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July 27, 2017

To: Chief Thomas, Chief Baxter, Brian Daly, Virginia Department of Health
Cc: Maurice Jones, S. Craig Brown

Gentlemen,

I write on behalf of the undersigned downtown business and property owners, who are deeply concerned about the rally scheduled to take place in Emancipation Park (formerly Lee Park) on August 12. There is every reason to believe that this event presents a significant risk to people and property in the downtown area¹, and will result in significant loss of revenue to downtown businesses. This is a direct result of the city's failure to enforce relevant local regulations, which exist in order to keep the peace during such events. The 43 signatories to this letter—owners of local businesses, property owners, residents, and employees—insist that you comply with those regulations.²

Event organizer Jason Kessler says that he expects “there will be thousands of people” attending the event, specifically noting he will have far more attendees than he reported on his permit application.³ Kessler—a convicted violent criminal⁴—said at a recent press conference that he will rely on a biker gang known as the “Warlocks” to ensure the security of the event.⁵ He

¹ City of Charlottesville Standard Operating Procedure for Special Events Regulations, August 12, 2010, § 3.4.5(b). All following citations, unless otherwise labeled, are for these regulations.

² *Ibid*, § 3.5.15: “No Special Event shall be permitted unless adequate security will be provided for the welfare and safety of those attending the event and of the general public.”

³ “[Y]ou make that contrast with these KKK, who were, you know, very pathetic, and said that they were going to have a hundred people, they had 40...it’s going to be the opposite of that for us, you know. [...] There’s going to be so, so many people out there, that this is your chance. You don’t have to be worried about being in public, because there will be thousands of people out here...” *Salting the Earth*. “The Charlottesville Showdown.” 56:13.

<<https://www.dailystormer.com/salting-the-earth-season-2-episode-2-the-charlottesville-showdown/>>

⁴ “Alt-Right Blogger’s Brushes With the Law Accompany His Racial Activism.” Southern Poverty Law Center.

<<https://www.splcenter.org/hatewatch/2017/05/17/alt-right-bloggers-brushes-law-accompany-his-racial-activism>>

⁵ “With me today are the Warlock MCs. [...] I have secured the best security professionals that I possibly can.” Video of interview with Kessler, July 11, 2017. *The Daily Progress*.

<http://www.dailyprogress.com/news/local/kessler-discusses-kkk-unite-the-right-rallies-and-his-political/article_610ca84a-66a0-11e7-af48-1389a3205b81.html> The Warlocks are a self-described “outlaw motorcycle club.”

also promised in an interview that “it’s going to be like Berkeley,”⁶ a clear reference to the open street fighting that this group famously engaged in at a similar event in Berkeley, California in April.⁷ Attendees discussing the rally on social media often urge others to attend for the express purpose of committing assault.⁸

Further, the event permit indicates that Kessler has no intention of preparing adequately for thousands of people to descend on Emancipation Park. There will be no toilets, no water, no food, inadequate shade, and not nearly enough room for his forecast number of attendees. By not addressing attendees’ basic needs, over a five-hour event, they will inevitably spill over to the surrounding area in order to have these needs met, bringing with them their penchant for violence and attendant counter-protesters. Sending hundreds of hungry, thirsty, overheated, overcrowded people roaming around downtown, looking for a fight, is a veritable tinderbox. Under such circumstances, something as simple as a car backfiring could turn this into a mass-casualty incident.

It is for these reason that officers with the Charlottesville Police Department have suggested to many downtown business owners that it would be best not to open for business on August 12. While their advice is wise, given the appalling lack of regulation of this event, we can ill afford to lose a day’s business during our peak season—doing so could be the difference between profit and a loss for the month. It would also mean that rally attendees will find it difficult to find a place to use a toilet, cool down, or buy food or water.

To that end, we insist that you comply with your own regulations, taking the following steps to ensure the safety and security of property and people—residents, business owners, visitors, and protesters alike—throughout downtown:

- Close adjacent streets (e.g., N. 1st St., E. Jefferson St., 2nd St. NE), because the crowd promised by organizers cannot possibly be contained by Lee Park.⁹

⁶ “On August 12th, it’s going to be like Berkeley.” *Salting the Earth*. “The Charlottesville Showdown.” 55:54.

<<https://www.dailystormer.com/salting-the-earth-season-2-episode-2-the-charlottesville-showdown/>>

⁷ “A pro-Trump group known as the Proud Boys sponsored the protest that descended into bloody violence at Berkeley’s Civic Center Park on Saturday. [...] Police said 11 people suffered injuries and required medical treatment. Seven were taken to local hospitals.” *Alt Right ‘Proud Boys’ Declare Victory In Berkeley Melee*. CBS KPIX, April 15, 2017.

