



GREENWOOD COUNTY SHERIFF'S OFFICE

Dan Wideman, Sheriff

528 Edgefield Street
Greenwood, SC 29646

Office (864) 942-8600
Fax (864) 942-8589

28 November 2006

Joseph J. Martins, Esq.

2224 Virginia Beach Boulevard, Suite 204
Virginia Beach, VA 23454

Re: Columbia Christians for Life (CCL) Greenwood Demonstration

Mr. Martins;

In regard to your letter dated 13 NOV 06, please consider this correspondence our official response to your notice of the impending CCL demonstration.

It is our understanding that the group you represent has already conducted another demonstration in Greenwood. We were not aware of the event's date, and we received no complaints. However, our position in regard to certain aspects of CCL's methodology has not changed.

As you no doubt understand, all forms of speech in a traditional public forum are not protected speech. As such, if the government can show a compelling state interest, regulations as to time, place, and manner of expression are allowable. Your letter accused GCSO of content-based discrimination, although such was clearly not the case. MAJ Smith and our other deputies on the scene were responding to numerous complaints from motorists distracted by CCL protesters waving incredibly graphic signs directly adjacent to the roadway, including some who brought crying children as young as 8 years old to our office to complain. The US Supreme Court has repeatedly held that obvious state interests such as roadway safety and the protection of very young persons from unexpected exposure to such materials provide a legal basis for narrowly constructed, content-neutral regulations.

Although none of the traditionally cited landmark cases stemming from abortion protests (*Madsen v. Women's Health Care Center*, *Schneck v. Pro-Choice Network of Western NY*, *Hill v. Colorado*, etc.) exactly mirrors the situation CCL created in Greenwood during their initial demonstration, the prevailing case law is clear. Governments may, to further legitimate state interests such as highway safety and

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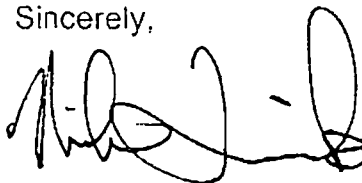
privacy, enforce such regulations and statutes as are necessary as long as the actions remain content-neutral.

MAJ Smith's actions that day (which he executed upon my orders) were absolutely content-neutral, in that he was enforcing existing roadway safety, public decency, and maintenance of order statutes in order to protect the motoring public from illegal and unwarranted distraction. We based our decision to act not upon CCL's message, but their methodology within the traditional public forum. Should we observe any protester or demonstrator committing the same act, we will again conduct ourselves in exactly the same manner: order the person(s) to stop or face criminal sanctions via City ordinance, County ordinance, or State law as appropriate. If you feel that our position will require you to pursue the "legal remedies" referenced in your letter, please do so.

At a personal level I find this dialogue with your office unpleasant in that your letter, in both language and tone, accused this office of a discriminatory act based upon the content of CCL's message when nothing could be further removed from the truth. I was only offended by the use of the graphic posters due to the fact that I consider those aborted fetuses human bodies, deserving of more respect than they were receiving from the CCL demonstrators. In our view, however, the significant interest in the safety of those motorists who happened by the protest clearly outweighed the very minor burden to CCL's free speech rights created when we ordered them to stop presenting the incredibly graphic signs to the roadway. Our Sheriff is a deeply religious man, who like MAJ Smith and myself happens to agree with CCL's core message. Such is the distress law enforcement officials face when making content-neutral enforcement decisions.

Should you need any additional information regarding our position in this matter, please feel free to contact me at (864) 943-8047.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Frederick". The signature is stylized and cursive, with a large loop at the end.

Mike Frederick,
Chief Deputy