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JOE COOK
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KATIE SCHWARTZMANN
STAFF ATTORNEY

May 16, 2006

Superintendent Warren Riley
New Orleans Police Department
415 N. Lopez Street
New Orleans, Louisiana 70119

Via: U.S. Mail and Facsimile to (504) 658-2309
Re: Police Escort Fees for First Amendment Activity

Dear Superintendent Riley,

We have been retained to represent some members of the Social Aid and Pleasure Clubs of New Orleans. We understand that your office raised escort fees for Second Line parades in response to violence that occurred in the crowd at two of these events. It is further our understanding that members of the Social Aid and Pleasure Club Task Force have met with you repeatedly in an attempt to renegotiate the fee schedule, but those informal meetings have been unsuccessful. Therefore, we write to formally request that you rescind the unreasonable and excessive fees presently being charged, and ask that you do so within one week to avoid litigation of this issue.

As you are no doubt aware, the Social Aid and Pleasure Clubs of New Orleans and the accompanying Second Line Parades are an integral part of our rich culture and heritage. The decision to increase escort fees to between \$3750 and \$4400 for a one-band/ one-division parade has made parading cost-prohibitive for most clubs. We are aware of a number of clubs that have already cancelled their parades due to this increase in fees, and there are many others that will have to cancel if the fees are not changed. In short, there is an immediate risk of irreparable harm should the present policy not be amended.

The New Orleans ordinance allowing for the imposition of police escort fees on persons seeking to exercise their First Amendment rights is violative of the Constitution both facially and as applied. An ordinance may not allow a police chief to assess escort fees based upon anticipated violence in the crowd because such a scheme is a content-based restriction on speech and allows too much discretion in the assessing authority. Forsyth County v. Nationalist Movement, 505 U.S. 123 (1992).

Please contact us immediately and advise that the escort fees will be limited only to those reasonably necessary for facilitating traffic flow resulting from the parades. We hope to work with you toward a successful resolution of this matter, and again ask that we receive a response from you by Monday, May 22 to prevent further infringement upon the First Amendment rights of the members of the Social Aid and Pleasure Clubs.

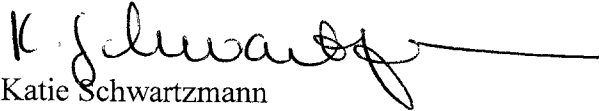
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Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Kolinchak".

Carol Kolinchak
Cooperating Attorney

A handwritten signature in cursive script, appearing to read "K. Schwartzmann".

Katie Schwartzmann
Staff Attorney

cc: City Attorney's office via facsimile to (504) 658-9868