<<http://sanfrancisco.cbslocal.com/2017/04/15/proudboys-berkeley-violence-trump/>>

⁸ These threats have been documented extensively by “Solidarity Cville,” but many more may be found easily by searching Facebook or Twitter for the phrase “Unite the Right.”

<<http://solidaritycville.com/2017/07/17/Solidarity-Cville-documents-threats-of-violence-planned-for-August-12/>>

⁹ § 3.5.2 spells out how street closings must be handled, notably indicating in subsection C that a street may be closed “even if not requested by a sponsor, if the circumstances...are such that a street closing is necessitated because the demonstration...will likely impede vehicular or pedestrian travel.” This can be handled by either requiring a permit for a street closing, or providing an alternate site to the sponsor. Subsection a makes explicit that “[n]o City street may be closed...unless done so pursuant to a permit

- Require that the applicant hold a special event liability policy that conforms to state law.¹⁰
- Ensure that there are tents adequate to shade attendees.¹¹
- Ensure that adequate water is available.¹²
- Ensure that adequate toilet facilities are available.¹³
- Both require and maintain, day-of, adequate ingress and egress. The submitting site plan shows tents put across the sidewalks within the park.¹⁴
- Ensure that no sound amplification will be used, given that the organizer has promoted that there will be live music¹⁵, mocked the Ku Klux Klan for their lack of amplification¹⁶, yet his permit application says that there will no amplification.¹⁷
- On August 12, enforce the 70 decibel sound-level limitation.¹⁸
- Require the organizer to submit a security plan, to be reviewed and approved by the Chief of Police.¹⁹

issued by the City” (i.e., no “courtesy closings”). Note that the sidewalks within and surrounding the park are “streets,” per § 3.1.8, and are subject to the same requirements.

¹⁰ Va. Code § 15.2-2013 requires that an insurance policy be in force when closing a public right-of-way, with Va. Code § 15.2-2013(2) specifying that “[t]he person so permitted to use public rights-of-way shall furnish a public liability and property damage insurance contract insuring the liability of such person...for personal injury or death and damages to property resulting from such temporary use....”

¹¹ § 3.5.19(a): “A permit may contain additional reasonable conditions...as may be warranted by the nature of a particular event...and other...public safety concerns.”

¹² *Ibid.*

¹³ § 3.5.13(c): “[A] sponsor must arrange for such public restroom facilities as may be required by the Health Department.” This is intended to apply to special events, and not demonstrations, but the closure of the park-adjacent library, along with many other businesses downtown, will make it important for the sponsor to provide facilities, as they will not otherwise be available, leading to public urination, etc.

¹⁴ § 3.5.12(d)(1): “[S]tructures are not permitted on sidewalk(s) unless they meet the size criteria described in section 3.5.8.a of these regulations” (which reads, in turn, “no...structure shall exceed 4 ft. x 4 ft. or 2 ft x 8 ft.”).

¹⁵ “[Kessler] said the rally will include...music.” “Kessler discusses security concerns for August rally,” CBS-19, July 11, 2017.

<<http://www.newsplex.com/content/news/Kessler-discusses-security-concerns-for-Aug-12-rally-433970273.html>>

¹⁶ “The KKK people didn’t even bring sound amplification. You couldn’t hear anything they were saying.” *Salting the Earth*. “The Charlottesville Showdown.” 12:18.

<<https://www.dailystormer.com/salting-the-earth-season-2-episode-2-the-charlottesville-showdown/>>

¹⁷ § 3.5.7: “Sound amplification equipment is allowed in connection with permitted demonstrations or special events, provided prior notice has been given to the Events Coordinator.”

¹⁸ § 3.5.7(a): “Sound levels...shall not exceed the following: [...] City Park: 70 [maximum decibels] at property line.”

¹⁹ § 3.5.15(a): “No Special Event shall be permitted unless adequate security will be provided for the welfare and safety of those attending the event and of the general public.” Although this applies to special events, and not demonstrations, the event organizer welcomes this regulation, having told a reporter on July 11 that “we’ll be cooperating with the Charlottesville Police in every manner that we possibly can.” “Kessler discusses KKK, Unite the Right rallies and his political beliefs,” *Daily Progress*, July 11, 2017. Video, 2:05.

<http://www.dailyprogress.com/news/local/kessler-discusses-kkk-unite-the-right-rallies-and-his-political/article_610ca84a-66a0-11e7-af48-1389a3205b81.html>

- Require the organizer to submit a health plan, to be reviewed and approved by the Virginia Department of Health.²⁰
- Consider moving the event to an alternate location that can handle the number of attendees, such as a larger city park.²¹
- Ensure that all fees are paid—the street closing fee²² and the security deposit for the use of park areas²³—so that the organizer will have an incentive to exercise proper care for Emancipation Park and the surrounding area.

