

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 08-cv-_____ - ____ - ____

AMERICAN CIVIL LIBERTIES UNION OF COLORADO, et al.
Plaintiffs,

v.

THE CITY AND COUNTY OF DENVER, COLORADO, et al.,
Defendants.

DECLARATION OF NITA GONZALES

I, Nita Gonzales, declare under penalty of perjury of the laws of the United States of America, as follows:

1. I am over the age of 18. I am competent to give testimony in this matter. The statements contained herein are based upon my personal knowledge. This declaration is being given in connection with Plaintiffs' First Motion For Preliminary Injunction and the proceedings related thereto.

2. I am the President and Chief Executive Officer of Escuela Tlatelolco Centro De Estudios ("Escuella"). Escuella is a non-profit corporation organized under the laws of the Colorado, and is headquartered in Denver, Colorado.

3. Escuela Tlatelolco runs and operates a community-based private school, developed in the late 1960's to provide an alternative education for young Chicanos, Mexicanos and Raza Indigena that leads not only to academic proficiency, but also instills cultural pride, confidence and developing leadership among Chicano, Mexicano and Raza Indigena youth. In

sum, the Escuela facilitates an educational community/family environment and institution dedicated to the empowerment of La Raza Indigena as global humanitarians in the struggle for self-determination.

4. The Escuela maintains a website on the Internet that is accessible to anyone in Colorado, the nation and the world, on which it provides information about its programs, its mission and vision, and a calendar of upcoming events, including political protests and demonstrations.

5. In my role as the President and CEO of the Escuela, and as a community organizer, I have helped organize several peaceful and large-scale political rallies and marches in Colorado over the past 18 years. For example on May 1, 2006, between 75,000 and 100,000 people took part in the Immigrants Rights march in Denver; thousands of marchers participated in the Four Directions/All Nations march each held in Denver in October 2001 through 2006; and thousands have joined in two annual anti-war marches and rallies held in 2007 and 2008.

6. On or about March 3, 2008, I completed and filed with the City and County of Denver a form, provided by the City, labeled "Extraordinary Event Permit & License Request Form." A true and correct copy of the two-page form I completed and filed with the City is attached hereto as Exhibit 1. On that form, I requested, on behalf of the Escuela, a permit to conduct a "parade" entitled the "Somos America March" on Tuesday, August 26, 2008 from 10:00 a.m. until 2:00 p.m.

7. On the parade permit request form, I indicated I anticipated that 1,000 people would participate in the Somos America March and that the participants in the march will convey a message of support for immigrant rights and human rights and they will advocate for

comprehensive immigration law reform.

8. On the parade request form I completed and filed with the City, I specified that the route the Somos America march would take was to start at Viking Park (located at 29th Street and Federal Boulevard) and will proceed down Speer Boulevard until Larimer Street, the entrance of the Auraria Community College campus.

9. The parade route I requested for the Somos America march begins near the Escuela's headquarters and proceeds along city streets to the entrance to a state institution of higher education. One of the messages that the Somos America marchers will convey is that our government need to pass The Development, Relief and Education for Alien Minors Act ("the DREAM Act") which will allow all graduates of Colorado high schools, regardless of their immigration status, to pay in-state resident's tuition at any state institution of higher education, such as Auraria Community College.

10. Although I submitted the "parade" permit request on behalf of the Escuela, I did so with knowledge and intent that numerous other organizations who are similarly committed to immigrant rights and to comprehensive immigration law reform will organize their members to participate in the Somos America march. Among the organizations I expect will join in the march are M.E.Ch.A (Movimiento Estudiantil Chicano de Aztlan), a national student group, Padres y Jóvenes Unidos, the National Alliance for Immigrants Rights, the American Friends Service Committee and the United Farmworkers Union.

11. The Escuela intends to invite several nationally prominent speakers to participate in the Somos America rally and march for which it has filed the parade permit request. To date, we have sent invitations to Senator Hillary Rodham Clinton and Senator Barack Obama to join

our march.

12. As of the date I am signing this Declaration, the City of Denver has not informed me whether the Escuela will be issued a parade permit, as I requested in early March, to conduct the Somos America march on August 26, 2008. Indeed, the City has not informed when it will process my parade permit request and make a decision on it.

13. I have been informed that there are several other parade permit requests on file with the City for August 26, 2008, and that the City will likely need to conduct a "lottery" to determine which of the competing requesters will be awarded the parade permits for that day. I have not been told when that "lottery" will occur.

14. Several of the groups with whom I've communicated about participating in the Somos America march have indicated their desire to bring in representatives and members from outside Colorado, (from all across the nation), to join in the march. To do so, these groups, like Escuela, must advertise and otherwise promote the event to potentially interested speakers, organizers, and march participants. Those groups, like the Escuela, must also provide logistical support and assistance to people wishing to travel from other states to Denver to participate in the march.

