



City of Hickory
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Office of the Staff Attorney

September 9, 2008

Mr. Timothy D. Chandler, Esq.
Alliance Defense Fund
101 Parkshore Drive, Suite 100
Folsom, CA 95630

Dear Mr. Chandler:

I am in receipt of your letter dated August 27, 2008 regarding an incident at the June 27, 2008 Hickory Alive at Five event ("Hickory Alive") involving Mr. Jesse Boyd, President of Full Proof Ministries (FPGM), Mr. Michael Boyd, and other members of FPGM. You are correct that the Boyd's were arrested at the event and that those charges were subsequently dismissed.

First, let me assure you the City of Hickory, including the Hickory Police Department ("HPD"), holds all fundamental Constitutional rights of persons within its jurisdiction as being sacrosanct. We recognize that individuals have First Amendment rights that they may exercise in public forums, including Union Square in downtown Hickory where the Hickory Alive event is held.

Second, we believed the City of Hickory, including the Hickory Police Department, demonstrated its intent to recognize the Boyds' right to distribute religious literature and share their beliefs with others during the remaining Hickory Alive events. On July 4, 2008 the Boyd's and other members of Full Proof Gospel attended Hickory Alive on this date. They distributed tracts and verbally shared their faith with other attendees without incident. In fact, Chief of Police Tom Adkins had a conversation with Mr. Jesse Boyd on July 4 at Hickory Alive and shared with him that he and other members of his ministry could share their message and distribute materials on Union Square in a peaceful manner. Also, Chief Adkins asked Mr. Boyd to make him aware of any confrontational encounters from the public so HPD could appropriately respond to ensure a peaceful event for all attendees. I am enclosing a copy of a Hickory Daily Record article about the July 4th Hickory Alive event that includes a quote from your clients regarding their positive interaction with Chief Adkins.

Third, the Hickory Police Department recently conducted a legal update in-service training for all of its officers. A part of this training involved a discussion of the Hickory

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Alive incident and a review of applicable Constitutional law and the freedoms the law affords to all persons attending such events.

Finally, as for your clients' request that their arrest records be expunged, please understand that neither the City nor the Hickory Police Department has the authority to expunge your clients' records under North Carolina law. It was and still is our understanding that the District Attorney's office is handling this matter. In fact, I am in receipt of a copy of District Attorney Jay Gaither's letter dated August 28, 2008 in which he assures you that his office is handling the expungement and encourages you to contact him should you need additional information or have questions. Please know that the City and the Hickory Police Department are not involved in any way in this process.

Again, let me reemphasize that the City of Hickory recognizes the rights of the Boyds and others to engage in freedom of speech activities at Union Square and other public forums within the City of Hickory and will diligently work to ensure those rights are protected.

Should you have further questions regarding this matter, please feel free to contact me.

Sincerely,



Armita M. Dula
Staff Attorney

Cc: Mick Berry, City Manager
Tom Adkins, Chief of Police
Jay Gaither, District Attorney