



April 11, 2018

The Honorable Charles McCall  
Speaker of the Oklahoma House of Representatives  
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Oklahoma City, OK 73105

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Dear Speaker McCall:

We write to you today to resolve a serious violation of the rights of Oklahomans to use public spaces at the Oklahoma State Capitol and their ability to contact our elected representatives at their public offices.

As you are aware, you recently ordered the House Sergeant at Arms to bar access to the hall adjacent to Rooms 200 through 206 of the Oklahoma State Capitol to all those except House Republican Caucus members. This was done without any apparent prior notice or legal authority, and during normal business hours while the Capitol is open to the public by law. Your order illegally denied access to both the public hall itself and resulted in multiple citizens being unable to go to the offices of representatives to attempt to contact them or drop off correspondence.

I write on behalf of these and other Oklahoma citizens to protect and enforce our rights as sovereign owners of the building in which you are currently a tenant. Our rights are protected under both the United States and Oklahoma Constitutions and include, among many others, the right to the use of public spaces at our Capitol for political assembly, speech, and to attempt to access public officials at their public offices.

This illegal order must be rescinded immediately and access restored.

While we are not aware that any authority or justification has been cited by your office for the denial of the people's access to our Capitol building, it would appear that the closure of the 2nd floor hall corresponds to the Republican House Caucus's use of Room 205 for closed meetings. To whatever

extent that House majority leadership chooses to continue to make policy behind closed doors in Room 205, they have ample less restrictive means available to balance the privacy wishes of the Caucus with the rights of the public.

These less restrictive means include, most notably, simply closing the door to the conference room. Should visuals be a concern, the use of blinds, curtains, or paper on the room's windows would easily address it. Finally, should representatives be afraid that upon entering or exiting the meeting they might have to endure an unpleasant look or inconvenient question from the people who employ them, the use of a temporary stanchion and rope manned by the Sergeant's office could readily ensure room to come and go without cutting off public access to the hallway and offices.


It should also be noted a representative of your Office claimed to my colleagues that the Democratic Caucus had also closed public hallways outside its Caucus meetings. To whatever extent this is true, if any, it would represent no less a violation of constitutional rights. One party's violation of civil rights does not give another the right to copy it. To ensure consistency, we have copied Representative Steve Kouplen, leader of the House Democratic Caucus, on this communication, and make the same demand of his office, to whatever extent it is applicable.

No matter the source, further blanket barring of public access to public spaces at the Oklahoma State Capitol will not be tolerated.

Please immediately rescind your illegal closure of the 2nd floor hall and refrain from any such similar orders in the future. If you disagree with our assessment of your order's legality, please let us know. While we hope that you will voluntarily choose to respect the rights of Oklahomans, we are quite willing to have a federal court settle the dispute if you prefer.

Please feel free to contact me with any questions or to discuss the matter further.

Sincerely,



Brady R. Henderson  
Legal Director, ACLU of Oklahoma