

United States Senate

WASHINGTON, DC 20510

May 8, 2023

Chairman Ron Wyden
Senate Finance Committee
219 Dirksen Senate Office Building
Washington, DC 20510-6200

Dear Chairman Wyden,

We write to raise our concerns about the unprecedented attacks on the Supreme Court—including your April 24, 2023 letter to Harlan Crow—and the profound damage being done to this institution by these attacks. We reject this manufactured “ethics crisis” at the Supreme Court as a ploy to further Democrats’ efforts to undermine public confidence and change the makeup of the Court. It is clear to us that Democrats are simply enraged that the Court is no longer acting as a super legislature to implement progressive policies. This anger has now manifested itself in baseless ethics smears toward the justices.

As former Attorney General Mukasey testified this week: “If the public has a mistaken impression that the integrity of the Court has been damaged, the fault for that lies with those who continue to level unfair criticism at the Court and its justices. It is impossible to escape the conclusion that the public is being asked to hallucinate misconduct so as to undermine the authority of justices who issue rulings with which these critics disagree, and thus to undermine the authority of the rulings themselves.”

Such attacks on the Court are not new. This is a dangerous strategy that escalated after Senator Schumer stood on the steps of the Supreme Court in March 2020 while the Court was hearing oral arguments and threatened the then-two-newest justices by name. Senator Schumer said: “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.”

These attacks have now further escalated, with Democrats attacking every originalist justice with baseless ethics charges. The brazen leak of the Dobbs opinion was cheered on by some on the Left, with one commentator tweeting: “Seriously, shout out to whoever the hero was within the Supreme Court who said ‘f--k it! Let’s burn this place down.’”

This of course led to many justices receiving multiple actionable death threats and requiring around-the-clock security. In fact, one individual, triggered by the leaked draft opinion and no doubt inspired by the earlier attacks on the Court, traveled to Justice Kavanaugh’s home in June 2022 to assassinate him and his family. When he turned himself into the police, they discovered he had a target list naming two other justices.

In their latest attempt to intimidate the justices, 15 senators recently sent a letter to appropriators requesting that they withhold \$10 million from the Supreme Court's funding until it adopts a Democrat-created code of ethics. This raises serious separation-of-powers concerns. Not coincidentally, \$10 million is the same amount that the Court has requested for security. It is shocking that the Democrats would try to leverage the physical security of Supreme Court justices and their families to force the Court to bend to its demands.

The most despicable attacks have been on Justice Clarence Thomas, for whom the Left has a special hatred. Thankfully, he has never bowed to these attacks. Justice Thomas is an honorable man, a principled jurist, and one of our nation's greatest justices, with a personal story that represents the best of America. He has acted honorably and ethically during his time on the Court. But because he refuses to compromise his principles, the left has increasingly sought to discredit him. This effort was most recently demonstrated in an article in *The New Republic*, entitled "The Democrats Need to Destroy Clarence Thomas's Reputation."

In the latest attack on Justice Thomas, Democrats hope to smear him for his long-term friendship and occasional travel with Harlan Crow, a Dallas businessman. There is nothing wrong with this.

Liberal Supreme Court justices have gone on many more trips sponsored by third parties. Justice Breyer went on 233 such trips from 2004-2020, with 63 of them being international trips. Organizations sponsored by the Democrat-aligned Pritzker family in Chicago, paid for Justice Breyer to go on more than a dozen trips, many to international destinations. There is nothing wrong with these trips either. If alleged financial impropriety impacting the function of government is a true concern, we suggest investigating the Biden family's use of the vice presidency to gain extensive and beneficial financial connections with adversarial foreign governments.

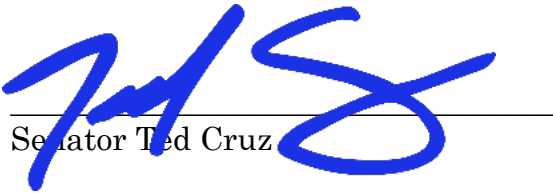
But Democrats want to attack Justice Thomas and are now harassing private citizens as a way to do so. You recently sent a letter to Harlan Crow requesting information on Justice Thomas. Mr. Crow is a private citizen and, to our knowledge, has done nothing wrong—ethically or legally. We are concerned that this letter is solely meant to intimidate a private citizen in order to attack Justice Thomas. All of this is clearly done at the behest of the far-left activists and media outlets like *The New Republic*, to whom Democrats are beholden.

These attacks on the Supreme Court and the justices must end. They are undermining the rule of law, endangering the security of the justices and their families, and inflicting incalculable damage on our country.

Sincerely,

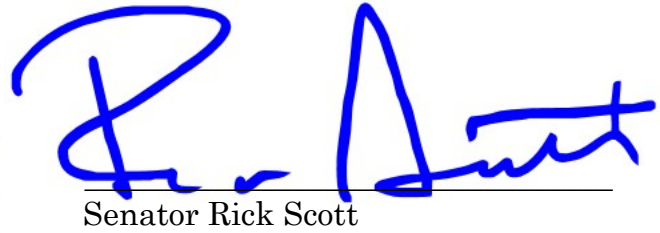

Senator Mike Lee


Senator Marsha Blackburn

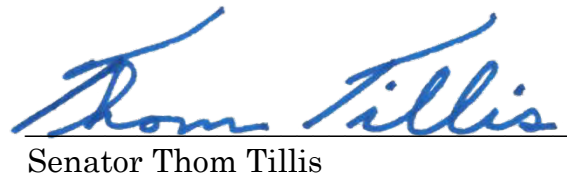

Senator Ted Cruz


Senator Ted Budd

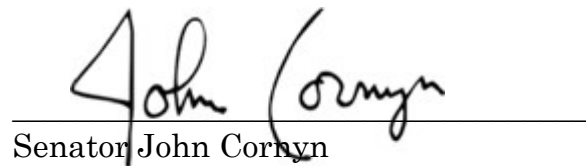

Senator Eric Schmitt

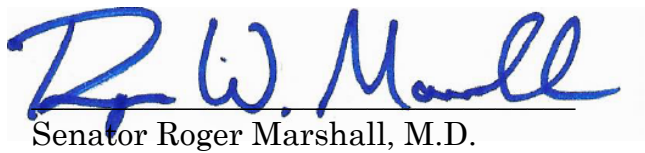

Senator Rick Scott


Senator Tommy Tuberville


Senator Thom Tillis

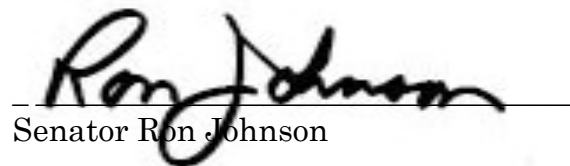

Senator Lindsey Graham


Senator John Cornyn


Senator Roger Marshall, M.D.


Senator Marco Rubio


Senator Mike Braun


Senator Ron Johnson