

Supreme Court Investigation Hasn't Turned Up Abortion Ruling Leaker

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(Photo by Dan McCue)

WASHINGTON — A monthslong internal investigation has failed to identify the person who leaked a draft copy of the *Dobbs* ruling to Politico last year, the Supreme Court announced Thursday.

Dobbs v. Jackson Women's Health Organization is the landmark decision of the U.S. Supreme Court in which the justices overturned *Roe v. Wade*, in the process declaring the Constitution does not confer a right to abortion.

The leak of the draft, dated February 2022 and published by Politico in May, was an extraordinary breach of the court's usual secrecy.

In fact, the opening words of the 20-page report on the investigation released Thursday describes the leak as “one of the

worst breaches of trust” in the court’s history.

“The leak was no mere misguided attempt at protest. It was a grave assault on the judicial process,” the opening of the release says.

The court’s marshal, who was responsible for overseeing the inquiry, said that investigators had conducted 126 formal interviews of 97 employees, all of whom had denied being the source of the leak.

Investigators also found no forensic evidence by examining the court’s “computer devices, networks, printers and available call and text logs,” the report says.

Several employees of the court did admit to investigators, the report says, that they had told their spouses or partners about the draft opinion and the vote count in violation of the court’s confidentiality rules.

However, the investigation did not “by a preponderance of the evidence” determine that any of those discussions led to a copy of the draft opinion becoming public.

“The pandemic and resulting expansion of the ability to work from home, as well as gaps in the court’s security policies, created an environment where it was too easy to remove sensitive information from the building and the court’s IT networks, increasing the risk of both deliberate and accidental disclosures of [the] court’s sensitive information.

“The investigation has identified numerous court policies and practices that should be improved,” the report says.

Investigators also noted it is unlikely that the public disclosure was caused by a hack of the court’s IT systems.

“The court’s IT department did not find any indications of a hack but continues to monitor and audit the system for any indicators of compromise or intrusion into the court’s IT infrastructure,” the report states, adding, “The investigators have likewise not uncovered any evidence that an employee with elevated IT access privileges accessed or moved the draft opinion.

“At this time, based on a preponderance of the evidence standard, it is not possible to determine the identity of any individual who may have disclosed the document or how the draft opinion ended up with Politico. ... In time, continued investigation and analysis may produce additional leads that could identify the source of the disclosure.

“Whether or not any individual is ever identified as the source of the disclosure, the court should take action to create and implement better policies to govern the handling of court-sensitive information and determine the best IT systems for security and collaboration,” the report says.

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