Wyoming Bar Assn.), David B. Park (District Court Judge, Seventh District (Retired), Lawyer, Casper), Jeffrey A. Donnell (District Court Judge, Second District (Retired), Mediator, Laramie), Wade E. Waldrip (District Court Judge, Second District (Retired)), Marvin L. Tyler (District Court Judge, Ninth District (Retired), Mediator), Norman E. Young (District Court Judge, Ninth District (Retired)), Peter G. Arnold (District Court Judge, First Judicial District (Retired)), Steven R. Cranfill (District Court Judge, Fifth District (Retired)), Thomas W. Harrington (Circuit Court Judge, Fifth District (Retired)), Paul J. Hickey (Past President, Wyoming Bar Assn., Attorney (Retired), Cheyenne), Richard M. Davis (Past President Wyoming Bar Assn., Attorney, Sheridan), J. Kenneth Barbe (Past President, Wyoming Bar Assn., Attorney, Casper), John A. Masterson (Past President, Wyoming Bar Assn., Attorney, Casper), Christopher Hawks (Past President, Wyoming Bar Assn., Attorney, Jackson), Rebecca A. Lewis (Former Wyoming Bar Counsel (Retired), Rebecca W. Watson (Former Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior, Attorney, Denver), John F. Araas (Attorney (Retired), Sheridan), James R. Belcher (Attorney, Casper), Jay A. Gilbertz (Attorney, Sheridan), Kevin K. Kessner (Attorney, Sheridan), Kim D. Cannon (Attorney, Sheridan), Susan C. Stubson (Attorney, Casper), Timothy M. Stubson (Attorney, Casper), Jean A. Day (Attorney, Jackson), Judith A. Studer (Attorney, Casper), Cameron Walker (Attorney, Casper), Abigail E. Fournier (Attorney, Cheyenne), Adelaide P. Myers (Attorney, Saratoga), Alaina M. Stedillie (Attorney, Casper), Alexander F. Freeburg (Attorney, Jackson), Alicia B. Evans (Attorney, Jackson), Andrew M. Apfelberg (Attorney, Wyoming, California), Benjamin J. Rowland (Attorney, Cheyenne), Bradley E. Adams, (Attorney, Jackson), Bradley L. Boone (Attorney, Jackson), Carole Shotwell (Attorney, Laramie), Catherine E. DiSanto (Attorney,*

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Cc: Wyoming Media Outlets

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Notes:

<https://www.reuters.com/world/us/judges-face-rise-threats-musk-blasts-them-over-rulings-2025-03-05/>

<https://www.democracymonitor.com/analysis/elon-musk-house-republicans-impeaching-judges-intimidation/>

<https://www.reuters.com/world/us/trump-allies-ramp-up-attacks-judges-musk-calls-impeachments-2025-02-12/>

<https://www.nbcnews.com/politics/politics-news/federal-judges-raise-alarm-security-threats-impeachment-calls-rcna195872>

<https://www.supremecourt.gov/publicinfo/year-end/2024yearendreport.pdf>.

<https://www.americanbar.org/news/abanews/aba-news-archives/2025/03/aba-rejects-efforts-to-undermine-courts-and-legal-profession/>

X: E. Musk [https://x.com/iam\\_smx/status/1900173638755635511](https://x.com/iam_smx/status/1900173638755635511) (“We must impeach judges who are grossly undermining the will of the people and destroying America. It is the only way.”)

X: E. Musk <https://x.com/elonmusk/status/1889733204191379930> (soliciting votes from followers who agree that judges who “repeatedly abuse their authority to obstruct the will of the people” should be impeached)

X: Rep. A. Ogles <https://x.com/RepOgles/status/1894101950377201989> (I just formally introduced articles of impeachment against RADICAL LGBTQ ACTIVIST U.S. District Judge John Bates... We must protect our children from predators like Judge Bates.”)

X: C. Kirk <https://x.com/charliekirk11/status/1900234000893173793> (“What will blue judges come up with next? Will they order Trump to declare war on Russia? Micromanage troop movements? Dictate what Trump eats for breakfast? This isn't judicial review. It's dictatorship by a big ego with a gavel. SCOTUS must intervene.”)

<https://apnews.com/article/trump-courts-judges-rule-of-law-85058a5ffcef105d4ea2ce0ef078f084>

X: D. Trump <https://x.com/TrumpDailyPosts/status/1901984121624088626>

<https://www.reuters.com/legal/us-chief-justice-roberts-calls-judges-impeachment-are-inappropriate-after-trump-2025-03-18/>

[https://fingfx.thomsonreuters.com/gfx/legaldocs/zgvojbqajpd/03052025fja\\_statement.pdf](https://fingfx.thomsonreuters.com/gfx/legaldocs/zgvojbqajpd/03052025fja_statement.pdf) march 5.

<https://www.wsj.com/opinion/john-roberts-donald-trump-impeachment-judges-james-boasberg-a1197f00>