

**TWENTIETH JUDICIAL CIRCUIT  
OF VIRGINIA**



LOUDOUN, FAUQUIER AND  
RAPPAHANNOCK COUNTIES

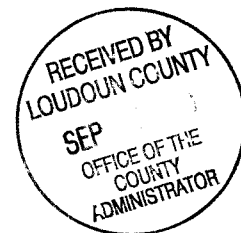
**THOMAS D. HORNE, Judge**  
POST OFFICE BOX 727  
LEESBURG, VIRGINIA 20178

**JAMES H. CHAMBLIN, Judge**  
POST OFFICE BOX 123  
LEESBURG, VIRGINIA 20178

**BURKE F. MCCAHILL, Judge**  
POST OFFICE BOX 9  
LEESBURG, VIRGINIA 20178

**JEFFREY W. PARKER, Judge**  
40 CULPEPER STREET  
WARRENTON, VIRGINIA 22186

**RAYNER V. SNEAD, JUDGE RETIRED**  
**CARLETON PENN, JUDGE RETIRED**  
**W. SHORE ROBERTSON, JUDGE RETIRED**  
POST OFFICE BOX 727  
LEESBURG, VIRGINIA 20178



31 August 2010

Scott K. York  
Chairman, Loudoun County Board of Supervisors  
P.O. Box 7000  
Leesburg VA 20177

Dear Chairman York:

Thank you for giving the judiciary an opportunity to comment on the policy adopted by the Board on April 20 governing the use of the courthouse grounds for public gatherings and public displays. Our response focuses specifically on the regulation of displays.

Administration of the policy will involve numerous considerations, such as:

- complying with Town ordinances;
- avoiding sensitive archeological areas;
- avoiding damage to trees, other plantings, and the lawn;
- being mindful of the many monuments on the grounds and respecting the memory of our war dead;
- establishing specific, neutral and objective criteria for approval or denial;
- avoiding interference with free access for users of the courts;
- avoiding the appearance of attempts to influence jurors or witnesses; and
- avoiding the impression that the courts have endorsed the displays' messages.

The courthouse grounds in Loudoun are unique. A courthouse has been located here from the County's beginning. Since the County Administration moved to your current location, every building within the grounds has been dedicated to the courts. The rich history of our community is beautifully represented by the buildings, monuments, and grounds contained within the iron fence, a source of pride to our citizenry for generations.

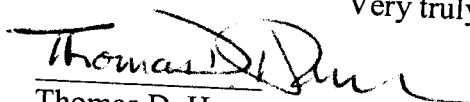
We know from written records and a treasure trove of artifacts found at the site that here local legislators and courts met, political campaigns were launched, battles were fought, commerce was conducted, and religious services were celebrated. Here, too, are monuments to those who made the supreme sacrifice on behalf of their country, set in an area that invites remembrance and contemplation.

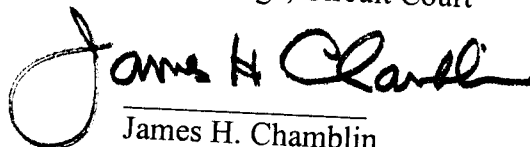
Under the regulations you have asked us to consider, an offensive free speech display may trigger vandalism or demonstrations on the very grounds that have been sanctified by the monuments to our war dead. Crowds viewing displays would interfere with the critical need for citizens to have free, unimpeded, access to the courthouse. Both problems would create the need for greater security to be provided by the Sheriff's office.

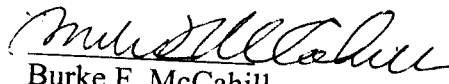
Any attempt to censor the content of such displays risks accusation of free speech being suppressed. It is not hard to imagine a display the Board must approve, the theme of which would be directly relevant to an issue being considered by one or more of the courts. Jurors or citizens who are passing by might well believe the court had given endorsement to such views, which could sway jurors, affect verdicts, and raise questions about the courts' impartiality. Because the grounds are a cohesive area dedicated to nothing but the courts, even locations identified for displays that are at some distance from the entrances to the new courthouse cannot help but be associated with the courts in the minds of the public. The courts in and of themselves are already a monument to free speech and civil discussion and debate, but cannot remain so in the public's eye if some particular views appear to bear their imprimatur.

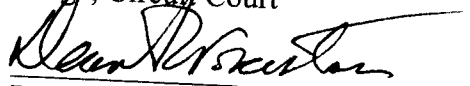
We appreciate the Board's interest in fashioning a policy that permits diverse individuals and groups to erect displays celebrating their beliefs, history, and traditions in a publicly owned place, and hope and believe they can be accommodated in an appropriate location within the County ownership. But we believe the courthouse grounds should be a symbol of the rule of law and a testament to the beauty and history of the County and its people.

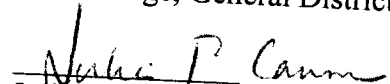
Very truly yours,

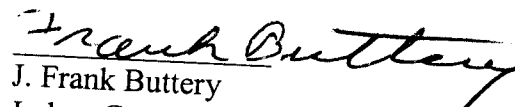
  
Thomas D. Horne  
Chief Judge, Circuit Court

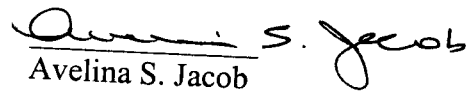
  
James H. Chamblin  
Judge, Circuit Court

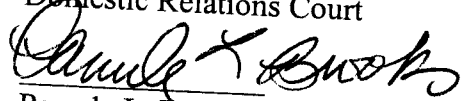
  
Burke F. McCahill  
Judge, Circuit Court

  
Dean S. Worcester  
Chief Judge, General District Court

  
Julia T. Cannon  
Judge, General District Court

  
J. Frank BATTERY  
Judge, General District Court

  
Avelina S. Jacob  
Chief Judge, Juvenile &  
Domestic Relations Court

  
Pamela L. Brooks  
Judge, Juvenile & Domestic  
Relations Court