

THE RUTHERFORD INSTITUTE

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INTERNATIONAL OFFICE
CENTRAL AND EASTERN EUROPE
Budapest, Hungary

August 18, 2010

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

Re: Sign Ban at Town Hall Meetings

Dear Congressman Perriello:

The Rutherford Institute has been contacted by one of your constituents, Steve Peters, whose First Amendment right to free speech and to petition the government for a redress of grievances has been denied by your prohibition on signs during your town hall meetings. Your sign ban amounts to an act of outright censorship that raises grave constitutional concerns.

Historically, town hall meetings have been public forums wherein constituents can hear and address their representatives. In your capacity as a public official, you have held and continue to hold town hall meetings funded by public taxpayer funds in public buildings situated on public property, such as Scottsville Elementary School and the Campbell County Board of Supervisors meeting room. These are *not* private events. Rather, they are government-sponsored forums whose very purpose is to engender communication with one's constituents on matters of public concern. In such an environment, the public's right to freely express themselves should be at its zenith, which is something our Constitution protects.

Indeed, the First Amendment forbids government officials such as yourself from imposing absolute prohibitions on a particular kind of expression in public forums of this kind unless that restriction is narrowly tailored to accomplish a compelling governmental interest. Since you cannot show any compelling governmental interest behind such blatant censorship of your constituents' varied views, you do not qualify for such an exemption.

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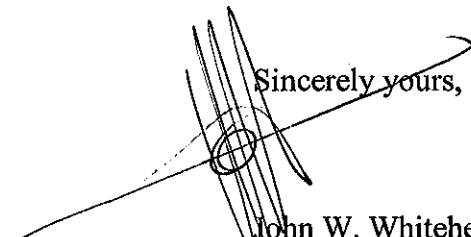
Nor can this act of censorship be reasoned away on the pretext that it is intended to encourage freedom of speech and to discourage partisan politics.¹ While such a commitment to civil discourse² is to be commended, it cannot come at the expense of your constituents' First Amendment rights to freedom of expression.

In fact, there are many persons who are unwilling to stand and speak at this kind of public meeting and prefer to have their message communicated through a sign. Thus, the sign ban you have imposed does not have the intended effect of encouraging persons to air their views about issues of public concern but has precisely the opposite effect.

Moreover, the U.S. Supreme Court declared a similarly overbroad ban on signs within a public forum to be unconstitutional in 1983. The prohibition on all signs on the sidewalk outside the U.S. Supreme Court building was purportedly intended to maintain access to the building and protect the decorum of the Court. The Supreme Court, however, held that it is *unnecessary* to ban all signs where a regulation aimed at disruption or obstruction caused by signs would suffice and would allow for the exercise of the right of expression. *United States v. Grace*, 461 U.S. 171, 181 (1983).

As a representative of the people of the 5th district of Virginia, it is your sworn duty to see that your constituents' constitutional rights are protected. Thus, we strongly urge you to immediately rescind this prohibition on signs at town hall meetings.

We have advised Mr. Peters that his rights to speech and petition his government have been violated. Should you fail to rescind this ban in a timely manner and in advance of your upcoming town hall meetings, which are scheduled to take place through September 13 of this year, we are prepared to advise Mr. Peters on legal options for protecting his rights.

Sincerely yours,

John W. Whitehead
President

¹ As reported by Brian McNeill in "Praise, complaints and hard questions for Perriello in Scottsville," *Daily Progress* (August 10, 2010): "Perriello's district director, Ridge Schuyler, said he chose to ban signs to ensure that the town halls are an opportunity for constituents to interact with their congressman without partisan politics getting in the way. 'People [last year] felt like all the signs were creating too much of a charged atmosphere,' he said. '[This year] signs outside are fine. But once you get into the room, we want to foster a discussion.'"

² Signage at a recent Scottsville town hall meeting held stated that "To assure a pleasant atmosphere, no signs are permitted in the meeting room."