

April 8, 2026

Anne Kirkpatrick, Police Superintendent

[REDACTED]

Charline K. Gipson, City Attorney

[REDACTED]

Re: Unconstitutional Ban on Religious Speech in Woldenberg Park

Dear Superintendent Kirkpatrick and Ms. Gipson:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. Brant Zeller contacted us about the City's infringement on religious expression in Woldenberg Park.

On January 16, 2026, Zeller, along with a friend, visited Woldenberg Park in New Orleans to share their Christian faith with pedestrians walking through the park and along the Riverwalk. The park was open to the general public. Neither Zeller nor his friend shouted or used amplification, but used signs, expressive clothing, literature, and conversation to communicate their religious messages. Zeller held a sign reading "Jesus is the way, the truth, and the life" and wore a shirt stating "Trust Jesus." Zeller and friend only sought to evangelize in a respectful manner.

Notwithstanding, Zeller and friend were soon approached by Officer Price with the Harbor Police. She informed them of a park rule prohibiting solicitation and told them that they had to move to the other side of the railroad tracks. Officer Price warned Zeller and friend they could be "visibly removed or arrested" if they persisted with their speech in the park.

Confident their activity was constitutionally protected, Zeller, along with his friend, continued to evangelize in the public park. But Officer Price came back and brought a New Orleans Police Department ("NOPD") officer with her. The NOPD officer told them that the City required Zeller and his friend to leave the park. This police officer echoed Officer Price's claim that the two were violating a rule prohibiting solicitation. When Zeller asked them to clarify meaning of "solicitation,"

they said soliciting is “stopping somebody...asking them whatever it is you’re asking and passing out a pamphlet.”

Under New Orleans’s City Code 54-419(c)(1)(i), the City makes it unlawful to “engage in an act of solicitation” when “on any parkland, or in any park, playground, or public entertainment venue, including within 20 feet of entryways or exits thereto.” Citing to the same, the Woldenberg Park rule states “soliciting and distributing materials” are prohibited activities. Solicitation is defined as “fundraising, advertising pamphlets, or any promotional, commercial, or political materials are prohibited.”

Troubled by the impact this policy has on his speech, Zeller sends this letter, through counsel, in hopes of securing relief from the ongoing violation of his constitutional rights without resorting to litigation.

LEGAL ANALYSIS

A government entity bears the burden of justifying a restriction on speech. *Hines v. Pardue*, 117 F.4th 769, 779 (5th Cir. 2024). The City of New Orleans cannot meet this burden. Forum analysis governs the validity of restrictions on speech considering: A) the degree of protection to which the speech is due, B) the status of the forum where the speaker wants to speak, and C) the corresponding level of scrutiny applied to a speech restriction in the identified forum. *Cornelius v. NAACP Legal Def. and Educ. Fund*, 473 U.S. 788, 797–800 (1995). This analysis reveals that Woldenberg Park’s rule prohibiting Zeller’s religious speech in a public park is an unconstitutional infringement on his right to free speech.

A. The Free Speech Clause Protects Zeller’s Religious Expression

Speech on religious topics receives full constitutional protection. *Capital Square Review and Advisory Board v. Pinette*, 515 U.S. 753, 760 (1995). Zeller’s means of evangelistic speech also garner protection. *See Murdock v. Pennsylvania*, 319 U.S. 105, 110 (1943) (“[S]preading one’s religious beliefs or preaching the Gospel through distribution of religious literature and through personal visitations” is protected). The protection afforded is sure, it “may not be curtailed simply because the speaker’s message may be offensive to his audience.” *Hill v. Colorado*, 530 U.S. 703, 716 (2000); *Cox v. Louisiana*, 379 U.S. 536, 551 (1965).

B. Woldenberg Park is a Traditional Public Forum

The degree to which speech can be restricted depends on the nature of the property where the speaker wishes to speak. *Frisby v. Schultz*, 487 U.S. 474, 479 (1988) (citation omitted). Zeller wants to convey his beliefs at Woldenberg Park, a public park operated and maintained by the City. Public parks are “quintessential” public fora for speech. *Perry Educ. Ass’n v. Perry Loc. Educators’ Ass’n*, 460 U.S. 37,

45 (1983); *see also Hague v. CIO*, 307 U.S. 496, 515 (1939) (stating that parks “have immemorially been held in trust for the use of the public and, time out of mind, have been used for the purposes of assembly, communicating thoughts between citizens, and discussing public questions.”); *Serv. Emps. Int’l Union, Loc. 5 v. City of Houston*, 595 F.3d 588, 595 (5th Cir. 2010) (identifying streets and parks as “places which by long tradition or government fiat have been devoted to assembly and debate”).

C. Banning Religious Speech as Solicitation is Unconstitutional

Speech restrictions in traditional public fora are not tolerated unless they are 1) content-neutral, 2) narrowly tailored to serve a significant government interest, and 3) leave open ample alternative channels of communication. *Perry Educ. Ass’n*, 460 U.S. at 45. The City’s solicitation ban in Woldenberg Park falls short of these requirements.

First, the prohibition of Zeller’s speech is a content-based restriction. “Government action that stifles speech on account of its message . . . contravenes this essential right. Laws of this sort pose the inherent risk that the Government seeks not to advance a legitimate regulatory goal, but to suppress unpopular ideas or information or manipulate the public debate through coercion rather than persuasion.” *Turner Broad. Sys. v. FCC*, 512 U.S. 622, 641 (1994). The park rule is not content-neutral. Enforcement of it requires officials to “necessarily examine the content of the message that is conveyed.” *Forsyth Cnty. v. Nationalist Movement*, 505 U.S. 123, 134 (1992) (quoting *FCC v. League of Women Voters*, 468 U.S. 364, 383 (1984)).

To assess a violation, officials must examine the content of speech, whether it implicates fundraising, or is promotional, commercial, or political in content, to determine whether the speech is prohibited as solicitation. This sort of discrimination based on the function or purpose of the speech is content based and presumptively unconstitutional. *Reed v. Town of Gilbert*, 576 U.S. 155, 163–164 (2015). “Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech.” *Id.* at 167.

Second, the broad exclusion of Zeller’s means of communication from the park is not narrowly tailored to meet any legitimate interest. Only restrictions that refrain from “burden[ing] substantially more speech than is necessary to further the government’s legitimate interests” are narrowly tailored. *Ward v. Rock Against Racism*, 491 U.S. 781, 798 (1989); *see Doe I v. Landry*, 909 F.3d 99, 112–113 (5th Cir. 2018) (noting that it is the government’s burden to justify its restriction of speech). The ban goes well beyond any legitimate interest the City might have. *See, e.g., United States v. Grace*, 461 U.S. 171, 183 (1983) (holding that a ban on leafletting and signs from a public sidewalk outside of the Supreme Court building was not narrowly tailored: “a total ban on that conduct is no more necessary for the

maintenance of peace and tranquility on the public sidewalks surrounding the building than on any other sidewalks in the city.”); *City of Ladue v. Gilleo*, 512 U.S. 43, 56 (1994) (invalidating a city ordinance banning the posting of signs even though it was content neutral); *Martin v. City of Struthers*, 319 U.S. 141, 151–52 (1943) (invalidating an ordinance banning the door-to-door distribution of the); *Schneider v. Town of Irvington*, 308 U.S. 147, 164–65 (1939) (invalidating the ordinances of several communities forbidding leafletting). Banishing Zeller from the desired public forum where he can reach an audience to a space where he is unable to do so is not a narrowly tailored measure. If the City had a true concern, its interests could be addressed through narrowly focused rules rather than a categorical ban on leafletting and evangelism.

Third, the removal of Mr. Zeller from Woldenberg Park is unconstitutional because it fails to leave him with open ample alternatives for his speech. “[A]n alternative is not ample if the speaker is not permitted to reach the ‘intended audience.’” *Startzell v. City of Philadelphia*, 533 F.3d 183, 202 (3d Cir. 2008); see *Edwards v. City of Coeur d’Alene*, 262 F.3d 856, 866 (9th Cir. 2001) (“If an ordinance effectively prevents a speaker from reaching his intended audience, it fails to leave open ample alternative means of communication.” (citing *Heffron v. Soc’y for Krishna Consciousness*, 452 U.S. 640, 654 (1981))). The City’s enforcement actions function as a ban on Zeller’s speech in the very area where he can reach a meaningful audience. “[O]ne is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.” *Schneider*, 308 U.S. at 163.

DEMAND

As demonstrated, the City’s rule exiling Zeller’s speech from a traditional public forum violated his First Amendment speech rights, and persists in doing so. To resolve this concern, Mr. Zeller requires written assurance from the City that it will no longer enforce its solicitation policy to banish religious speech, including literature distribution, in Woldenberg Park. Because Mr. Zeller wants to share his faith at Woldenberg Park during this year’s French Quarter Festival, we respectfully request that you respond to this letter in writing no later than Wednesday, April 15, 2026.

Sincerely yours,



Nathan W. Kellum
Senior Counsel
First Liberty Institute

cc: Brant Zeller