



August 15, 2012

Ben Stuckart
President, Spokane City Council
Spokane City Hall
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Re: Proposed Street Solicitation Ordinance

Dear Council President Stuckart:

I am writing on behalf of the ACLU of Washington to express our concerns about a proposed limit on solicitations of donations on Spokane streets. We have reviewed the draft ordinance on the city's web site but we understand that council members are considering a different proposal that will impose a permit requirement that includes a fee and insurance for street solicitation. This new proposal, as we understand it, would be an unconstitutional limitation on free speech. We urge the council to reject this proposal.

Soliciting donations is free speech. A city may only limit free speech if the city has a compelling reason to do so and if the limits are carefully tailored to address the city's specific concern. Requiring a permit, especially with a fee and insurance requirement, before an individual may engage in constitutionally protect speech is a limitation on free speech.

We understand that the council may be concerned that some solicitors step into the street to collect donations from people in cars creating a public safety hazard. The city would like to stop pedestrians from doing this. However, imposing a permit requirement does not address possible public safety concern. Traffic is no less obstructed and pedestrians are no less at risk if they obstruct traffic after paying a fee to obtain a permit.

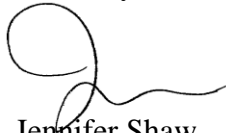
Spokane law already prohibits pedestrians from walking in the street or obstructing traffic. If pedestrian safety is a concern, the city's resources would be better spent enforcing current traffic laws rather than defending a new ordinance against a legal challenge. Using existing laws is a better way to protect public safety and the constitutional rights of all of the people of Spokane. We urge you to reject this unconstitutional proposal.

AMERICAN CIVIL
LIBERTIES UNION
OF WASHINGTON
901 5TH AVE, SUITE 630
SEATTLE, WA 98164
T/206.624.2184
WWW.ACLU-WA.ORG

JESSE WING
BOARD PRESIDENT

KATHLEEN TAYLOR
EXECUTIVE DIRECTOR

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line that tapers off to the right.

Jennifer Shaw
Deputy Director

cc: Spokane City Council Member Amber Waldref
 Spokane City Council Member Mike Fagan
 Spokane City Council Member Jon Snyder
 Spokane City Council Member Mike Allen
 Spokane City Council Member Steve Salvatori
 Spokane City Council Member Nancy McLaughlin
 Mike Piccolo, Spokane City Attorney's Office