



KANSAS JUSTICE INSTITUTE

April 10, 2020

Sent via Electronic Mail Only (mayor@columbusks.gov)

Honorable Grant Spieth
Office of the Mayor
City Hall, 300 E. Maple
Columbus, Kansas

Dear Mr. Spieth,

Kansas Justice Institute¹ previously sent a request for clarification, and expressed its concern with, the City of Columbus' order prohibiting cruise nights and/or car parades.

According to Official Memorandum 2020-05, issue on Wednesday, April 8, 2020 at 4:00 p.m.: "Cruise nights are not considered an essential function by the State of Kansas. Since cruise nights, car cruise and car parades are fundamentally the same activity, during this pandemic and public health emergency of COVID-19, **the activities of cruise nights, car cruises, and/or car parades will not be allowed in the City of Columbus.** The Columbus City Police has the authority to enforce non-compliant activities." (Emphasis added).

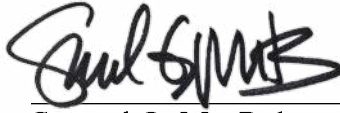
As written, the City's Order prohibited a family from driving down Main Street during a cruise night, even if the family didn't exit their car or otherwise congregate with, or near, others. This would, in turn, subject the entire family to arrest.

We immediately expressed our concerns regarding the Order. Based upon your communication to me last evening, the removal of the Order from the City website, the removal of the Order from Facebook, as well as the City of Columbus' recent official Facebook post, it is our understanding the City of Columbus has rescinded Official Memorandum 2020-05. Rescinding Official Memorandum 2020-05 was the appropriate course of action. Courts have been crystal clear for almost a century: any prior restraint of expression and speech bears a heavy presumption of invalidity. In our estimation, the Order, as written, unconstitutionally restricted the right to freely speak, assemble, and travel, among other things not discussed here, and was not narrowly tailored to achieve its purpose. In short, in our view it was not constitutionally justifiable. We credit the City of Columbus for recognizing the Order's constitutional implications.

¹ Kansas Justice Institute is a non-profit, public-interest litigation firm committed to protecting individual liberty and the constitutional rights of all Kansans.

On the other hand, if the City of Columbus has not rescinded Official Memorandum 2020-05, and continues to prohibit cruise nights, car cruises and/or car parades, regardless of social distancing, etc., please immediately advise.

In closing, thank you again for your dedication to public service. Together, we will flatten this curve with our liberties intact.

A handwritten signature in black ink, appearing to read "Sam MacRoberts", written over a horizontal line.

Samuel G. MacRoberts
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