

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

LESLIE WEISE,
ALEX YOUNG,

Plaintiffs,

v.

GREG JENKINS, in his individual capacity;
STEVEN A. ATKISS, in his individual capacity;
JAMES A. O'KEEFE, in his individual capacity;
JOHN/JANE DOES 1-2, both in their individual capacities,

Defendants.

COMPLAINT AND JURY DEMAND

Leslie Weise and Alex Young, by and through their attorneys, Christopher A. Hansen, Catherine Crump, Mark Silverstein, Martha M. Tierney, and Jerremy M. Ramp, respectfully make the following allegations. This case is related to civil action no. 05-CV-02355-WYD-CBS.

I. INTRODUCTION

1. This is a case arising from the March 21, 2005 appearance by President George W. Bush at the Wings Over the Rockies Air and Space Museum in Denver, Colorado. Although this event was an official Presidential visit, open to the public, and although plaintiffs had authorized tickets to the event, plaintiffs were ejected from the

audience solely because of defendants' perception that plaintiffs' viewpoint on public issues would differ from the President's viewpoint. Defendants' actions violated plaintiffs' First and Fourth Amendment rights.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1346. This action is authorized and instituted pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

3. The practices alleged herein to be unlawful were committed within the jurisdiction of the United States District Court of Colorado. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

III. PARTIES

4. Plaintiff Leslie Weise is a citizen of the United States and was at all relevant times a resident of and domiciled in the State of Colorado.

5. Plaintiff Alex Young is a citizen of the United States and was at all relevant times a resident of and domiciled in the State of Colorado.

6. Defendant Greg Jenkins is a citizen of the United States whose office was located at all relevant times in the District of Columbia. At all relevant times, defendant Jenkins was employed by the United States Government as Director of the White House Office of Advance. Defendant Jenkins is sued in his individual capacity.

7. Defendant Steven A. Atkiss is a citizen of the United States whose office was located at all relevant times in the District of Columbia. At all relevant times,

defendant Atkiss was employed by the United States Government as the Deputy Director of the White House Office of Advance. Defendant Atkiss is sued in his individual capacity.

8. Defendant James A. O'Keefe is a citizen of the United States whose office was located at all relevant times in the District of Columbia. At all relevant times, defendant O'Keefe was employed by the United States Government as a Senior Advance Representative for the White House Office of Advance. Defendant O'Keefe is sued in his individual capacity.

9. Defendants John/Jane Does 1-2 are persons whose identities are currently unknown to plaintiffs but who were involved in the creation, authorization, ratification, and/or implementation of a policy to eject from this event and other similar events plaintiffs and anyone with views that were perceived as different from the President's view. Upon information and belief, defendants John/Jane Does 1-2 are federal employees or were acting at the direction of federal employees.

IV. FACTUAL ALLEGATIONS

10. On March 21, 2005, President Bush made a visit to Denver, Colorado, at the Wings Over the Rockies Air and Space Museum, to deliver a speech on the topic of Social Security.

11. This was an official visit by the President. It was paid for by taxpayers. It was open to the public.

12. The White House determined who would serve as staff or volunteers working at this event. The White House also determined the rules concerning attendance at the event.

13. In order to coordinate attendance at President Bush's appearance by individuals who wished to hear him speak, the defendants, including the John/Jane Doe defendants, designed systems and procedures for that visit that included admission to the museum by ticket. Tickets were distributed, in part, by the office of Representative Bob Beauprez. Tickets were available to any member of the public.

14. On March 18, 2005, plaintiffs Weise and Young separately obtained tickets from the office of Representative Bob Beauprez to attend President Bush's speech. Before obtaining the tickets, they were asked to show their driver's licenses and to write their names and addresses on a piece of paper.

15. At no time were plaintiffs advised that they could not attend or that attendance was limited to persons with a viewpoint identical to that of the President.

16. On March 21, 2005, plaintiffs arrived at the event in a vehicle owned and driven by Ms. Weise.

17. Ms. Weise's vehicle had a bumper sticker that expressed a particular viewpoint. The bumper sticker read, "No More Blood For Oil."

18. Ms. Weise parked her vehicle, and plaintiffs waited in a long line for approximately one-half hour to enter the event.

19. Plaintiffs wanted to listen to President Bush's views on Social Security. If the president had allowed questions from the floor, plaintiff Young would have sought to ask a question. They had no intention of disrupting the event in any way.

20. As Ms. Weise approached the security metal detectors, with a friend, she was asked to show identification. She showed her identification to the man at the metal detector. He prohibited her and her friend from entering the event and directed them to stand next to another man, Jay Bob Klinkerman, who identified himself as a "volunteer" from Colorado.

21. Mr. Young's identification was checked by a different person, and Mr. Young passed the security check and proceeded to a seat.

22. Ms. Weise asked Mr. Klinkerman if she was on some kind of a list. He replied only that they had to wait for someone from the Secret Service to arrive.

23. Soon, another man, now known as Michael Casper, arrived. Mr. Casper wore a dark blue suit, an earpiece, and a lapel pin. As he approached, Mr. Klinkerman said, "that's him," or "here he comes."

24. Mr. Casper told Ms. Weise that she had been "ID'd," and that if she had any ill intentions she would be arrested. Ms. Weise's friend asked Mr. Casper what he meant by "ID'd." He reiterated that if they had any ill intentions they would be arrested. He told them that if they tried any "funny stuff" that they would be arrested, but that he was going to let them in.

