

Congress of the United States
House of Representatives
Washington, DC 20515-4004

October 11, 2013

Mr. Jonathan Jarvis
Director
National Park Service
1849 C Street NW
Washington, DC 20240

Dear Mr. Jarvis:

I am concerned about recent reports of the National Park Service's (NPS) selective enforcement of policy and regulations in the name of the First Amendment. Reminiscent of last year's lack of enforcement of camping in McPherson Square, the NPS justified special accommodations for a rally on the National Mall attended by Democratic Members of Congress based on First Amendment interpretations.¹ However, World War II veterans faced government barriers when attempting to visit a memorial commemorating their service.² I request that you send the legal analysis on which the NPS relied to deem this disparate treatment necessary.

In response to the government shutdown the NPS took unprecedented measures, closing open-air monuments, cancelling all special events permits, and padlocking playgrounds. Barricading citizens from public land freely accessible any other day is not required in the event of a shutdown.³ More troubling, however, is the NPS's choice to become an arbiter of what is constitutionally permissible speech rather than applying a content neutral policy and regulations equally and fairly to everyone.

Last year during the hearing entitled "McPherson Square: Who Made the Decision to Allow Indefinite Camping in the Park?" I clearly expressed my concern

¹ Alan Gomez, *Immigration Rally Allowed on Mall Despite Shutdown*, *USA Today* (Oct. 8, 2013), available at <http://www.usatoday.com/story/news/politics/2013/10/08/government-shutdown-immigration-rally/2942257/>.

² Allison Prang, *Veterans Storm WWII Memorial*, *WSJ* (Oct. 1, 2013), available at <http://blogs.wsj.com/washwire/2013/10/01/veterans-storm-wwii-memorial/>.

³ CRS report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, (Sept. 25, 2013).

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regarding disparate enforcement by NPS in the name of the First Amendment. This statement applies as much now as it did then: "At the bottom of it all is the issue of fair and equal application of the law because from this vantage point, it appears that there are at least two very different sets of rules."⁴

Sincerely,



Trey Gowdy

⁴ *McPherson Square: Who made the decision to allow indefinite camping in the park? Hearing Before the S. Comm on Health Care, District of Columbia, Census and the National Archives, 112th Cong. (2012)* (statement of Trey Gowdy, Chairman).