October 15, 2018

Submitted via Regulations.gov

Mr. Brian Joyner
Chief of Staff, National Mall and Memorial Parks
National Park Service
900 Ohio Drive SW
Washington, DC 20024

Dear Mr. Joyner:

Thank you for opportunity to submit the following comments on behalf of the National Disability Rights Network (NDRN) regarding the proposed rulemaking RIN 1024-AE45, issued August 7, 2018, which would revise the National Park Service’s protest permitting process regarding demonstrations at the National Mall, Memorial Parks, and President’s Park.

This proposal would infringe on Americans’ rights to free speech and assembly. Forcing Americans to pay to lawfully assemble at our most iconic and politically significant sites places a financial barrier that precludes equal opportunity and access, dissuading and prohibiting Americans from demonstrating. The ability to afford fees for permits must not be a factor in who gets the opportunity to protest on these public lands. Introducing fees for First Amendment demonstrations would represent an overwhelming departure from American values.

NDRN is the national membership association for the Protection and Advocacy (P&A) and Client Assistance Program (CAP) System, the nationwide network of congressionally-mandated agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, Puerto Rico, the U.S. territories of American Samoa, Guam, U.S. Virgin Islands, and the Northern Mariana Islands, and affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. For forty years, the P&A/CAP System has worked to protect the human and civil rights of individuals with disabilities of any age and in any setting. A critical part of the work of the P&A/CAP System has been to advocate for accessible and affordable housing for people with disabilities. Collectively, the P&A/CAP agencies are the largest provider of legally-based advocacy services for persons with disabilities in the United States.
NDRN strongly urges you to revise the proposed rule and maintain access to vibrant, participatory democracy for all Americans regardless of socioeconomic status or support from wealthy donors. Protesting is a cornerstone of American democracy. The First Amendment of the Constitution guarantees “Congress shall make no law … abridging the freedom of speech … or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Over centuries, Americans have come together from near and far and lifted their voices, from Rev. Dr. Martin Luther King Jr.’s “I Have a Dream” speech advancing the civil rights movement to the 2017 Women’s March, the largest demonstration in American history. Americans have cried out signifying ardent diversity of thought on a wide variety of issues spanning from war and peace to the economy, the environment, civil rights, human rights, and more. There is a fundamental personal dignity in protest—the insistence that one’s voice matters. Protesting is also a patriotic act, as Americans show up to help steer the path of our country. As we work to fulfill the promise of this country, we must never restrict access to the public lands surrounding its halls of power.

Thank you for your commitment to preserving our cultural history and natural resources. As you work to manage an increase in requests for permits and maintain your commitment to preserving visitor experience, resource protection, and public safety, we trust you will reconsider this proposal and ensure that the right of all Americans to express their beliefs in our nation’s capital will be safeguarded.

Thank you again for the opportunity to comment on the proposed rulemaking RIN 1024-AE45, issued August 7, 2018, which would revise the National Park Service’s protest permitting process regarding demonstrations at the National Mall, Memorial Parks, and President’s Park. Should you have any questions, please contact Eric Buehlmann, Deputy Executive Director for Public Policy, at eric.buehlmann@ndrn.org.

Sincerely,

Curt Decker, J.D.
Executive Director
National Disability Rights Network