



October 15, 2018

The Honorable Ryan Zinke
Secretary of the Interior
1849 C Street NW
Washington, DC 20240
Submitted via regulations.gov

RE: Comments on Proposed National Park Service Rulemaking
Regulation Identifier Number: RIN 1024-AE45

Dear Mr. Zinke,

We are leaders of nonpartisan philanthropic institutions and individual funders from across the country, united in our support of non-profit organizations that seek to build a more just society and improve the quality of life in the United States. While we each have our own unique funding priorities, we stand united in our commitment to a healthy democracy that respects the critical importance of freedom of assembly.

We are writing to share our concerns about the revisions proposed by the National Park Service (NPS) to Title 36 of the Code of Federal Regulations, section 7.96 for the National Mall, President's Park and other national parks in the Washington, D.C. area.

Peaceful protest is a hallmark of our democracy and enshrined in the U.S. Constitution—that no matter our race, religion, gender, sexual orientation, age, socioeconomic status or political affiliation, all in America have the right to give public voice to our concerns, to weigh in on our government's actions, and to support the ideals that are close to our hearts. To restrict or burden the public's First Amendment right to protest in the nation's capital is to directly undermine a core democratic and essential Constitutional value and a critical vehicle for public participation in our democracy. We are concerned that the proposed regulations do exactly that, and we urge the NPS not to enact these revisions.

The proposed regulations will hinder progress on all of the issues that our varied foundations support—from addressing climate change, to promoting racial justice, to women's rights and health, and more. The non-profit organizations that our foundations support rely heavily on the act of protest in the nation's capital to have their voices heard by government decision-makers on issues that will

impact their lives and the health and well-being of America as a nation. We are concerned that several of the provisions in the proposed regulations will significantly hinder their ability to accomplish their work.

Any changes that slow down the process of obtaining a permit—for example, eliminating the 24-hour “deemed granted” rule, and the proposal to require permits for structures even for small events—will make it harder for the organizations we support to carry out their work in the public interest. These are not mere costs issues related to saving taxpayer dollars. As our founders and successive generations of Americans have always understood, democracy entails struggle, and yes even costs. However, our basic rights enshrined in the U.S. Constitution are not to be infringed or hollowed out completely, based on arguments of costs or logistical inconveniences.

Even more concerning is the proposal to charge for protest permits, which would drastically lessen the impact that our grantees could have on the issues most important to their communities. The proposal references charging protesters “event management” costs, the costs of barricades and fencing erected at the discretion of the police, trash removal and sanitation charges, permit application charges, costs assessed on use of grass, turf, benches, poles and walkways. Many of the organizations we support will be unable to afford these costs and will simply be unable to protest. The funds that we provide to support community engagement may also be diverted to pay these fees, impacting our effectiveness as well. We oppose both the proposal to directly charge demonstrators fees and costs, as well as the proposal to have officials deconstruct free speech activities to label some ancillary components, such as musical or cultural performances or art exhibits, as “special event” elements not meriting robust free speech protections and thus subject to cost assessments.

Finally, the proposed regulations will limit our grantees’ effectiveness in encouraging public discourse on a broad range of issues. The impact of rallies and demonstrations in the nation’s capital in promoting public awareness and understanding cannot be underestimated. By holding events in iconic locations such as the sidewalk in front of the White House, the organizations that we support are able to send their messages directly to their intended audience, and also are able to garner media coverage that can elevate their issue in the minds of the public and contribute to a healthy public dialogue. The proposal to limit access to the White House sidewalk to a narrow 5-foot path would significantly impede the ability of organizations to communicate their views at the seat of Executive power, communicate their messages to the public through media coverage, and to contribute to the public discourse.

We urge you to not adopt these changes.

Sincerely,

Paul Di Donato, President, Proteus Fund

Melissa Spatz, Program Director, Piper Fund, an initiative of the Proteus Fund

Dimple Abichandani, Executive Director, General Service Foundation

Sybil Ackerman-Munson, Senior Advisor and Consultant, Jubitz Family Foundation

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Jerry Greenfield, Individual
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Geoffrey Gund, President, The George Gund Foundation
Catherine Gund, Filmmaker, Individual
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Ruth Shaber, President, Tara Health Foundation
Denise Shannon, Executive Director, Funders for Reproductive Equity
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