The undersigned downtown business and property owners insist that you comply with all relevant Charlottesville and Virginia laws and regulations, and ensure that the organizer of the August 12 rally do the same. Our businesses collectively stand to suffer substantial financial harm, and our customers and tenants will be exposed to significant personal risk and consequently expose both us and the city to liability, if you do not follow the practices prescribed by law. Merely the act of signing this letter exposes us to risk, as evidenced by the threats to and harassment of Cinema Taco for denying service to white supremacists in June. We will be watching how the city handles this rally, with grave concern, to see that you do so in the manner prescribed by your own laws and regulations, to protect the general welfare.

Sincerely,



Allan Cadgene

²⁰ § 3.5.19(a): “A permit may contain additional reasonable conditions...as may be warranted by the nature of a particular event...and other...public safety concerns.”

²¹ § 3.5.2(c): “[I]f the circumstances of a proposed demonstration...are such that a street closing is necessitated because the demonstration or event will likely impede vehicular traffic or pedestrian travel then the City will...offer an alternate site to the sponsor.”

²² § 3.5.2(c): “[I]f the circumstances of a proposed demonstration...are such that a street closing is necessitated...then the City will...require...all application fees applicable thereto...” Appendix A(2): “\$50 Deposit.”

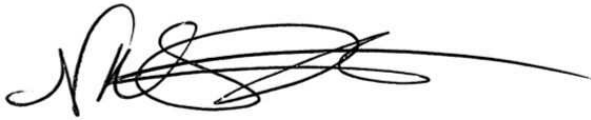
²³ Appendix A(2): “\$300 Advance Deposit.”



Vincent Derquenne, Bizou



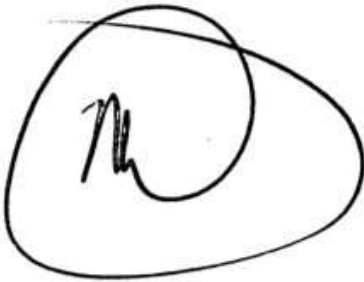
Rachel Gendreau, Bizou



Nicholas R. Shelnut, Citizen Burger Bar



Noelle Chasse, Boutique Boutique



Tomas Rahal, Mas Tapas




David Posner, Davenport & Company



Lee Marraccini, Angelo Jewelry



Pam Marraccini, Angelo Jewelry



Phillis L. Hunter, The Spice Diva



Todd Howard, Escafé



Laura Galgano, Blue Moon Diner



M. Kai Rady, Shenanigans



Shannon Iaculli, BitterSweet Clothing



Jaclynn Dunkle, Fellini's #9



Alicia Walsh-Noel, Brasserie Saison



Karen Myers, Roxie Daisy



Jose Giron, downtown resident



Jessica Thayer, Insight Dynamics



Seth Piller, South Street Brewery



Blair K. Williamson, Magpie Knits



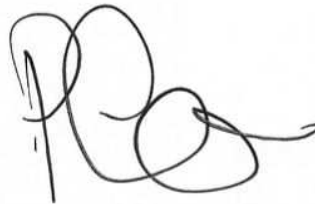
Susan Bashline, Magpie Knits



Joan Fenton, Quilts Unlimited



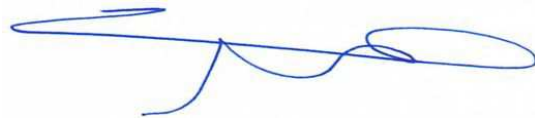
Michael Rodi, Rapture



Peter Griesar, Brazos Tacos



Bashir Khalefa, Bashir's Taverna



Mazi Vogler, Verdigris



Jessica Thayer



Robert Sawrey, Downtown Grille



Melanie Bentley, Consignment House



Carla Torres, Consignment House



Sean Chandler, Champion Brewing Company



Clay Tolbert



Elizabeth M. Barretta-Davis



Gwendolyn A. Hall, Twisted Branch Tea Bazaar



Flor Alvarado, Christian's Pizza



Tara Hodges



Clare Terni, Ten Course Hospitality Employee



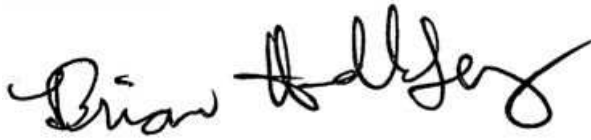
John Halliday, Jefferson-Madison Regional Library



Jennifer B. Petersen, Paradox Pastry



Nick Laiacona, Performant Software



Brian Helleberg, Petis Pois and Fleurie



Siân Richards



Robert W. Harlee, Market Street Wine Shop