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April 20, 2020

The Honorable Josh Hawley
United States Senate
Washington, D.C. 20510

Re: Resolution to Censure Senator Chuck Schumer

Dear Senator Hawley,

Thank you for leading the resolution in the United States Senate to censure Senator Schumer for threatening Supreme Court Justices Neil Gorsuch and Brett Kavanaugh. We fully support you in this effort, congratulate you on gathering fourteen Senators to join you, and pledge to encourage other Senators to co-sponsor your resolution.

On March 4, 2020, Senator Schumer stood on the steps of the Supreme Court before a raucous, pro-abortion mob. He pointed directly at the Supreme Court building, singled out the two newest Justices of the Court by last name, and 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.”¹ (Emphasis added.)

That same day, Chief Justice John Roberts appropriately responded:

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***. All Members of the court will continue to do their job, without fear or favor, from whatever quarter.”² (Emphasis added.)

¹ Ronn Blitzer, *Schumer unloads on Gorsuch, Kavanaugh at abortion rights rally: 'You will pay the price!'*, FOX NEWS, March 4, 2020, <https://www.foxnews.com/politics/schumer-unloads-on-gorsuch-kavanaugh-at-abortion-rights-rally-warns-they-will-pay-the-price-for-awful-decisions>

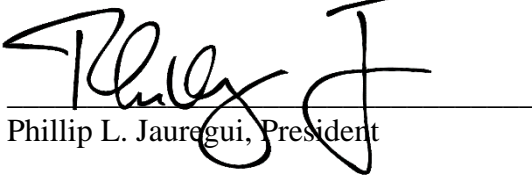
² Harper Neidig, *Roberts criticizes Schumer for 'dangerous' remarks on Kavanaugh, Gorsuch*, THE HILL, March 4, 2020, <https://thehill.com/regulation/court-battles/486018-roberts-criticizes-schumer-for-dangerous-remarks-on-kavanaugh>

As Chief Justice Roberts indicates, not all criticisms of judges are dangerous. In fact, some criticism is constitutionally appropriate, especially in instances when the Court attempts to usurp legislative power. However, Senator Schumer's comments on March 4, 2020 were truly dangerous due to confluence of least four factors. First, his threat was not general, but specific and directed at Justices "Gorsuch" and "Kavanaugh" by name. Second, Senator Schumer's actual language amounted to a threat of physical violence, i.e., "*hit* you." Third, his threat was made in geographic proximity of the justices; i.e., Senator Schumer made the threat on the steps of the Supreme Court with the justices only a matter of feet away inside the building. And, fourth, his threat was made in the midst of an already angry mob who have a history of violating Supreme Court security protocols.³ Taken together, these facts demonstrate that Senator Schumer's threats were truly dangerous.

Thank you for addressing Senator Schumer's conduct. While the censure resolution has not yet passed, your decision to co-sponsor it has already provided a degree of accountability to Senator Schumer for his dangerous threat. We will work with you to gather co-sponsors, to bring this matter to a vote, and to hopefully pass this important resolution.

Warmest regards,

JUDICIAL ACTION GROUP



Phillip L. Jauregui, President

³ Kalhan Rosenblatt, *Protesters pound the doors of the Supreme Court following Kavanaugh confirmation: U.S. Capitol Police said a total of 164 people were arrested during the protests for "crowding, obstructing, or incommoding."* NBC NEWS, Oct. 6, 2018, <https://www.nbcnews.com/politics/supreme-court/protests-build-capitol-hill-ahead-brett-kavanaugh-vote-n917351>