



June 01, 2017

Via Facsimile 202-225-0011

Congressman David A. Brat
7th District of Virginia
1628 Longworth House Office Building
Washington, DC 20515

Dear Congressman Brat,

As you know, on May 8, 2017 I sent a letter to you and your fellow Virginia delegates explaining the unconstitutionality of a “no sign” policy at town halls. Specifically, your office detailed it’s “no sign” policy in an email to your constituents inviting them to attend your May 9, 2017 town hall meeting. The email read: “In order to facilitate a meeting where everyone can have an unobstructed view, and where we do not leave litter behind in the facility; no signs, placards, banners, or flyers will be permitted in the meeting.”

One of your constituents attempted to enter your May 9 town hall meeting with a sign. As a prerequisite to enter the town hall meeting, an attending police officer instructed her to relinquish her sign or be removed from the venue. The paper sign measured 6 inches by 12 inches and did not contain any profane or discriminatory language. By denying her ability to express her beliefs at a public event, she unconstitutionally denied her right to free speech.

As you know, freedom of speech is protected by the First Amendment to the United States Constitution. Though there are limitations, restrictions on speech in limited public forums – such as town hall meetings, which are *intended* to assess and address public concerns – must be “viewpoint neutral and reasonable in light of the objective purposes served by the forum.” *Warren v. Fairfax County*, 196 F.3d 186, 194 (4th Cir. 1999).

Simply put, it is unconstitutional to ban *all* signs. “Additional restrictions such as an absolute prohibition on a particular type of expression will be upheld only if narrowly drawn to accomplish a compelling governmental interest.” *U.S. v. Grace*, 461 U.S. 171, 176 (1983). A total sign ban does appear to effectuate a valid governmental purpose. The purpose behind your sign ban was to ensure that all town hall participants would have “an unobstructed view” and to “not leave litter behind in the facility.” A total ban for the sake of a better sight line (particularly with small signs) or litter prevention does not appear to constitute a compelling government interest which would justify the infringement of your constituents’ First Amendment right to free speech.

AMERICAN CIVIL
LIBERTIES UNION OF
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Any restriction on free speech must be "narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication." *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45 (1983). A complete ban is far too broad and all-encompassing to pass judicial scrutiny. For example, if there is a concern that a constituent might use a sign as a weapon, one may consider requiring signs to be of a certain size and composed of a certain material. If there is a concern about disruption, you may consider that those who would be content to sit quietly holding up their signs as expression of their views may be compelled to give voice to those concerns if that is the only way to be "heard."

We ask that you reconsider your "no sign" policy in advance of your next town hall meeting. I would be happy to speak with you further about this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leslie Mehta". The signature is fluid and cursive, with the first name "Leslie" and last name "Mehta" clearly distinguishable.

Leslie Mehta
Legal Director

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Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct