

Scott Christian, member of the  
Virginia Interfaith Center for Public Policy  
(one of the six sponsors of the BLM Vigil for Action)  
and representative to the  
Black Lives Matter Vigil for Action

P. O. Box 748  
Marshall, VA 20116

May 17, 2023

Mr. Frank Cassidy  
Interim Town Manager  
Town of Warrenton  
P. O. Box 341  
Warrenton, VA 20188

Dear Mr. Cassidy,

I am writing in response to your May 11, 2023 letter, which I received on May 12, 2023 via email from Chief Carter. I am appealing the Town's decision to relocate the BLM Vigil for Action from Courthouse Square to Eva Walker Park.

From my conversation on May 11, 2023 with Chief Carter and a conversation with a CAT member on May 14, 2023, I understand that there are two areas of concern: traffic safety and a driver's use of a vehicle to cause bodily harm to or the death of one or more persons standing behind the curb.

Though no accidents have occurred during the nearly three years of the BLM Vigil for Action, I agree that traffic safety at that intersection can be a problem, but it's not because of our participants. Having stood there for nearly three years, I have a few suggestions, but no town official has either suggested to me that this issue threatened the Vigil meeting on the Square or asked for my thoughts on how to correct the problems.

- 1) Reinstate the use of the plastic barricades and cones to keep the counter-protesters three feet from the curb. There is a charge of \$30 a day for "Equipment Rental" in the fee schedule, and I don't know what that was being used for recently. The Vigil participants don't need the cones and barriers, but Chief Kochis put them on our side in order to treat both groups the same.
- 2) Use citations to enforce the rules as Chief Kochis told me he would do when he implemented the use of barricades. I warned every Vigil for Action participant that the police would be issuing citations to anyone who did not keep three feet distance from the curb. To my knowledge the police have never issued a single citation, even when

they have witnessed counter-protesters jump in the road, wave flags into the road, as well as consistently block pedestrian traffic at the bottom of the Courthouse steps.

- 3) Consider adding/replacing traffic signs around that intersection, which I have considered a problem since I moved here twenty years ago. I would suggest replacing the YIELD sign with a STOP sign where Alexandria Pike intersects Main St. Additionally, more signage is needed to communicate to drivers that they cannot turn left in front of the library to head down Alexandria Pike. Finally, removing the final parking spot in front of Miller Carpet on Main St. would allow cars driving west to see cars pulling onto Main St. from Alexandria Pike.

However, the bigger issue from my perspective and the one that Chief Carter discussed with me on May 11, 2023 is a driver's use of a car to injure or kill people. I agree that this is a valid concern and I view it from two perspectives.

First, I think every participant who has stood at the Vigil for Action has had this concern cross their mind. Either this concern or the threat of physical violence from a counter-protester has prompted some people to choose to stop attending the Vigil for Action. Others have chosen what they consider to be a safer place to stand. Many have chosen to stand where they feel they will be seen by more people, regardless of the perceived risk.

I underlined variations of what I consider the key concept and principle in this issue: personal choice. Additionally, the First Amendment guarantees my right to "freedom of speech" and "assembly." We appreciate the Town's concern for our safety, but we believe that the decision to stand next to the curb is a personal choice and not the government's.

My second perspective on this issue is the apparent arbitrariness of singling out the Vigil for Action as the one group that cannot use the Courthouse Square for a special permit activity. When I asked Chief Carter if other groups could use the Square, he indicated that they could, unless he determined that they posed a threat to public safety as he believes the Vigil for Action does. He offered no specific data or official recommendation that would inform how this decision would be made.

I'm left wondering what the decision would be if a group wanted to host an LGBTQ assembly in the Square or a parade in the streets. What about pro-life or anti-abortion groups? How about Civil War reenactors or the Daughters of the Confederacy? Which of these groups would you determine could not exercise their First Amendment rights in the Square?

In summary this decision seems neither fair nor constitutional. Members of the Vigil for Action would like to meet with you and Chief Carter to address all safety concerns.

Sincerely,

Scott Christian (electronically sent)