



August 15, 2007

Chief Michael Navarre
Toledo Police Department
525 N. Erie Street
Toledo, Ohio 43624

Sent via U.S. Mail and fax to (419) 936-3706 and (419) 245-1090

Re: Movement of victim's advocacy group handing out flyers in front of Fifth Third Field

Dear Chief Navarre,

It has come to the attention of the American Civil Liberties Union of Ohio Foundation that a member of the Survivors Network of those Abused by Priests, a victim's advocacy group, was removed from the sidewalk nearest Fifth Third Field recently for circulating a petition. We understand that it is the policy of the Toledo Police Department to prohibit distributing flyers, circulating petitions, and other first amendment activities on the sidewalk by Fifth Third Field.

As you know, Toledo Municipal Code Section 963.18(a) states "it shall not be unlawful on any public place for any person to hand out or distribute, without charge to the receiver, any handbill to any person willing to accept it." Additionally, the Supreme Court of the United States has long held that streets such as the one outside Fifth Third Field "have immemorially been held in trust for the use of the public and, time out of mind, have been used for the purposes of assembly, communicating thoughts between citizens, and discussing public questions." *Hague v. CIO*, 307 U.S. 496, 515 (1939).

Furthermore, "Freedom of speech and freedom of the press, which are protected by the First Amendment from infringement by Congress, are among the fundamental personal rights and liberties which are protected by the Fourteenth Amendment from invasion by state action." *Lovell v. Griffin*, 303 U.S. 444, 450 (1938). Since passing out flyers and similar activities are protected First Amendment speech, we are concerned that a policy of the Toledo Police Department, which moves people attempting to engage the public through protected speech across the street from Fifth Third Field, is infringing upon the First Amendment rights of citizens.

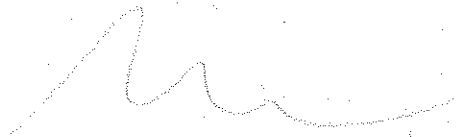
AMERICAN CIVIL
LIBERTIES UNION
OF OHIO FOUNDATION
4504 DIXON AVENUE
CLEVELAND, OH 44103-3621
1/21A, 472 2220
6316 472 2210
WWW.ACLUOHIO.ORG
CONTACT@ACLUOHIO.ORG



While we recognize reasonable restrictions may be made in the event of traffic problems, or if those handing out flyers are behaving in a disorderly fashion, to the best of our knowledge that does not seem to be the case here where there is apparently a blanket policy prohibiting these activities. We therefore request that the Toledo Police Department cease and desist any policy removing people who are distributing handbills from the public street nearest Fifth Third Field.

We hope this matter can be resolved without further investigation or involvement on the part of the ACLU of Ohio Foundation. We also request that you respond to our concerns in a timely manner. Should you have any questions, please do not hesitate to contact me at (216) 472-2220.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey M. Gamso', written in a cursive style.

Jeffrey M. Gamso
Legal Director

cc: John Madigan, Law Director