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March 2, 2021

Larry Roberts  
Fayette County Attorney  
201 E. Main St.  
Lexington, KY 40507

*Sent via e-mail*

County Attorney Roberts,

We write to join the chorus of voices calling on you to dismiss the charges against protestors. County Attorneys across the country have dismissed similar charges, including Jefferson County Attorney Mike O'Connell. The ACLU of Kentucky has a particular interest in advocating for First Amendment protected speech. Any attempt to criminalize or erode constitutionally protected speech should be heartily rejected. Freedom of expression is a bedrock of our democracy.

Charges lodged against Lexington protestors are especially fit for dismissal because the protests were peaceful and did not cause injury or property damage. Consequently, many protestors are facing lower-level misdemeanor charges related to protest activity, ranging from failure to comply with curfew to failure to disperse, among others. Several folks have garnered more serious, trumped-up charges like rioting first or burglary. These charges should also be considered for dismissal, or at least reduced.

While misdemeanors aren't as serious as felonies, they still have very serious outcomes. Individuals convicted of misdemeanors can, and sometimes do, serve longer sentences than those convicted of felonies. We know that any time spent in jail or prison can dramatically impact someone's life and family, as well as the broader community. Additionally, even being charged can result in fewer economic and educational opportunities, and can be incredibly costly to fight in court.

Moreover, despite large numbers of white protestors participating in actions, an outsized number of protestors who have been charged are Black. If these charges stand, this will contribute to the dramatic racial disparities that infect our



overall system of justice. These charges will undoubtedly result in needlessly bringing more people, specifically – more Black people – into the justice system.

In the last year, thousands of Kentuckians have engaged in the American tradition of protest and dissent. People have come together to express their pain and outrage and to advocate for racial justice and police reform in the wake of the murders of Breonna Taylor, David McAtee, and countless other Black Americans by police. The protests are happening against the backdrop of centuries of racism, white supremacy, and unequal justice in our society. It is in this historic moment that we ask you to dismiss all charges against protesters.

Thank you for your consideration of this request, we look forward to your response.

Sincerely,

Michael Aldridge  
Executive Director, ACLU of Kentucky