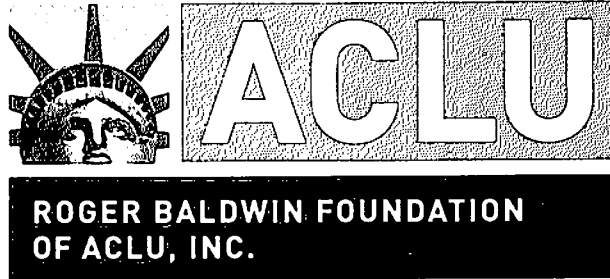


THE
ROGER
BALDWIN
FOUNDATION
OF ACLU,
INC.

SUITE 2300
180 NORTH MICHIGAN AVENUE
CHICAGO, ILLINOIS 60601-1287
(312) 201-9740
FAX (312) 201-9760
WWW.ACLU-IL.ORG



January 21, 2010

BY U.S. MAIL AND FACSIMILE

Superintendent Jody P. Weis
Chicago Police Department
3510 S. Michigan Ave., 5th Floor
Chicago, Illinois 60653
Fax: 312-745-6963

General Counsel Debra Kirby
Chicago Police Department
3510 S. Michigan Ave., 5th Floor
Chicago, Illinois 60653
Fax: 312-745-6995

18th District Commander Kenneth Angarone
Chicago Police Department
1160 N. Larrabee Ave.
Chicago, Illinois 60610
Fax: 312-742-5771

Corporation Counsel Mara Georges
Chicago Law Department
121 N. La Salle St., #600
Chicago, Illinois 60602
Fax: 312-744-8538

Re: Demonstration at Holy Name Cathedral

Dear Superintendent Weis, Ms. Kirby, Commander Angarone, and Ms. Georges:

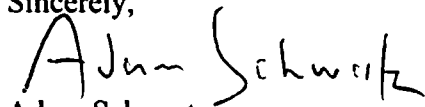
I write on behalf of the Gay Liberation Network ("GLN"), as a courtesy to the City, to advise that the GLN will conduct a demonstration on February 13, 2011, at 10:30 a.m., on the sidewalk in front of Holy Name Cathedral at 735 North State Street. GLN will not be seeking a permit for this demonstration, because it will not obstruct the flow of pedestrian traffic on this sidewalk. *See* Chi. Mun. Code § 10-8-330(a)(2) (excluding from the City's permit and notice rules for public assemblies those assemblies that do not "obstruct the normal flow of traffic"). Nor will GLN obstruct ingress to and egress from Holy Name Cathedral.

To alleviate any potential conflict with law enforcement, I also write to inquire whether the Chicago Police Department ("CPD") at the upcoming GLN demonstration will enforce the City ordinance prohibiting demonstrations in the public way within 150 feet and one-half hour of a religious service in a place of worship. *See* Chi. Mun. Code § 8-4-010(j). Our concern stems in part from published reports that this ordinance was recently enforced by the CPD against demonstrators near a facility operated by the Church of Scientology. *See* Manya Brachear, "Scientology foes seek longer protests: law limits picketing during services, which church says last hours," *Chi. Trib.* (1/2/10). The plain language of this ordinance clearly applies to the GLN's upcoming demonstration, which will take place within 150 feet of Holy Name Cathedral and within one-half hour of a religious service.

This ordinance violates the First Amendment. First, its exemption for labor picketing comprises speaker-based and content-based discrimination. *Chicago v. Mosley*, 408 U.S. 92 (1972). Second, the ordinance is not narrowly tailored to an important government interest. *Olmer v. City of Lincoln*, 192 F.3d 1176 (8th Cir. 1999). While government may regulate disruptive activity that interferes with conducting a religious service, it may not ban all expressive activity within 150 feet of the place of worship.

By January 28, please advise us in writing whether the CPD will enforce this ordinance at the upcoming GLN demonstration at Holy Name Cathedral. If you have any questions, please do not hesitate to call me at (312) 201-9740, extension 316, or to email me at aschwartz@aclu-il.org.

Sincerely,

A handwritten signature in black ink that reads "Adam Schwartz". The signature is written in a cursive, slightly slanted style.

Adam Schwartz
Senior Staff Counsel