

March 9, 2020

The Honorable William B. Barr
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Dear Mr. Attorney General,

On March 4, 2020, Senator Charles Schumer made the following statement on the steps of the United States Supreme Court:

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.

In response to these evident threats by Senator Schumer, Chief Justice John Roberts responded with an extraordinary statement, which says in part:

Justices know that criticism comes with the territory, but threatening statements of this sort from the highest levels of government are not only inappropriate, they are dangerous.

Senate Majority Leader Mitch McConnell responded to Senator Schumer's threats as follows:

The Minority Leader of the United States Senate threatened two Associate Justices of the U.S. Supreme Court. Period. There's no other way to interpret that.

Because no matter the intention, words carrying the apparent threat of violence can have horrific unintended consequences.

In their most recent year on record the United States Marshals Service tracked thousands of threats and inappropriate communications against the judiciary.

Less than three years ago, of course, an unhinged and unstable left-wing activist attempted a mass murder of congressional Republicans at a baseball field across the river.

A Senate leader appearing to threaten or incite violence on the steps of the Supreme Court could literally be a matter of deadly seriousness.

Senator Schumer's remarks are not only threatening but, on their face, seek to ensure and unlawfully influence the Supreme Court to arrive at a particular outcome in a pending matter.

As President, it my duty to ensure that the laws are faithfully executed and enforced. Any other American who made such threats against judicial officers would be subject to investigation by federal law enforcement.

Accordingly, I hereby direct you, with any and all appropriate assistance from the U.S. Marshals Service and Federal Bureau of Investigation, to investigate Senator Schumer over his threats, which may violate the following (and other) federal laws:

Judicial Intimidation

18 U.S. Code § 115 (a)(1)(b) - Influencing, impeding, or retaliating against a Federal Officer. Subsection (b) provides “threatening assault, kidnap, or murder of a United States judge” (a Supreme Court justice is within the meaning of “a United States judge,” per subsection (c)(3)) “with intent to impede, intimate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such official, judge, or law enforcement officer on account of performance of official duties.”

Obstruction of Justice

18 U.S. Code § 1503 - Influencing or injuring officer. “Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any ... officer in or of any court of the United States ... in the discharge of his duty ... or on account of the performance of his official duties, or corruptly by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice...”

Conspiracy

18 U.S. Code § 371 - Conspiracy to commit offense or defraud the United States. “If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner for any purpose, and one or more of such persons do any act to effect the object of the conspiracy”

I also direct you to report back to me, within a month, with any recommendation as to the prosecution of Senator Schumer. It is appropriate, given the grave constitutional nature of this issue, that I directly be involved in its ultimate resolution.

In the meantime, I also direct that the U.S. Marshals Service, in consultation with the Supreme Court, reevaluate and, if necessary, increase the level of protection for Justice Kavanaugh and Justice Gorsuch, and, as appropriate, for other members of the High Court.

It is paramount that the American people have confidence in the fair administration of justice. To that end, there should be no exemption for U.S. Senators who utter threats of violence against judicial officers, especially members of the Supreme Court, or otherwise seek to improperly influence pending cases. The American people must be assured that the Supreme Court is able to perform its essential constitutional function without fear of violence and intimidation.

I have the highest confidence in you and look forward to hearing your recommendations.

Sincerely yours,

Donald J. Trump
President of the United States