

July 21, 2025

Modesto City Council
1010 10th Street
Modesto, CA 95354

Subject: Request to Amend Modesto Municipal Code § 4-23.02 Regarding Face Coverings at Public Assemblies

Dear Mayor and Members of the Modesto City Council,

On behalf of the Modesto/Stanislaus Branch of the NAACP, I write to express our deep concern regarding the language and enforcement of Modesto Municipal Code § 4-23.02, which prohibits the wearing of face coverings at public assemblies. While we support the City's efforts to ensure public safety, this ordinance—originally enacted to deter unlawful activity—now presents serious constitutional and community concerns when applied to peaceful demonstrators.

Constitutional Implications

As written, the ordinance risks violating First Amendment protections, particularly freedoms of speech, assembly, and anonymous expression. Courts have long upheld the right to anonymity in protest, especially when individuals seek to avoid retaliation, surveillance, doxing, or harassment. Wearing a mask or facial covering—whether for symbolic expression, religious observance, health, or privacy—is often an essential element of that protected speech.

Community Impact and Enforcement Concerns

The recent arrests of peaceful demonstrators wearing masks during a nonviolent protest in Modesto underscore the ordinance's unintended and disproportionate effects. It suppresses civic engagement and disproportionately impacts marginalized groups—particularly youth and communities of color.

A Call for Responsible Amendment

We respectfully urge the City Council to take immediate action to:

- Narrow the ordinance to focus solely on behavior that poses a legitimate threat to public safety;
- Expand the list of exceptions to include facial coverings worn for expressive, symbolic, health, religious, or privacy purposes;
- Clarify enforcement protocols to ensure fair, consistent, and non-discriminatory application;
- Invite public comment and stakeholder input—particularly from civil rights and community-based organizations—before pursuing any further enforcement actions.

Additionally, we urge the City to drop charges against the six individuals arrested, given the potential for legal challenges related to due process, procedural fairness, and civil rights violations.

Support for Modesto Police Department Reforms

We also support Chief Brandon Gillespie's proposals presented at the July 15th Community Police Review Board meeting, including:

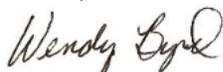
- Increasing signage and improving accuracy of social media communications;
- Enhancing bidirectional communication between the RTCC and field personnel;
- Ensuring that face coverings are not worn by officers during protests;
- Developing contacts with protest organizers to foster dialogue, clarify rules, and promote safety.

We commend Chief Gillespie's openness to feedback and his sincere efforts to build trust and improve community-police relations.

As a civil rights organization, the NAACP remains committed to advancing both public safety and civil liberties. These objectives are not mutually exclusive. With thoughtful revision, Modesto has the opportunity to model how constitutional rights and community well-being can be upheld together.

Thank you for your attention to this important matter. We welcome the opportunity to engage in further dialogue and participate in any public hearings on this issue.

Sincerely,



Wendy Byrd

President, Modesto/Stanislaus NAACP

Cc:

Brandon Gillespie, Modesto Police Chief
Community Police Review Board

Jose M. Sanchez, City Attorney

Stephen Connolly, Independent Auditor

NAACP Executive Committee