



Written by [Elad Hakim](#) on May 11, 2022

## Protests Outside Justices' Homes May Be Illegal. Biden DOJ Does Nothing.

Following the [leak](#) of the draft opinion purportedly overturning the landmark case of *Roe v. Wade*, protestors have been gathering outside the homes of the Supreme Court's conservative justices. While such conduct is, arguably, illegal, the Biden administration has failed to condemn this conduct and the Department of Justice has remained silent on the issue. In doing so, Biden has, once again, shown that his political agenda always comes first despite the risks involved.



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According to [18 U.S.C. § 1507](#):

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined under this title or imprisoned not more than one year, or both.

Assuming this statute applies to one or more of the protestors, why has Biden failed to condemn this action? After all, the statute appears to prohibit such conduct. Rather than strongly condemning this behavior, White House Press Secretary [Jen Psaki](#) tweeted Monday that President Biden “strongly believes in the Constitutional right to protest. But that should never include violence, threats, or vandalism. Judges perform an incredibly important function in our society, and they must be able to do their jobs without concern for their personal safety.” On Tuesday, [Psaki](#) doubled down and stated, “So I know that there’s an outrage right now, I guess, about protests that have been peaceful to date. And we certainly continue to encourage that outside of judges’ homes and that’s the president’s position.”

Notwithstanding Biden’s blessings, the statute is not limited to acts of violence, threats, or vandalism. Rather, it also imposes liability against anyone who engages in such conduct with the intent to influence any judge, juror, witness, or court officer in the discharge of his duty. Clearly, there is reason to suspect that the purpose behind the various protests is to intimidate the justices and to pressure them to change their opinions. The protests began shortly after the leak and only targeted the Supreme Court’s conservative justices. The addresses of the various conservative justices were also shared online. This appears to be a coordinated effort to pressure/intimidate the justices into submission.

Despite this law, Biden has failed to ask his Department of Justice to enforce the statute. In failing to do so, Biden has put his political agenda ahead of any other concerns or risks to others. Biden followed a similar approach when he tried to extend the [eviction moratorium](#), which the Supreme Court ultimately



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shot down.

Biden appears to believe that the issue of abortion and the Supreme Court's apparent decision to overturn *Roe* and to return the issue of abortion to the individual states will help turn around his abysmal ratings and will help Democrats in November. This concern misses the mark and fails to consider the bigger issue. The nation's laws should not be utilized for political purposes or gain. They should not be selectively enforced and should play no role in promoting a political agenda.

In his recent remarks on the Senate floor, Minority Leader [Mitch McConnell](#) (R-Ky.) stated:

Trying to scare federal judges into ruling a certain way is far outside the bounds of normal First Amendment speech or protest. It is an attempt to replace the rule of law with the rule of mobs. It appears this may possibly be flat-out illegal. There is a federal law on the books that criminalizes "pickets or parades" with "the intent of influencing any judge, juror, witness, or court office," at locations that include a judge's "residence."

Last year, Attorney General Garland's Justice Department was quick to treat the concerned parents of America like potential domestic terrorists. But curiously, I haven't heard any announcement about how the DOJ may handle these intimidation tactics aimed at federal judges.

McConnell, to his credit, was exactly right!



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