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Kansas Justice Institute demands withdrawal of threatening cease-and-desist letter sent by City of Westwood over objections to the controversial development of a city park

First Amendment Protects the Right to Object to Development of a City Park

Westwood, KS – The City of Westwood, Kansas, sent a threatening cease-and-desist letter to opponents of the proposed controversial development of a public park.

In its letter, the City of Westwood [demanded](#) that objections to the park cease, whether on a web page, social media, or through door-to-door canvassing, and that “refusal to comply with the terms of this letter will leave the City with no other choice” but to sue those opposed to the development plan for “tortious interference” and “slander of title.”

The dispute involves a proposal to sell the Joe D. Dennis Park to a real estate development company, to develop the park into a mixed-use office and retail development. Opponents of the plan argued that a state statute, K.S.A. § 12-1301, gives residents a right to petition to place the approval of the sale on the ballot. It was this attempt to have the issue placed on the ballot that led the City of Westwood to issue its threatening letter.

Today, Kansas Justice Institute [issued](#) a rebuke to the City of Westwood, making clear that public comments and objections to the sale of the park are protected by the First Amendment to the United States Constitution and the Kansas Constitution.

“It doesn’t matter what side of the debate you’re on, what matters is that you’re able to debate it without being threatened with a lawsuit by the government,” KJI litigation director Sam MacRoberts said.

“The City of Westwood should immediately—and publicly—withdraw its threatening letter and affirm the right of the people to speak freely on matters of public concern,” MacRoberts continued.

This letter is part of [KJI’s](#) campaign against government interference with the free speech rights of Kansans. In 2019, KJI successfully sued the State of Kansas over its [prohibition on truthful advertising by raw milk producers](#).

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