

Congress of the United States
Washington, DC 20515

October 9, 2018

The Honorable Ryan Zinke
Secretary
U.S. Department of Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Zinke:

We write to express our concern with your proposal to charge cost recovery fees for First Amendment-protected activities that occur on the National Mall and Memorial Parks and President's Park in Washington, D.C. Although many of the National Park Service's proposed updates to rules governing special events and demonstrations at these parks appear to be intended to increase management efficiency and to clarify existing policies (FR 1024 AE45), charging fees for demonstrations raises serious constitutional concerns.

As you know, the National Mall has a storied role in the legacy of American political speech. In fact, the park's foundation document describes the Mall as the "Stage of Democracy," a fitting name for the site of many of the nation's most impactful and memorable demonstrations. It was here that demonstrations led by suffragettes spearheaded the adoption of the 19th Amendment and the expansion of voting rights. In 1963, millions of Americans marched on the National Mall for civil rights and heard Dr. Martin Luther King, Jr., give his iconic "I Have a Dream Speech"—a moment that led directly to the historic passage of the Civil Rights Act of 1964. The National Mall has been the site of countless other pivotal assemblies throughout our history. We have serious concerns with any policy change that could jeopardize this legacy.

National parks must be accessible and open to the American public for peaceful assembly. This is a sentiment affirmed by Director's Order 53 and the current NPS policy to refrain from seeking cost recovery for First Amendment activities. While the recuperation of costs may be an appropriate standard for special events that are celebratory or entertainment-oriented, the proposed shift could have the disastrous result of undermining the freedoms of expression and assembly—which are fundamental constitutional rights—in one of our Nation's premier public parks.

Your proposal is particularly troubling given that you have routinely sent Congress budgets that recommend significant cuts to the baseline budget for NPS. We suspect that these proposed fees may be motivated less by the need to recover costs for NPS and more by the intent to curb demonstrations on the National Mall.

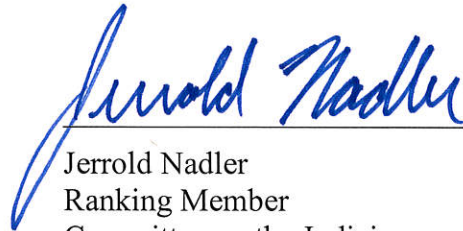
The Department of the Interior and NPS should work with Congress to ensure adequate funding for the operation of national parks in Washington DC, not attempt to transfer management costs to citizens exercising their First Amendment rights.

We ask that you provide us with a briefing on this proposal as soon possible—but, in any event, no later than October 23, 2018. Thank you for your prompt attention to this request.

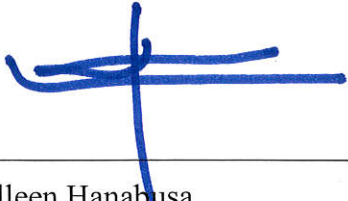
Sincerely,



Raúl M. Grijalva
Ranking Member
Committee on Natural Resource



Jerrold Nadler
Ranking Member
Committee on the Judiciary



Colleen Hanabusa
Ranking Member
Subcommittee on Federal Lands



Steve Cohen
Ranking Member
Subcommittee on the Constitution and Civil
Justice



Donald McEachin
Ranking Member
Subcommittee on Oversight and Investigations

cc: The Hon. Bob Goodlatte, Chairman, House Committee on the Judiciary
The Hon. Rob Bishop, Chairman, House Committee on Natural Resources