



June 24, 2022

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

Dear Attorney General Garland:

Now that the Supreme Court of the United States has issued its decision in *Dobbs v. Jackson Women’s Health Organization*, we implore you to mobilize the resources of the Department of Justice to protect pro-life pregnancy centers, churches, and the Justices of the Supreme Court of the United States. The Department of Justice’s reputation as a neutral, independent entity devoted to the rule of law has been decimated during your tenure, but you now have an opportunity to do the right thing by protecting innocent Americans across the country.

As background, on October 4, 2021, you released a memorandum directing the Federal Bureau of Investigation (FBI) and other components of the Department of Justice to meet with state and local law enforcement on strategies for addressing “*an increase in harassment, intimidation and threats of violence* against school board members, teachers and workers in our nation’s public schools.”¹ For that stated purpose, your memo publicized DOJ’s launch of a task force consisting of DOJ’s Criminal Division, National Security Division, Civil Rights Divisions, the FBI and others focused on employing federal enforcement tools to prosecute protesting parents.² Furthermore, you urged school board members and officials to use the FBI’s National Threat Operations Center’s 1-800-CALL-FBI tip line to report any threats.³

Since the issuance of your memorandum, it has become clear that it was built upon a house of cards. There was no widespread “increase in harassment, intimidation and threats of violence.” Yet, despite stating on your first day in office that there should “not be one rule for Democrats and another for Republicans, one rule for friends and another for foes,”⁴ you mobilized the Department’s full force to intimidate parents across the country and discourage them from exercising their lawful rights.

¹ See Press Release, U.S. Dep’t Just., *Justice Department Addresses Violent Threats Against School Officials and Teachers* (Oct. 4, 2021), <https://tinyurl.com/3jemkct6>, (emphasis added).

² *Id.*

³ *Id.*

⁴ Emily Jacobs, *Merrick Garland Speaks at DOJ Before Swearing-in by VP Kamala Harris*, N.Y. POST (Mar. 11, 2021), <https://tinyurl.com/2vsjwfun>.

By comparison, in recent weeks, there has been a documented increase in threats, vandalism, and violence against pro-life pregnancy resource centers and related organizations.⁵ Simultaneously, abortion advocates have picketed and paraded outside the homes of Justices of the Supreme Court of the United States—in blatant violation of 18 U.S.C. § 1507.⁶ One deranged man even intended to assassinate Justice Kavanaugh.⁷ But aside from deploying a few extra officers from the U.S. Marshals Service,⁸ and prosecuting the one deranged man who actually intended to *assassinate* a sitting Justice,⁹ your Department has failed to mobilize its resources in *at least* the same way you directed it to mobilize resources last October against a non-existent problem.

Today, at length, you criticized the Court in a manner and fashion echoing those who, for partisan political reasons, seek to undermine its institutional legitimacy. You specifically promised that the Department will “work tirelessly to protect and advance [abortions].”¹⁰ But aside from saying in passing that the Department “will not tolerate” violence and threats of violence, you notably failed to promise pro-life Americans, who have suffered actual violence, that they will receive the same protection you have provided to the Biden Administration’s school board allies.

You must forcefully and specifically denounce all violence, threats, or intimidation against the pro-life community that will be coming in the days ahead. You must—publicly and assertively—commit the Department’s resources to investigating national organizations like Jane’s Revenge and Antifa that have engaged in violence and that have promised a genuine insurrection, including a “night of rage,”¹¹ because *Roe v. Wade* has been overturned. To protect our democracy, those who fund, organize, and commit violence because they disagree with the reasoning and outcome of a legal case empowering voters in the several States to legislate on a topic of public concern must be dealt with using all the power and authority at your disposal. And you must see to it that their criminal activity is prosecuted to the full extent of the law.

⁵ Dan Hart, *Still No Arrests by FBI in Attacks on 27 Pregnancy Centers*, THE DAILY SIGNAL (Jun. 22, 2022), <https://tinyurl.com/y8ayd3u9>; Carole Novielli, *Pregnancy Centers Under Attack: NY Center Firebombed as Violence Rises*, LIVEACTION (Jun. 7, 2022), <https://tinyurl.com/vvdxr8h9>; Madeline Osburn, *Corporate Media, Law Enforcement Uninterested in Political Violence When it Involves Pregnancy Centers*, THE FEDERALIST (Jun. 14, 2022), <https://tinyurl.com/2jja2scd>.

⁶ 42 U.S.C. § 1983.

⁷ Maria Cramer, *Armed Man Traveled to Justice Kavanaugh’s Home to Kill Him, Officials Say*, THE NEW YORK TIMES, <https://tinyurl.com/3rpscj9n>.

⁸ Monique Beals, *Garland Directs U.S. Marshals to Ensure Safety of Supreme Court Justices*, The Hill (May 11, 2022), <https://tinyurl.com/53z65t8p>.

⁹ Melissa Quinn, *Man Arrested near Kavanaugh’s Homes Charged with Attempting to Murder Supreme Court Justice*, CBS News (Jun. 9, 2022), <https://tinyurl.com/snyk4czz>.

¹⁰ Mark Sherman, *Supreme Court Overturns Roe v. Wade; States Can Ban Abortion*, ASSOCIATED PRESS (Jun. 24, 2022), <https://tinyurl.com/2p84xx3c>.

¹¹ The WSJ Editorial Board, *A ‘Night of Rage’ on Abortion*, THE WALL STREET JOURNAL (Jun. 20, 2022), <https://tinyurl.com/2p98chyp>.

Anything less will only further cement the Department's now-abysmal reputation as an entity committed to protecting the fervent passions of the left. The damage that has occurred during your tenure at the Department of Justice may be irreversible, but you have an opportunity to do the right thing now and act in the interests of all Americans, and we implore you to do so now.

Sincerely,

/s/ Gene P. Hamilton

Gene P. Hamilton

Vice-President and General Counsel

America First Legal Foundation