

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

May 3, 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 write to request that the U.S. Department of Justice (Justice Department) immediately initiate an investigation into the leaked draft opinion on a matter currently pending before the United States Supreme Court.¹ This “extremely rare breach of the court’s deliberative process” represents one of the most fundamental and troubling breaches of Supreme Court “confidentiality and secrecy” in its history.² Indeed, “Supreme Court historians, former law clerks and other court watchers say they cannot recall a previous instance” of what has happened this week.³ The circumstances of the leak indicate the draft opinion’s release was not accidental but deliberate and calculated. It stands to reason it was intended to affect either the ultimate outcome of the case or the public’s reaction to it. Whoever is responsible for this breach must have known that the draft opinion would foment discord and upheaval, potentially pressuring Justices to reconsider their votes through threats or intimidation. Whatever the reason, this leak undermines the institution of the Court; it also serves to potentially intimidate and manipulate its members, threatening the integrity of one of the three branches of the U.S. government. We therefore request further information regarding steps the Justice Department is taking to address this troubling development.

Leaks of internal deliberations between Justices threaten the integrity of the judicial branch, and therefore our republican system of government. The judicial process requires Justices to deliberate internally and candidly with each other without concern those deliberations may become public. Leaks, for whatever reason they occur, erode the integrity of the institution by undermining the working relationship between Justices, their clerks, and other employees of

¹ Tierney Sneed et al., *Supreme Court draft opinion that would overturn Roe v. Wade published by Politico*, CNN NEWS (May 3, 2022); *see also* Mark Sherman & Zeke Miller, *Report: Supreme Court draft suggests Roe could be overturned*, AP NEWS (May 3, 2022).

² *Id.*

³ Josh Gerstein, *How rare is a Supreme Court breach? Very rare*, POLITICO (May 2, 2022).

the Court, damaging the open exchange of ideas, and permitting pressure campaigns against Justices. As the Constitution sets forth, “[t]he judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.”⁴ This flagrant attack on the Supreme Court, the pinnacle of the judicial branch, threatens to delegitimize and undermine our nation’s entire judicial system. Therefore, targeted and immediate congressional oversight is of the utmost importance.

To assist Republicans on the Committee on Oversight and Reform in conducting oversight of this matter, we request that you produce the following documents and information no later than May 17, 2022:

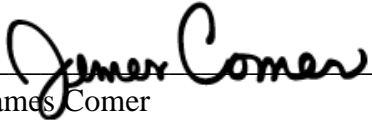
1. All documents and communications regarding any investigation by the Justice Department or its law enforcement partners into the leaked draft opinion referenced above;
2. A description of all potential laws violated by leaking a draft Supreme Court opinion during deliberations with the intent to threaten or intimidate members of the Court;
3. The number of open investigations into any threats made against members of the Supreme Court, especially threats stemming from the release of the draft opinion referenced above;
4. A description of all steps the Justice Department is taking to ensure the integrity of Supreme Court deliberations, prevent violence, and pursue the individual or individuals responsible for leaking the draft opinion referenced above.

Additionally, we request the Justice Department provide a briefing to the Committee Members on this matter, including the status of any investigations and whether criminal charges are being considered against the individual or individuals responsible for this breach. We request this briefing no later than May 10, 2022.

Thank you for your consideration of this important issue. To make arrangements to deliver documents, schedule a briefing, or ask any related follow-up questions, please contact the Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

⁴ U.S. Const. art. III, § 1.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



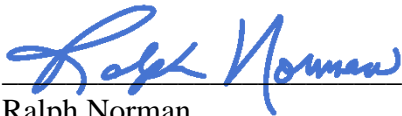
Jody Hice
Ranking Member
Subcommittee on Government
Operations



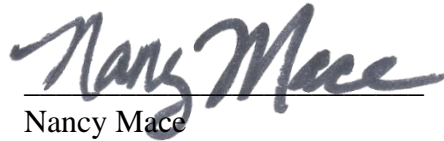
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



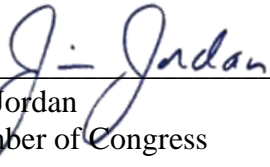
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



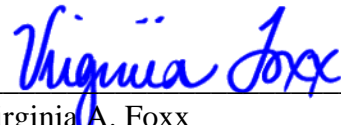
Ralph Norman
Ranking Member
Subcommittee on Environment



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



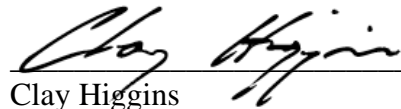
Jim Jordan
Member of Congress



Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress



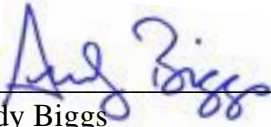
Clay Higgins
Member of Congress



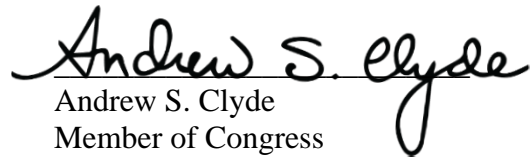
Pete Sessions
Member of Congress



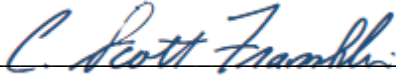
Fred Keller
Member of Congress



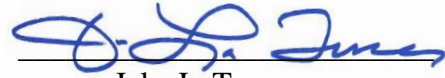
Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress



C. Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties