

Supreme Court security officer demands state officials crack down on protests outside of justices' homes

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On Saturday, Supreme Court Marshal Gail A. Curley sent letters to the Republican governors of Maryland and Virginia demanding that the states crack down on protests that have swelled outside of the homes of the Supreme Court's right-wing members following the overturning of *Roe v. Wade* last month.

Protests have remained a constant outside the homes of the court's various far-right members in the months after a memo revealed the plan to strike down the constitutional right to an abortion.

In the letters, Curley, a West Point graduate and former military lawyer who has also been assigned the job of hunting down the source of the Supreme Court's May memo leak, demanded that state officials in Maryland and Virginia "prohibit picketing at the homes of Supreme Court Justices."

"For weeks on end," she complained, "large groups of protesters chanting slogans, using bullhorns, and banging drums have picketed Justices' homes" in the two jurisdictions. This, the officer claimed, "is exactly the kind of conduct that the [state and local] laws prohibit."

As an example, Curley cited a Montgomery County, Maryland, ordinance that declares a "person or group of persons must not picket in front of or adjacent to any private residence." Instead, picketers must march "without stopping at any particular private residence."

Last month, police apprehended 26-year-old Nicholas John Roske outside of the Montgomery County home of Justice Brett Kavanaugh. According to police reports, Roske turned himself in, stating that he felt suicidal and was compliant with law enforcement. The suspect had brought a gun, a knife and other weapons to the Supreme Court justice's home.

New York Times officials have demanded the protests be dispersed on the grounds of a 1950 federal statute, which asserts that anyone who "pickets or parades in or near a building housing a court of the United States, or in or near a building or residence" with "the intent of influencing any judge" would be committing a crime.

The *Times* cites a letter written by Republican Senator Josh Hawley to the Justice Department. It did not occur to the *Times* to note the irony of Hawley, a participant in the January 6, 2021 Republican plot to overturn the election of Democrat Joe Biden, which featured numerous attempts to intimidate public officials, now calling on the government to "vigorously investigate and prosecute the crimes committed in recent days."

A CNN news article describing the law in question stated that it "has normally been associated with protests outside courthouses where high-profile trials are being held." The publication cited statements given by Drexel University law Professor Tabatha Abu El-Haj, who argued that "[a]pplying this law to this situation raises that fuzzy line between speech or demonstrations that are really meant to intimidate or subvert" an impending ruling and those meant to protest a decision that has already been made.

"It's true that this could arguably subvert the judicial process if the opinion changed, but it seems really that the point of it is more to express frustration," she concluded.

The article suggested that the statute could be applied with more justification to anti-abortionists and supporters of other right-wing causes.

"Depending on the interpretation of law," CNN

added, “it could also be read to cover the annual anti-abortion march that concludes at the Supreme Court’s grounds, which is a point some law enforcement officials have noted.” The law was previously invoked in a 1988 ruling in which the Supreme Court barred anti-abortion activists from picketing at a known abortion provider’s home.

For their part, the state governments have signaled their sympathy with the court’s ruling and the demand to end the protests. A joint letter issued by Republican governors Larry Hogan of Maryland and Glenn Youngkin of Virginia calls on the Department of Justice to “provide appropriate resources to safeguard the Justices and enforce the law as it is written.”

According to CBS Baltimore, a spokesperson for Republican Governor Larry Hogan raised issues with the “constitutionality” of the marshal’s demands only from the standpoint that the responsibility for guarding the justices lies with the federal government, not the state.

The Hogan official said the state “has directed Maryland State Police to further review enforcement options that respect the First Amendment and the Constitution due to the fact that multiple federal entities refuse to act.”

The Democratic Party and the Biden administration have likewise stepped in to bolster security outside Supreme Court justices’ homes. A bill, passed by a House vote of 396 to 27 and signed into law by Biden last month, increased the police presence outside of the justices’ homes in the lead-up to the June 24 ruling on abortion.

In May, former Biden Press Secretary Jen Psaki tweeted that demonstrators should respect “people’s privacy” and denounced “violence, threats or vandalism.” In passing the security bill for the Supreme Court reactionaries last month, Democratic House Representative Ted Lieu of California stated that the stepped-up police presence was “essential to the rule of law.”



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