

# KLAYMAN LAW GROUP

A PROFESSIONAL ASSOCIATION

Larry Klayman, Esq.  
595-0800

2020 Pennsylvania Ave. N.W., #800

Tel: 310-

Washington, DC, 20006

Fax:

202-379-9289

June 15, 2020

VIA EMAIL AND FAX

The Honorable Muriel Bowser  
Mayor, The District of Columbia  
The John Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004  
Email: [eom@dc.gov](mailto:eom@dc.gov)

Mr. Karl A. Racine, Esq.  
Attorney General for the District of Columbia  
441 Fourth Street, NW  
Washington, DC 20001  
Email: [oag@dc.gov](mailto:oag@dc.gov)

Re: Demand to Paint Message on “BECAUSE THERE IS NO LAW!”  
In Front of District Building Housing Mayor’s Office.

Dear Mayor Bowser and Attorney General Racine:

As you may recall, the Chairman and General Counsel of Freedom Watch, Inc., Larry Klayman, was also the Founder and initial Chairman of Judicial Watch, Inc.

I became aware of Mayor Bowser’s recent decision to approve the painting of the messages “Black Lives Matter” upon the pavement of 16th Street NW in the District of Columbia and of “Defund the Police” alongside the first message. As the Attorney General and his legal staff can explain, both messages claim to be expressive activity within the meaning of the free speech aspects of the First Amendment to the United States.

I then noticed with further interest that the organization I founded, Judicial Watch, Inc., has made a request consistent with its legal rights as now being shown by District of Columbia officials to also paint on the streets of the district of Columbia its motto, which I coined, and what is claimed to be a trademark for Judicial Watch “Because No One Is Above the Law!”

Judicial Watch proposes to paint its motto in exactly the same manner, size of lettering, and lettering font as used to paint the previous message "Black Lives Matter" on 16th Street NW. Of course, when I ran Judicial Watch, I established this motto "Because No One is Above the Law!" for Judicial Watch. It is a message in common usage with a long history in our culture.

Now, as the Chairman of Freedom Watch, Inc., I request cooperation with our constitutional right to have a similar expressive message "Because There is No Law !" painted similarly on Pennsylvania Avenue between 14th Street and 13th Street, in front of our office, in exactly the same manner, size of lettering, and lettering font as used to paint the previous message "Black Lives Matter" on 16th Street NW.

There is news that all five boroughs of New York will paint "Black Lives Matter" on the streets there. See Meghan Roos, "'Black Lives Matter' Will Be Painted on Streets in Every NYC Borough," *Newsweek*, June 9, 2020.

Things have certainly changed when free speech now involves blocking traffic on public streets and painting messages on the streets. While current forms of communicating messages have changed, the Attorney General of Washington, D.C. can confirm that once a government opens up a forum for the expression of political or other messages, the government cannot discriminate on the basis of the message. Viewpoint discrimination is not allowed within a public forum or even a limited public forum. Governments can sometimes, in bona fide states of emergency, regulate the time, place, and manner of speech. But once some speech is allowed, the government is prohibited under the First Amendment to the United States of picking and choosing what messages it will allow. The government may not approve or deny messages based on which messages the government likes.

We believe that our message "Because There is No Law" is an important commentary on the condition of our society, the courts, policing, and governmental action, reminding us that without the rule of law everyone in society is harmed and at risk.

You will recall, especially with the assistance of the Attorney General, how the District of Columbia's government recently intervened in the case of *Freedom Watch, Inc. v. Google Inc.*, on appeal in the U.S. Court of Appeals for the District of Columbia. The District Court judge ruled that the DC. Human Rights Act does not apply outside of a physical act on a physical location on D.C. soil. See, Eugene Volokh, "Freedom Watch and Laura Loomer Lose Lawsuit Against Social Media Platforms," *Reason Magazine*, May 7, 2020

The District of Columbia's government and the Lawyers' Committee for Civil Rights Under Law filed briefs challenging the trial judge's interpretation of the D.C. Human Rights Act as being unable to ban discrimination online. Even though the lead Plaintiff's point of view was not the same as the current leadership of the District of Columbia, the D.C. Government was concerned that its own law was being rendered impotent by the steady and predictable misinterpretation by the courts.

The trial judge, at least for now subject to review en banc and by the U.S. Supreme Court, rendered the D.C. Human Rights Act unenforceable with regard to on-line discrimination. D.C. asked the Court of Appeals to follow D.C.’s interpretation of its own law. The courts ordinarily should defer to the jurisdiction’s understanding of its own law. But the federal judges ignored those precepts and sided with the rich and powerful social media companies against the District of Columbia’s own brief. Basically, the courts decided that the District of Columbia’s law is no law at all, by the wave of a pen.

Since I founded Judicial Watch, with the original intent of promoting the rule of law among judges, things have gotten far worse. The civil rights movement has always applied the concern that if the law can be ignored for anyone, then those struggling for recognition in society as equals may be the first to have distortions of the law used against them. Civil rights lawyers and advocates have always fought for the principle that if anyone can be discriminated against then the least favored and powerful among us are most at risk.

Therefore, we now need to protest and send the message and warning to the public saying “Because there is no law” as a warning and social commentary that we must restore reliable and consistent standards.

And we see that now the most effective way to express that message is in the new method made popular in this day. D.C. and other cities like New York now having thrown open a new limited public forum, allowing protestors to not only express their message “in the streets” but now literally *on* the streets. Therefore, we have an equal right to participate in public messaging in the same manner, particularly as it is currently a highly effective manner of being heard.

The painting could be completed at a time of day when traffic is typically light, as was done with the “Black Lives Matter” message.

If the District of Columbia now discriminates in the use of this limited public forum we will have to clarify the law once again by filing suit. Please inform me of your approval of our messaging by close of business at 5 p.m. Tuesday June 16, 2020.

Sincerely,



Larry Klayman, Esq.  
Chairman and General Counsel  
2020 Pennsylvania Ave, N.W., Suite 345  
Washington, D.C. 20006  
leklayman@gmail.com