



**U.S. Department of Justice**

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City of Philadelphia Law Department  
1515 Arch Street  
Philadelphia, PA 19102

Dear Marcel:

I am writing to follow up on our conversation from last Thursday about the City's policy purportedly banning outdoor gatherings of more than 50 people (and indoor gatherings of more than 25 people) through February 28, 2021. I appreciate, as always, your professionalism and commitment to open dialogue with me and my Office.

The same day that we spoke, the Mayor stated that the "City's Office of Special Events will not accept, review, process, or approve applications, issue permits, or enter into agreements for special events or public gatherings of 50 people or more[.]"<sup>1</sup> But the Mayor also specifically stated that he would not restrict the public demonstrations – regardless of size – that have been taking place in the City's streets since the end of May in response to the killing of George Floyd.

The City's Office of Special Events appears to echo this policy. While the City ordinarily requires permits for demonstrations, it will apparently make "exceptions . . . if the proposed Demonstration is a spontaneously-planned event in response to a recent occurrence (to coincide with a recent or future political or other announcement, decision, determination, or declaration)."<sup>2</sup> In other words, the City plans to allow public gatherings that advance certain types of speech, but will prohibit public gatherings that advance other types of speech or protected forms of expression.

I commend the City for its efforts to support peaceful public protest in Philadelphia during the COVID-19 pandemic, and I join the people of Philadelphia, and across our country, who were disturbed by the killing of George Floyd. I also appreciate that you have a solemn duty to protect the health and safety of Philadelphia residents and visitors. You and other leaders around the country must balance multiple competing interests and evaluate information about COVID-19, and then use your best judgment about different possible courses of action.

<sup>1</sup> <https://www.fox29.com/news/philadelphia-issues-moratorium-on-large-public-events-through-feb-2021-amid-coronavirus-pandemic>

<sup>2</sup> <https://phillymoevents.files.wordpress.com/2020/01/2020-special-event-application-final.pdf>