

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

**JASON KESSLER, et al.,**

**Plaintiffs,**

**V.**

**CITY OF CHARLOTTESVILLE,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 3:17-cv-00056-GEC

**AFFIDAVIT OF CHIEF OF POLICE AL S. THOMAS**

**STATE OF VIRGINIA  
CITY OF CHARLOTTESVILLE, to wit:**

This day in the City of Charlottesville, Virginia, Al S. Thomas appeared before me, Barbara Ronan, a Notary Public in and for the City and State aforesaid, and made oath as follows:

1. I am the Chief of Police for the City of Charlottesville, and I have served in that capacity since May of 2016. I also served as Police Chief of Lexington, Virginia, for 6 years and I have a total of 27 years of experience in law enforcement.
2. The initial permit application for the proposed August 12, 2017 "Unite the Right" Rally (hereinafter "Rally") submitted to the City on May 30, 2017, indicated that Rally organizer Mr. Jason Kessler expected that 400 people would participate.
3. In the time since the submission of the initial application, the Charlottesville Police Department ("CPD") has gathered a substantial amount of information indicating that the actual number of Rally participants will greatly exceed the initial total of 400 indicated by Mr. Kessler.
4. Specifically, the CPD Criminal Investigations Division has spoken with Rally planners and participants, as well as individuals from several organizations likely to participate, including, for example:

- a. Mr. Michael Peinovich, an individual scheduled to speak at the Rally at the invitation of Mr. Kessler, indicated that the event may draw 1,000 people.
  - b. Scheduled Rally speaker Mr. Augustus Invictus, indicated the expected attendance of 150 security personnel from the Alt Knights and The American Guard.
  - c. Scheduled Rally Speaker Mr. John Ramondetta, indicated that he had heard discussion of the attendance of 200 people from Texas, a separate contingent from Florida, and an additional 40 people from California.
  - d. Chief Vetting Officer and Official Spokesperson of the Fraternal Order of Alt-Knights (“FOAK”) Trace Chiles indicated that he expects 200 (with a minimum of 150) FOAK members and 75-100 “Patriot Men” to attend, and further projected that a total of 1000 people would attend in support of the Rally.
  - e. Imperial Wizard of the Rebel Brigade of Knights for the KKK Bill Snuffer stated that and estimated 250-500 members of four different groups of the KKK will be attending from the states of Delaware, Florida, and Virginia.
  - f. Imperial Wizard of the Confederate Knights of the Klan Richard Preston estimated that 500 individuals from a group known as “3% Risen” would attend.
  - g. New York State Commander of the Lightfoot Militia George Curbelo estimated that due to the popularity of the event there could be at least 200-300 individuals from his group in attendance.
5. Based on the cumulative body of intelligence collected or otherwise reviewed by CPD, CPD expects that no fewer than 1,000 Rally participants will attend the Rally, and considers that to be a conservative estimate.<sup>1</sup>

---

<sup>1</sup> These estimates do not include counter-demonstrators that may attend the Rally, which may number as many as 2,000 or more, based on the number in attendance at the KKK rally in Justice Park on July 8, 2017.

6. Intelligence reports gathered by the CPD Criminal Investigations Division further indicate that some Rally participants intend to carry firearms. For example, in conversations with CPD, Mr. Chiles indicated that FOAK members intend to carry firearms at the Rally.
7. In consideration of the above information, Emancipation Park is not a safe location to hold an event such as the Rally with more than 1,000 participants, and allowing the Rally to go forward at Emancipation Park will entail unacceptable risk to Rally participants, the general public, law enforcement and emergency personnel, for the following reasons:
  - a. Emancipation Park contains 1.04 acres; approximately one square block in size and shape.
  - b. Emancipation Park does not provide adequate space to safely accommodate a Rally with more than 1,000 participants in the Park simultaneously for the duration of a 5 hour event.
  - c. Holding the Rally in Emancipation Park will require the closure of several public roads to accommodate the large number of participants.
  - d. The above-referenced closures will cause potentially severe delays in response times to both event and non-event related emergency incidents, and will substantially hinder the ability of law enforcement personnel to provide emergency services to both Rally participants and to the general public.
  - e. Emancipation Park does not provide adequate areas for staging of law enforcement and other emergency personnel.
  - f. The risks associated with the presence of firearms would be exacerbated by holding a Rally with a large number of participants in the relatively confined area of Emancipation Park.

8. McIntire Park is a safer venue for the Rally, and will substantially reduce the risks to Rally participants, the general public, law enforcement, and emergency personnel associated with the Rally, for the following reasons:
  - a. McIntire Park provides substantially more space for the Rally, and has traditionally and regularly been used as a venue for large-scale events.
  - b. The City has significant experience in planning and managing events within McIntire Park.
  - c. Large crowds are easier to manage with acres of open space available to move bystanders and responders away from harm or injury.
  - d. McIntire Park provides adequate areas for staging of law enforcement and other emergency personnel.
  - e. McIntire Park provides on-site parking for those attending large-scale events, and provides accessibility to off-site parking at Charlottesville High School.
  - f. McIntire Park provides clearly defined ingress and egress routes for emergency vehicles, including efficient access to primary roads within the City and, if necessary, designated evacuation routes.
  - g. The holding of events at McIntire Park does not negatively impact the ability of emergency vehicles to respond to emergencies in nearby neighborhoods and does not pose a challenge for transportation within the City as a whole.
9. For the above reasons, in my capacity as the Chief of Police for the City of Charlottesville, I conclude that holding the Rally at Emancipation Park would create an unreasonable and unjustifiable risk to demonstrators, the general public, the general public, law enforcement and emergency personnel, and property in and around the Rally, and that holding the event at McIntire Park would be substantially safer for all parties.

10. I have provided the City Manager for the City of Charlottesville the estimated number of Rally participants, as well as the above recommendations.

*A. S. Thomas*

Al Thomas, Chief of Police

Subscribed and sworn to before me this 10<sup>th</sup> day of August, 2017. In testimony whereof, I have hereunto set my hand the day, month and year aforesaid.

*Barbara K. Ronan*

Notary Public

Registration No.: 188151 My commission expires: 4/30/2021

