



FOR IMMEDIATE RELEASE: August 9, 2018

**STATEMENT FROM THE RUTHERFORD INSTITUTE RE: GOVERNMENT
LOCKDOWN OF CHARLOTTESVILLE IN ADVANCE OF AUG. 12 ANNIVERSARY**

CHARLOTTESVILLE, Va. — While it is appropriate that the government and the public work together to ensure that the tragedies of August 12, 2017, are not repeated, locking down the community and enacting measures tantamount to martial law without any credible evidence warranting such extreme measures is not an acceptable solution.

In the absence of any publicized information about credible threats to public safety surrounding the upcoming one-year anniversary of the events of August 12, The Rutherford Institute has grave concerns about 1) the City of Charlottesville’s decision to enact severe lockdown security measures in advance of the upcoming one-year anniversary of the August 12 events, 2) the process that resulted in the adoption of such measures, and 3) the impact they will have on the civil liberties of the residents of the community.

These measures not only directly limit the public’s freedom, but do so indirectly by imposing a chilling effect upon civil liberties. Moreover, these draconian police state measures are presumptuous in their expectation of civil unrest, intentionally alarming, and utterly lacking in transparency.

A declared state of emergency: By declaring a “state of emergency” and enacting heightened security measures for August 10 through 12, without providing any specific information as to credible threats that might warrant such extreme actions, the City has cast a shroud around the area that makes it akin to a community under martial law.

Massive police presence: The City has provided no credible justification to the public for the massive influx of police and national guard into the area for those days, reported to be more than 1,000 in number. Barring any credible threat, this overwhelming law enforcement and military presence is unnecessarily intimidating and may deter citizens from lawfully exercising their First Amendment rights to expression and assembly, while also contributing to heightened tensions.

Restricted security area: While the City has stated its desire to respect citizens’ rights to freedom of speech and to peacefully assemble, the lockdown measures being enacted (restricting access to the Downtown Mall, establishing police checkpoints, limiting movement, prohibiting certain items and articles of clothing) appear to contradict the City’s stated commitment, while sending mixed messages about the City’s objectives. Under the Constitution, public places such as those deemed a “security area” are presumptively open to citizens to exercise their rights of expression and the freedom to come and go as they please, yet the measures planned by the City will significantly limit those rights.

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Lack of transparency: The process by which these measures have been implemented has been wholly lacking in transparency and has increased citizen unease. The City has at no time disclosed it has information which would warrant the drastic measures it has taken. Government officials have actually noted in public information that no events have been granted permits for the downtown parks for August 10 through 12. The extreme steps of imposing a state of emergency and establishing a “security area” only leave the public to guess at whether these are preemptive measures or are based on information giving City officials true cause for concern that violence may erupt.

Recommendations

It is our hope and expectation that in carrying out their duties to protect civil liberties, ensure safety of the community, and maintain law and order in relation to this upcoming August 12 anniversary, the government and its agents will:

1. Inform the public about their plans and any credible threats to public safety.
2. Ensure that police are trained in how to respect civil liberties.
3. Ensure that police are meaningfully trained in how to deal with or de-escalate potential violence.
4. Employ de-escalation tactics or establish clear barriers between warring factions of protesters (if any make an appearance).
5. Protect public safety and instill public faith in the government.

The Rutherford Institute, a nonprofit civil liberties organization, provides legal assistance at no charge to individuals whose constitutional rights have been threatened or violated and educates the public on a wide spectrum of issues affecting their freedoms.