25. Mr. Casper issued these threats and warnings solely because of the bumper sticker on Ms. Weise's car and his perception, along with the perception of defendants Greg Jenkins, Steven A. Atkiss and James A. O'Keefe, and one or more of the John/Jane Doe defendants, that Ms. Weise had a viewpoint that was different from the President's.

26. After Mr. Casper's warnings, Ms. Weise and her friend then entered the building and proceeded to the area where the audience was seated. Some time after permitting Ms. Weise to enter, Mr. Casper consulted with defendant Atkiss and defendant O'Keefe, who told him to ask Ms. Weise and Mr. Young to leave the event.

27. At other open-to-the-public official Presidential visits around the country at which the President spoke, people with a viewpoint other than that held by the President were either denied entry, ejected, or even arrested.

28. A few minutes later, Mr. Casper approached Mr. Young. Mr. Casper told Mr. Young to follow him. Mr. Casper then turned toward Ms. Weise and shouted to her to come and that she had to leave, too. Mr. Casper placed his hand on Mr. Young's back and shoved him forward toward the exit. Ms. Weise did as ordered, and followed behind Mr. Casper as he pushed Mr. Young toward the door. Mr. Young repeatedly asked Mr. Casper who he was, where he was taking them, and what was going on. Mr. Casper did not answer any of Mr. Young's questions, but replied, "this is a private event, and you have to leave." As they approached the exit, Mr. Casper called to a woman in a dark suit to escort Mr. Young and Ms. Weise out the door.

29. Defendants Jenkins, Atkiss and O’Keefe and one or more of the John/Jane Doe defendants had earlier set a policy of prohibiting anyone from attending this public event if they held a viewpoint other than that held by the President. Defendants Atkiss and O’Keefe acted pursuant to this policy when they asked Mr. Casper to eject Ms. Weise and Mr. Young from the event.

30. Once outside, Ms. Weise and Mr. Young were confronted by four or five men, two of whom were uniformed police officers; the others wore suits. Both uniformed officers were wearing nameplates that included the words “New York” under the names.

31. Mr. Young asked one of the suited men who they were, and if they were staff. One of the men replied that he was Secret Service, and said that if staff asked them to leave, they had to leave. The man did not show Mr. Young or Ms. Weise any identification. The man was wearing a lapel pin and an earpiece. Mr. Young asked the man if “staff” meant “Secret Service.” The man repeated that, if staff asked them to leave, they had to leave.

32. Ms. Weise asked if there was someone else in authority they could talk to about reentry. The men said there was not. The men urged the plaintiffs to contact the person who gave them tickets. The plaintiffs told the men that Representative Beauprez gave them tickets and he was just inside the door. They asked the men to go get Representative Beauprez to discuss the matter. The men refused to do so.

33. At no time did either of the plaintiffs give any indication that they would disrupt the event.

34. After the event, the Secret Service confirmed to Ms. Weise and Mr. Young that they were ejected from the event as a result of the bumper sticker on Ms. Weise's vehicle.

35. At all times, the policies concerning attendance at the event were set by federal officials acting as federal officials, including defendants Jenkins, Atkiss, O'Keefe and the Doe defendants. Mr. Klinkerman and Mr. Casper ejected the plaintiffs at the direction of and pursuant to policies of those federal officials.

36. The named defendants, the Doe defendants and Mr. Casper and Mr. Klinkerman conspired together. They agreed to deny entry from or to expel persons with viewpoints opposed to the President's, or persons perceived to hold such opposing viewpoints, including the plaintiffs. They also conspired to seize plaintiffs and anyone who entered the event under the same circumstances. The acts that occurred as part of that conspiracy are those outlined above. More specifically, defendants Atkiss and O'Keefe, who made the decision to eject the plaintiffs, acted in concert with defendant Jenkins and the Doe defendants, who established the policies that were being enforced by the ejection, and with Mr. Casper and Mr. Klinkerman, who carried out the ejection.

37. Defendant Jenkins and the Doe defendants knew that the policy to deny entry from or to expel persons with viewpoints opposed to the President's, or persons perceived to hold such opposing viewpoints, would be applied throughout the country at

the President's appearances. Defendant Jenkins and the Doe defendants knew that the President was scheduled to speak in Denver.

38. Defendants have been criticized by virtually every member of the Colorado Congressional delegation for ejecting plaintiffs from this event in violation of their First Amendment rights.

39. All defendants acted throughout this incident under color of federal law.

40. Mr. Casper and Mr. Klinkerman are the two named defendants in a related case brought by plaintiffs Weise and Young, civil action no. 05-CV-02355-WYD-CBS, that is based on the same set of facts occurring on March 21, 2005. That case is presently on appeal to the United States Court of Appeals for the Tenth Circuit on the District Court's denials of defendants' motions to dismiss.

V. CAUSE OF ACTION AND RELIEF

(Action Pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971))

41. Plaintiffs hereby incorporate all preceding paragraphs of this Complaint as though fully incorporated herein.

42. Defendants violated plaintiffs' First and Fourth Amendment rights by establishing and enforcing a policy to eject persons, including the plaintiffs, from this event on the basis of their viewpoint.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, and award them damages and such other relief as is just and proper.

PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE.

Respectfully submitted this 15th day of March, 2007.

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