

THE RUTHERFORD INSTITUTE

JOHN W. WHITEHEAD
Founder and President

INTERNATIONAL HEADQUARTERS
Post Office Box 7482
Charlottesville, VA 22906-7482
U.S.A.

Telephone 434 • 978 • 3888
Facsimile 434 • 978 • 1789
E-Mail • staff@rutherford.org
Internet • www.rutherford.org

INTERNATIONAL OFFICE
CENTRAL AND EASTERN EUROPE
Budapest, Hungary

June 9, 2010

The Honorable Tom Perriello
313 2nd Street, SE, Suite 112
Charlottesville, VA 22902

Re: Petitioning Activities / City of Charlottesville Office

Dear Congressman Perriello:

It has come to our attention that on May 19, 2010, a group of 15-20 members of the Charlottesville Center for Peace and Justice (CCPJ) conducted an uninterrupted anti-war demonstration in front of your office, on the very same private property from which members of the Jefferson Area Tea Party and the University of Virginia College Republicans were barred last fall.¹ We have also been made aware that the CCPJ plans to conduct another demonstration in front of your offices on Wednesday, June 16, 2010.

In light of this, on Monday, June 14, 2010, a group of your constituents who are also members of the Jefferson Area Tea Party plan to stage a peaceful protest in front of your Charlottesville office. It is my hope that you will lend your full support and equal protection to these constituents as they exercise their First Amendment rights to free speech and assembly.

To this end, I would urge you, as a distinguished tenant of the Glass Building, to contact your landlord Lisa Murphy in order to voice your support for these upcoming exercises in freedom and request that neither group's protest be threatened or disrupted by police. It is my hope that we will not see a reenactment of the unfortunate events of last fall when members of the Jefferson Area Tea Party and the University of Virginia College Republicans were prohibited from engaging in peaceful petitioning activities in front of your office.

¹ Brian McNeill, "Tea Partiers cry foul on local rally," *Daily Progress* (May 24, 2010).

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As I expressed in my December 2009 letter, The Rutherford Institute remains concerned about the location of your Charlottesville office, situated as it is in a business complex that has shown itself to be unwelcoming to protesters—at least, conservative-minded protesters.² In this respect, the location of your office clearly impinges on the ability of your constituents to freely and peaceably assemble and petition you as their government representative for a redress of grievances.

Just to be clear, our complaint is not with the private business owners located in and near the Glass Building. Indeed, we have great sympathy for them. These are difficult times economically, and it is understandable that business owners would want to ensure that nothing discourages customers from frequenting their establishments. Moreover, The Rutherford Institute fully recognizes the right of an individual to limit access to his or her private property. To this end, their priority must be the financial viability of their businesses.

That said, however, your priority as you swore in your oath of office must be to support and defend the Constitution of the United States. To this end, you have a duty to ensure that *all* of your constituents with their varied viewpoints are able to freely exercise their rights, especially their First Amendment rights to freely assemble and petition the government for a redress of grievances.

In the words of United States Supreme Court Justice Anthony Kennedy, “The First Amendment is often inconvenient. But that is besides the point. Inconvenience does not absolve the government of its obligation to tolerate speech.”³ I would go one step further to say that the government not only has an obligation to *tolerate* speech but to *champion* it. Thus, offering to send your staffers to meet with protesters at a remote location is not an acceptable compromise.⁴

The ideals of the First Amendment are not served when citizens have their First Amendment right to speak and demonstrate restricted and are restricted to designated locations such as public sidewalks remote from your office or the City’s Free Speech Monument. As the U.S. Supreme Court has held, “one is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.”⁵

² Additionally, when a group of four University of Virginia College Republicans attempted to demonstrate in front of your office, they were met by police, and the landlord of the building that houses your office, and were informed that if anyone demonstrated he/she would be deemed as trespassers and would be subject to criminal penalties. They were further instructed that they could take their protest to the free speech monument some two miles away.

³ *International Society for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 673, 701 (1992).

⁴ *McNeill, op. cit.*

⁵ *Schneider v. State of N.J. (Town of Irvington)*, 308 U.S. 147, 163 (1939).

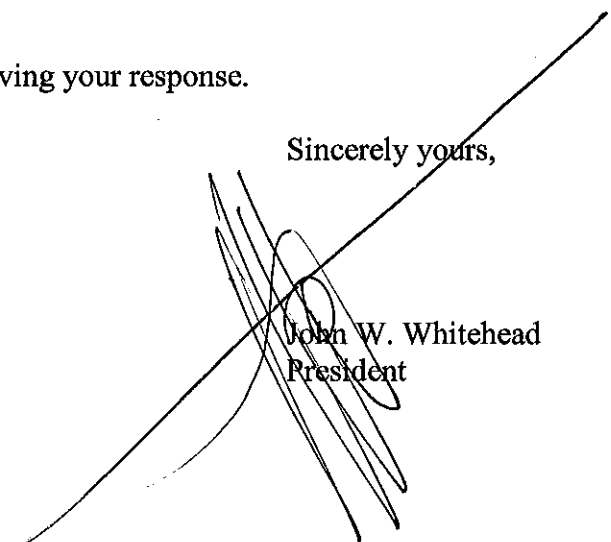
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While I understand that the demands on your time are many, I urge you to make this a priority and contact your landlord as soon as possible in order to express your support for the rights of the protesters to freely and peaceably assemble.

Should you have any questions about how best to respect the rights of your constituents in light of the upcoming protests on June 14 and 16, please feel to call upon The Rutherford Institute at any time.

I look forward to receiving your response.

Sincerely yours,



John W. Whitehead
President