

Laura L. Hois
4405 Oakwood Ave
Downers Grove IL 60515

May 31, 2025

Erik Brown, Deputy Director
Downers Grove Park District ("DGPD")
Administrative Office, 2455 Warrenville Road
Downers Grove IL 60515

Re: "Free Speech Zones" in Parks

Dear Erik Brown, cc: Aaron Terr, Dawn Hartman and Derke J. Price

Thank you for returning the call I made to Dawn Hartman, Director of Marketing and Community Engagement on May 22, 2025. Dawn was quoted in a recent *Perspective* article by Elaine Johnson dated May 7, 2025 "*Park District Faces 1A Dispute*" as saying last summer "a few attendees asked about the free speech zone at Fishel Park." One of those attendees was me.

Attorney Aaron Terr, Director of Public Advocacy at the Foundation for Individual Rights and Expression ("FIRE") has written two letters to DGPD stating that free speech zones infringe upon the residents' constitutional right to engage in free speech, specifically, in "expressive activity in traditional public fora." Despite Supreme Court decisions making it clear that the park district cannot convert a traditional public forum into a non-public forum by fiat, DGPD's attorney Derke J. Price at Ancel Glink responded with some weak attempts to justify "reserving a space in [Downers Grove] parks (for free speech) during programming facilities."

The DGPD Board cannot justify what is prohibited. It has no authority to restrict free speech in Downers Grove Parks. It cannot control what is allowed by the U.S. Constitution.

As a Downers Grove resident since 1985 and 2024 District 2 candidate for DuPage County Board, section 4.4.12 of the DGPD Ordinance 1324 had a direct and immediate negative impact when - during set-up before a concert began in Fishel Park where hundreds of people had gathered - the DGPD manager in charge told me I was not permitted to introduce myself to fellow residents unless I was standing in the 15' x 15' square designated a "Free Speech Zone."

I expressed my opinion to the DGPD manager: "you can't do this - it's unconstitutional!" I took photos of Free Speech Zone sign, placard and QR Code linking to the Ordinance and Policy.

Section 4.4.12 of DGPD Ordinance 1324 **must be repealed in its entirety**. Any attempts to merely "tweak" or modify it to make it less broad will not cure the problem. The DGPD Board simply has no authority to extinguish our right to speak to each other in Downers Grove Parks.

It does not matter that the Board of Commissioners "intended to ensure the use and enjoyment of all Park District parks and facilities." This is impermissible government overreach.

Having heard no indication that the DGPD was willing to budge, I was encouraged when you told me on May 22, 2025 that the DGPD is in "the process of updating the policy." However, I ask you to please inform Board Commissioners: updating the DGPD policy will not be enough.

Section 4.4.12 of Ordinance 1324 must be revised to **eliminate restrictions** on free speech, religious exercise, freedom of association and other liberties in Downers Grove Parks.

Ancel Glink attorney Derke Price in his May 21, 2025 email message to Aaron Terr said:

In general, we are in agreement about the rights to be protected and acknowledged, it is a matter of tailoring the response to the conflict. The Board is considering a less front-loaded approach (designated areas) and more of one that seeks to inform about avoiding conflicting uses and dealing with conflicts as and when they arise. Stay tuned for more.

Per Aaron Terr's FIRE letter dated March 4, 2025, open discourse and civic engagement must not be restricted; in particular, different points of view shall be freely expressed in parks:

*(a) A public park, like any traditional public forum, can allow for reasonable and **content-neutral** time, place, and manner restrictions on expressive activity . . . (page 4).*

*(b) Section 4.4.12 of Ordinance 1324 grants public officials "undue discretion to subjectively decide when First Amendment activities are "substantial" or would "interrupt" programming. It is thus **unconstitutionally vague** because it fails to "provide explicit standards for those who apply them," **risking "arbitrary and discriminatory enforcement."** (page 4-5).*

