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July 2, 2022

The Honorable Glenn Youngkin  
Governor of Virginia  
P.O. Box 1475  
Richmond, Virginia 23218

Dear Governor Youngkin:

I am writing to request that the Virginia State Police, in conjunction with local authorities as appropriate, enforce state law that prohibits picketing outside of the homes of Supreme Court Justices who live in Virginia.

Virginia law provides that “[a]ny person who shall engage in picketing before or about the residence or dwelling place of any individual, or who shall assemble with another person or persons in a manner which disrupts or threatens to disrupt any individual’s right to tranquility in his home, shall be guilty of a class 3 misdemeanor.” Va. Code Ann. § 18.2-419. A violation of the statute is punishable by a fine of up to \$500, and a court may order injunctive relief and damages. *Id.* §§ 18.2-419, 18.2-11(c). The Virginia Attorney General has concluded that the statute should be enforced, even though a Virginia trial court outside of Fairfax County declined to enforce it many years ago. *See Jackie DeFusco, Are Abortion Protests at S.Ct. Justices’ Homes Illegal in Virginia?, WRIC.com* (May 12, 2022) (“a spokesperson for Attorney General Jason Miyares, said in a statement that state law prohibits protesting in front of an individual’s private residence. . . . ‘Attorney General Miyares urges every Commonwealth’s Attorney to put their personal politics aside and enforce the law.’”); 1989 Va. A.G. 157 at \*8 (1989) (“§ 18.2-419 may be enforced.”).

I share your concern that “hundreds of demonstrators have recently chosen to protest Supreme Court Justices at their homes in Virginia,” while using “threatening language” – jeopardizing “the integrity of our American judicial system and the safety of our citizens.” Gov. Youngkin-Gov. Hogan Letter (May 11, 2022). As you noted, “such demonstrations and picketing should not be allowed at the Justices’ homes as they are meant to intimidate and influence the Justices, not to mention, scaring their families and small children.” Gov. Youngkin Letter (May 11, 2022). Since you wrote those words, protest activity at Justices’ homes, as well as threatening activity, has only increased. For weeks on end, large groups of protesters chanting slogans, using bullhorns, and banging drums have picketed Justices’ homes in Virginia. Earlier this week, for example, at least 30 protesters gathered outside one Justice’s Fairfax County home chanting expletives, and dozens appeared outside another’s Fairfax County home chanting “no privacy for us, no peace for you!” This is exactly the kind of conduct that Virginia law prohibits.

I would respectfully request that you direct the Virginia State Police to enforce the Virginia law that prohibits picketing at the homes of Supreme Court Justices who reside in Virginia.

Thank you very much for your consideration.

Very truly yours,

  
Gail A. Curley  
Marshal of the Court