

Office of the Marshal
Supreme Court of the United States
Washington, D. C. 20543

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July 1, 2022

FAX
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The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401-1925

Dear Governor Hogan:

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

Maryland law provides that “[a] person may not intentionally assemble with another in a manner that disrupts a person’s right to tranquility in the person’s home.” Md. Crim. Code § 3-904(c). The statute provides for imprisonment for up to 90 days or a \$100 fine or both, and states that a court may enjoin prohibited conduct and award damages. *Id.* § 3-904(d), (e).

Montgomery County law states that “[a] person or group of persons must not picket in front of or adjacent to any private residence.” Montgomery Cnty. Code § 32-23(a). “Picketing” means “to post a person or persons at a particular place to convey a message.” *Id.* § 32-23(c)(1). The ordinance permits a group to march in a residential area “without stopping at any particular private residence.” *Id.* § 32-23(b)(1). The ordinance may be enforced civilly or criminally: violations of a civil offense are subject to a \$100 fine, while violations of a criminal offense are subject to imprisonment for up to 30 days and a fine of \$200 or both. *Id.* §§ 32-23(d), 1-19.¹

You recently stated that you were “deeply concerned” that “hundreds of demonstrators have recently chosen to picket Supreme Court Justices at their homes in . . . Maryland,” while using “threatening language” – jeopardizing “the integrity of our American judicial system and the safety of our citizens.” Gov. Hogan-Gov. Youngkin Letter (May 11, 2022). Since then, 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 Maryland. Earlier this week, for example, 75 protesters loudly picketed at one Justice’s home in Maryland for 20-30 minutes in the evening, then proceeded to picket at another Justice’s home for 30 minutes, where the crowd grew to 100, and finally returned to the first Justice’s home to picket for another 20 minutes. This is exactly the kind of

¹ See *Frisby v. Schultz*, 487 U.S. 474, 484-85 (1988) (upholding ordinance prohibiting residential picketing, stating: “a special benefit of the privacy all citizens enjoy within their own walls, which the State may legislate to protect, is an ability to avoid intrusions. . . . There is simply no right to force speech into the home of an unwilling listener.”).

conduct that the Maryland and Montgomery County laws prohibit. As you noted in response to an attempt on a Justice's life last month, "[i]t is vital to our constitutional system that the justices be able to carry out their duties without fear of violence against them and their families." Press Release, Gov. Hogan (June 8, 2022). You stated: "We will continue to partner with both federal and local law enforcement officials to help ensure these residential areas are secure." *Id.* Maryland and Montgomery County laws provide the tools to prevent picketing activity at the Justices' homes, and they should be enforced without delay.

I would respectfully request that you direct the Maryland State Police to enforce Maryland and Montgomery County laws that squarely prohibit picketing at the homes of Supreme Court Justices who reside in Maryland.

Thank you very much for your consideration.

Very truly yours,



Gail A. Curley
Marshal of the Court