

# THE RUTHERFORD INSTITUTE

Post Office Box 7482  
Charlottesville, Virginia 22906-7482

JOHN W. WHITEHEAD  
Founder and President

TELEPHONE 434 / 978 - 3888  
FACSIMILE 434/ 978 - 1789  
[www.rutherford.org](http://www.rutherford.org)

June 7, 2012

Mayor Satyendra Singh Huja  
City of Charlottesville  
605 E. Main Street  
Charlottesville, Virginia 22902

## VIA ELECTRONIC MAIL

**Re: Stand Up for Religious Freedom Rally / Imposition of Park Fees**

Dear Mayor Huja:

The Rutherford Institute has become aware of a fundamental unfairness in the City of Charlottesville's practices for granting permits for use of City parks for the exercise of First Amendment free speech activities. Although the City has in the past waived the fees required to be paid for permits to conduct rallies in City parks, no similar waiver was granted to a religious freedom organization which sought and obtained a permit to hold a rally tomorrow. The City's practice in this regard is discriminatory and is a system whereby the City inhibits what it considers disfavored speech. To remedy this injustice and remove any doubts that the City is creating obstacles for speech it disfavors, it should refund the fees paid for the permit to conduct tomorrow's rally.

We became aware of this situation after being contacted by Harold Koenig, who is an organizer of the Stand Up for Religious Freedom Rally that is to take place in Jackson Square Park tomorrow, June 8. The rally is clearly activity protected by the First Amendment's guarantees to freedom of speech and assembly in that it is a protest against federal government health insurance policies that infringe upon the religious freedom of churches. In seeking a permit to conduct the rally, Mr. Koenig was required not only to pay a permit fee of \$25.00, but also to pay \$332.32 for insurance to protect the City and to provide a \$250.00 deposit for the benefit of the City.

It is our understanding that the City has waived some or all of these fees for other groups seeking to hold organized First Amendment activities in City parks. We believe that last Fall when the Occupy Charlottesville movement began its long-running rally in the City's Lee Park, the City waived fees on the basis of the importance of the First

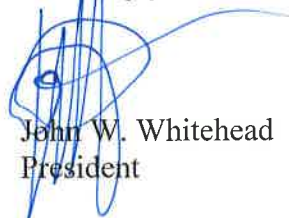
Mayor Satyendra Singh Huja  
June 7, 2012  
Page 2

Amendment activities of the Occupy movement. Additionally, we believe a similar waiver was offered to the Jefferson Area Tea Party for a rally in the City's McGuffey Park in opposition to the Occupy demonstration. Yet no similar waiver of fees was offered to Mr. Koenig for the religious freedom rally.

It is plainly unfair and discriminatory for the City to selectively offer waivers of fees for the use of City parks for First Amendment activities. If the City believes that the importance of fostering political speech justifies removing financial barriers that exist for public park rallies, it should remove those barriers for all groups engaging in political speech. The fact that the City arbitrarily chooses which groups are to be offered a waiver poses the threat that the City will use such fees as a tool for engaging in discrimination against viewpoints with which it does not agree. Indeed, it is a fundamental principle of First Amendment law that governmental agencies must have established standards for granting permits to engage in public assemblies on public property. Allowing government officials to exercise unfettered discretion inevitably leads to discrimination against unpopular voices and undermines those values protected by the First Amendment.

In order to remove this inequity and demonstrate that it is not using park fees to suppress certain disfavored speech, the City must refund the fees paid for the Stand Up for Religious Freedom rally in Jackson Square Park. Doing so will treat this assembly on equal terms with other groups and demonstrate that the City truly seeks to foster all political speech, not simply speech of which it approves.

Sincerely yours,



John W. Whitehead  
President

Cc: Charlottesville City Council