15. Because the City has not informed me whether the Escuela will be given a permit to conduct the Somos America march, as requested, on August 26, 2008, the Escuela and all of the affiliated local and national organizations identified above who will be participating in the march, are unable to extend invitations to dignitaries, national leaders, and celebrities to ask them to come to Denver to participate in or speak at the march.

16. There are organizations committed to fighting for comprehensive immigration

law reform, in Los Angeles, New Mexico, Arizona, and New York, who I know are interested in participating in a rally and march during the Democratic National Convention, that will draw attention to the need for immigration law reform; however, representatives of those organizations have communicated to me that I should let them know when I've obtained a City parade permit, so that plans could then be made to prepare to cover the costs and make the needed travel arrangements. In other words, until Escuela can assure these groups that it has, in hand, a valid permit to conduct the Somos America march, those organizations will not commit to sending speakers and others to participate in the march.

17. Since the time that I filed my parade permit request with the City, I have been informed by an official at Auraria Community College that even if my parade permit is issued, the route I've identified will need to be modified because the Auraria campus will be closed to all members of the public (and even to student-sponsored organizations) throughout the Democratic National Convention; only "essential personnel" will be given access to the Auraria campus during the Convention.

18. As a result, I am willing to discuss alternative parade routes with the City, including, for example, having the march end at the State Capitol building or Sunken Gardens. Both of these alternative routes will allow the marchers to pass by the site of the Convention and to make their voices heard and their posters, signs, and banners visible to the Delegates attending the Convention.

19. It is important for the Somos America march participants to be able to convey their message to both the Convention Delegates and to the national news media who will be assembled to cover the Convention. The Convention Delegates include government officials

who have the power, presently, to enact comprehensive immigration law reform. The Delegates as a whole will also be deciding what positions the Democratic Party will take in the party platform, and we intend to urge them to commit to a comprehensive overhaul of our nation's immigration laws. Conveying this message to the national news media is also important, because it allow Escuela and the groups affiliated with it to transmit their message to viewers, listeners, and readers throughout the country, who can then call upon their own government leaders to take action to protect immigrants' rights, both nationally and locally.

20. In addition to organizing the Somos America March on August 26, 2008, the Escuela also intends to assemble peaceably and deliver its message within sight and sound of the Pepsi Center and the Convention delegates.

21. It is particularly important to members of Escuela and other affiliated groups who are concerned about immigrants' rights that they be able to interact with Convention delegates for the purpose of discussing comprehensive immigration reform. The Escuela believes that during the Convention, immigrant issues will be a topic of great importance, and the Escuela and related organizations wishes to be able to speak to delegates, and provide them with written materials such as handbills and flyers, to advocate for just, fair and humane immigration policy reform.

22. As of the date I am signing this declaration, the City of Denver and the United State Secret Service have not made known to the public what sorts of restrictions and limitations they may be placing on such peaceful assembly and free speech activities at or near the Pepsi Center. As a result, the Escuela does not know the size or location of any so-called "demonstration zone," what sound amplification will be allowed or provided at that site, and how

access to any stage area and/or amplified sound system will be allotted or regulated by the City and/or the Secret Service.

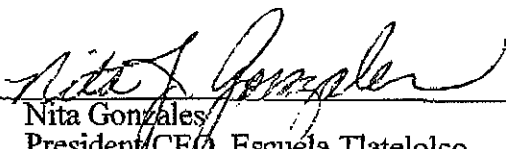
23. Because the City and Secret Service have not disclosed what are the limitations and restrictions they will be placing on the rights of peaceful assembly and free speech in the immediate vicinity of the Pepsi Center during the Democratic National Convention, it is practically impossible for the Escuela to take the steps necessary to plan and organize a rally or demonstration at the Convention site, including inviting speakers to attend such a rally and publicizing the event.

24. I have been informed that Denver City officials have spoken publicly about the possibility of their constructing some sort of confined area, they are referring to as a "free speech zone," that will be the exclusive authorized location for peaceful assembly and free speech activities within sight and sound of the Convention site and the Delegates. Based upon my experience with such a caged area at the site of the last Democratic National Convention in Boston, I am extremely concerned that implementing such a plan in Denver will significantly deter supporters of the Escuela and of immigrant rights more generally, from participating in a rally that requires demonstrators to enter such an isolated, confined and fenced-in holding pen.

25. The foregoing is true and correct, to the best of my knowledge or recollection.

Executed this 28th day of April, 2008.

By:


Nita González
President/CEO, Escuela Tlatelolco