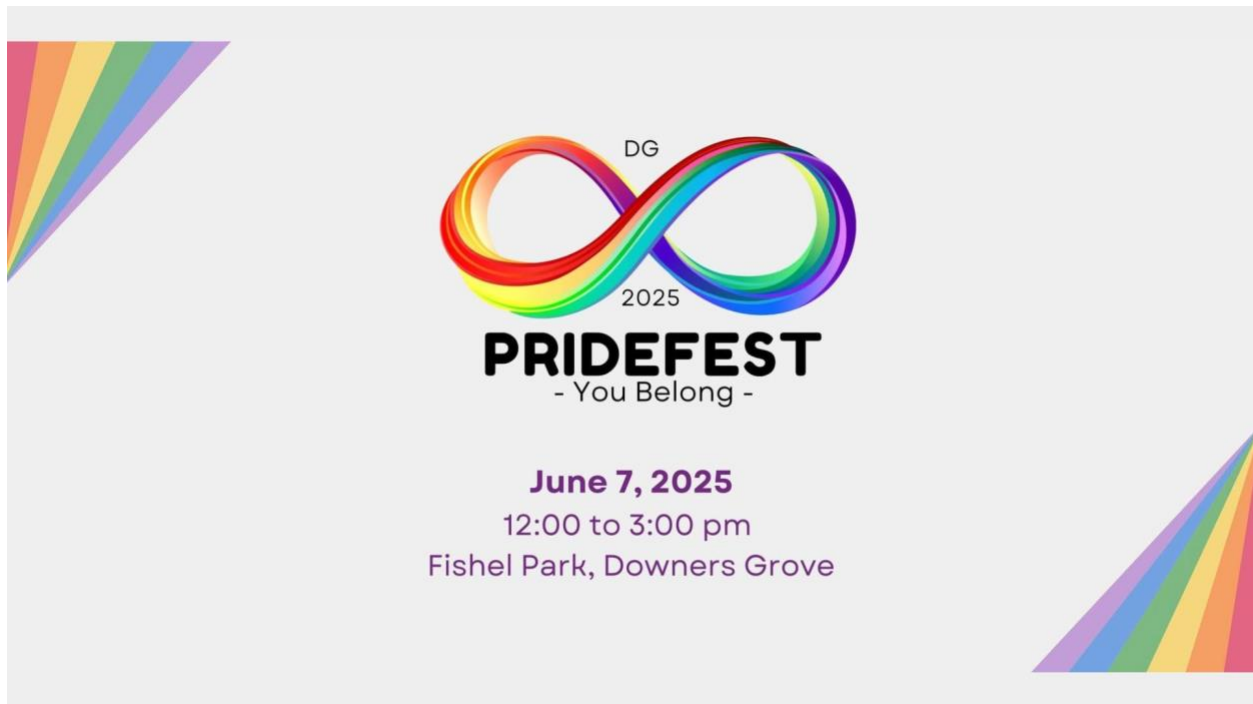
Neither the DGPD nor Village of Downers Grove can act to suppress or chill speech that they do not agree with - free speech includes religious and political speech. The DGPD is hosting Pride Fest in Fishel Park on June 7, 2025 (see below). The DGPD must likewise host Christian-based or Conservative events booked in advance in the same, unrestricted manner.

Thank you for offering to keep me advised on steps being taken to "update DGPD's policy" and - ideally - **delete Section 4.4.12 of Ordinance in its entirety**. I look forward to reviewing the agenda for and appearing at the June 26, 2025 DGPD Board meeting.

Respectfully,

Laura L. Hois
Downers Grove resident since 1985

cc: Aaron Terr, Director at FIRE
Dawn Hartman, Director of Marketing DGPD
Derke J. Price, Ancel Glink



Join us on June 7, 2025, for a vibrant celebration of pride and community! Enjoy music, delicious treats from a food truck, kid's activities, community booths, and so much more. Bring your family, friends, and furry companions to join the festivities and show your pride.

Letter received June 9, 2025 from Derke J. Price, Esq., attorney for Downers Grove Park District

Dear Ms. Hois,

Thank you for your emails and continuing conversation on this issue. As I indicated in prior correspondence to you and Mr. Terr, the clash of First Amendment Rights of the various users of the parks requires careful navigation and the Board of Commissioner is actively involved in trying to navigate those conflicts. The District's First Amendment Policy is under frequent review and the Board is indeed working on amendments at this time. As part of that process, Staff and I have shared your correspondence and the correspondence from Fire with them. In general, the Board and you and Fire are all in agreement about the rights to be protected by properly tailored time, place and manner restrictions. It is a matter of finding the balance between the competing interests of those who wish to exercise their right of association to gather for programming and those who wish to exercise their competing First Amendment Rights at the same time. At present, the Board is considering a different approach that removes the designated First Amendment Zones or areas and instead relies upon preventing any one set of First Amendment Activities from unreasonably interfering with or overriding the First Amendment Activities of other groups. The revised version has eliminated focus on personal attire or conversations and has reiterated that the Parks are generally available for such activities. When persons are gathered for programming, the District policy now suggests places for competing First Amendment Activities at the same parks that would otherwise conflict with the group gathered for programming—but they are not mandatory. Rather, they help to articulate when someone is interfering with the programming association rights of others. As the case law recognizes, it is impossible to set forth the grocery list of possible First Amendment conflicts and so the District needs to provide reasonable guidance as to how to navigate the conflict. Take for example the recent advent of "Teen Takeovers" that we have seen on the news in Chicago, Arlington Heights, Naperville and other neighboring communities. As a matter of law, the right of such association – even by "Teens" -- is a First Amendment Activity. However, the case law also has held that it is permissible to regulate the group and restrict them from engaging in mob action or unreasonably interfering with the enjoyment of public spaces by others. We will be certain to share the updated policy with you.

Again, we thank you for your input and, on behalf of the Board and Staff, look forward to seeing you in the Parks!

Derke J. Price, Partner



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