

# Virginia General Assembly



January 16, 2020

The Honorable Ralph S. Northam  
1111 E Broad St  
Richmond VA 23219  
VIA EMAIL

Dear Governor Northam:

We respectfully write to you today regarding your Executive Order of Wednesday, January 15, 2020, declaring a State of Emergency on and around Capitol Square.

Chapter 44-146.15 of the Code of Virginia states that the Governor does not have the “authority to in any way limit the right of the people to keep and bear arms...except to the extent necessary to ensure public safety...in any place or facility used... as an emergency shelter or for the purpose of sheltering persons.”

Law enforcement officials have indicated they have identified “credible” threats against the events scheduled for Monday, January 20, and you have stated these as justification for your declaration. While the safety of those on Capitol Square is paramount, the restrictions you have enacted place significant burdens on the First and Second Amendment rights of Virginians. We have concerns about your authority for declaring this emergency.

We, as members of the General Assembly, have received none of the information you have referenced to justify these restrictions. As such, we request that your office conduct a secure briefing on the threats identified by the Virginia Fusion Center and the Unified Command for the leadership of the General Assembly at the earliest possible time.

We understand the need for operational security and to protect intelligence sources and methods. As such, we would suggest this briefing be conducted in a secure location of your choosing, with only the leadership of the respective majority and minority caucuses of the General Assembly — the Speaker of the House, Majority and Minority Leaders of the House and Senate, and the Chairs of the Democratic and Republican House and Senate Caucuses. No legislative staff would be included in this briefing.

Considering the abridgment of the constitutional rights of Virginians your declaration has imposed, and because we have serious concerns about whether a governor has the authority to enact such restrictions, we believe it is imperative that leaders of the General Assembly –

representing both majority and minority caucuses – are appropriately briefed as to the nature of these threats.

Time is of the essence, and we await your prompt response.

Respectfully yours,



C. Todd Gilbert  
House Republican Leader



Thomas K. Norment, Jr.  
Senate Republican Leader



Kathy J. Byron  
House Republican Caucus Chairman



Ryan T. McDougale  
Senate Republican Caucus Chairman