

**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 GABRIELA FLORA

I, Gabriela Flora, declare under penalty of perjury of the laws of the United States of America and the State of Colorado, 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 Project Voice Regional Organizer for American Friends Service Committee's ("AFSC") central region. AFSC is a duly incorporated not-for-profit entity under the laws of the State of Pennsylvania, and headquartered in Philadelphia. AFSC has 56 offices throughout the United States and internationally, including an office in Denver, Colorado.

3. The AFSC carries out service, development, social justice, and peace programs throughout the world. Founded by Quakers in 1917 to provide conscientious objectors with an opportunity to aid civilian war victims, AFSC's work attracts the support and partnership of

people of many races, religions, and cultures. AFSC's work is based on the Quaker belief in the worth of every person and faith in the power of love to overcome violence and injustice. The organization's mission and achievements won worldwide recognition in 1947 when it accepted the Nobel Peace Prize with the British Friends Service Council on behalf of all Quakers. The AFSC is directed by a Quaker board and staffed by Quakers and other people of faith who share the Friends' desire for peace and social justice.

4. In Colorado, the AFSC focuses on rights of immigrants, including through the AFSC project "Coloradans For Immigrant Rights." This work is allied and done in cooperation with immigrant rights organizations throughout Colorado. The AFSC in Colorado also has programs on youth empowerment and peace-building.

5. AFSC has a long history of peaceable assembly in Colorado. AFSC has lead, organized and/or participated in dozens of rallies, marches, demonstrations, vigils, street-theatre, and other public displays. The marches include an immigrant rights march in the Spring of 2006, where representatives from AFSC and other groups worked with Denver law enforcement to ensure a safe, peaceful and orderly march and assembly of one hundred thousand people without incident.

6. AFSC maintains a national and a Colorado website accessible to anyone in Colorado, the United States and the world where it informs the public about issues related to AFSC's mission. The website contains information about AFSC's mission including, but not limited to, articles, publications, news releases, national campaigns, action alerts, a blog maintained by Coloradans for Immigrant Rights, and links to other organizations.

7. In addition, AFSC advertises upcoming events via our website. AFSC also

advertises events using email listserve alerts, weekly email listserve updates, press releases, and through other formal and informal communications with allied organizations, individuals, the media and the general public. The Coloradans For Immigrant Rights listserv has 725 members, the Colorado AFSC listserv has approximately 275 members, and the national immigrant rights listserv has approximately 7,775 members.

8. During the Democratic National Convention (“Convention”), AFSC intends to peaceably assemble within sight and sound of the Pepsi Center and the Convention delegates at any “demonstration zone” and other public forums at or near the Pepsi Center to deliver messages focused on the rights of immigrants and peace. AFSC intends to peaceably assemble and encourage our members and supporters to peaceably assemble during the Convention in parades, marches, demonstrations, rallies, displays and concerts.

9. Our message delivered during those assemblies is intended to reach the audience of decision-makers within the Democratic Party including, but not limited to, Convention Delegates and others who will be attending the Convention at the Pepsi Center.

10. It is particularly important to AFSC and our members and supporters that we are able interact with Convention delegates at or near the Convention for the purpose of discussing comprehensive immigration reform and an end to the war in Iraq. AFSC believes that during the Convention, immigrant issues will be a topic of great importance, and AFSC wishes to be able to speak to delegates, and distribute written materials such as handbills and flyers, to advocate for just, fair and humane immigration policy reform.

11. AFSC also wants to be within sight and sound of the Convention delegates for the purpose of showing delegates, by the numbers of persons at our peaceable assemblies and the

messages displayed on banners and signs, that immigration policy has a real effect on millions of people in America, and necessitates a comprehensive and fair consideration by Convention delegates and presidential candidates, as does an end to the war in Iraq.

12. By being within sight and sound of the delegates, we hope to influence delegates to support positions and candidates in line with AFSC's advocacy.

13. In addition, in conjunction with allied groups such as the Colorado Immigrant Rights Coalition, we have met and are developing relationships with confirmed and potential Convention delegates, including members of the Congressional Hispanic Caucus. AFSC, allied organizations and their members and supporters intend to invite delegates to attend and speak at their peaceable assemblies.

14. In furtherance of our peaceable assembly and delivering our message at the "demonstration zone" and at other public forums at or near the Pepsi Center, AFSC intends to recruit members and support, especially through Coloradans For Immigrant Rights, allied groups and individuals to assemble peaceably at those events, advertise those events to the general public and encourage their attendance, advertise those events to the media, generate general public and media interest in the events and the message being delivered at those events, and recruit and invite speakers and other distinguished persons to help deliver the message of AFSC and raise public and media awareness about the events.

15. AFSC also intends to help plan and organize a large-scale peaceful parade if a permit request submitted by Escuela Tlatelolco is granted. During that parade, AFSC and our allied organizations want to emphasize the message that immigrants deserve to be treated with respect, immigrants enrich life within our communities and our culture, immigrants should have

a voice in the discourse over decisions that affect them, and that working for justice for immigrants helps us build an inclusive and loving society for all of us.

16. As of the date of this declaration, neither the City of Denver nor the United States Secret Service has informed the public of any of the restrictions, limitations or plans for the “demonstration zone” and other public forums at or near the Pepsi Center that may effect the ability of AFSC to assemble peaceably and deliver our message within sight and sound of the Pepsi Center and the Convention Delegates. This has impeded AFSC’s ability to plan, organize and advertise for intended peaceable assembly.

17. In particular, as of the date that I am signing this declaration, AFSC does not know the size or location of the “demonstration zone,” what sound amplification will be allowed or permitted at that site, whether access to the “demonstration zone” will be limited and, if so, how that access will be allotted or regulated, any physical attributes of the “demonstration zone” such as netting, fencing or plexi-glass that may restrict or prevent AFSC from delivering our message to Convention delegates orally or by handing printed material to Convention attendees, whether banners, puppets, street theatre and signs will be allowed within the demonstration zone and at other public forums at or near the Pepsi Center, what restrictions or searches may be conducted upon ingress and egress to the “demonstration zone,” what public forums at or near the Pepsi Center may be closed because of the security perimeter, or how access to public forums at or near the Pepsi Center may be restricted or regulated.

18. In addition, AFSC does not know whether Escuela Tlateloco’s request for a march will be granted, nor if so, whether the specific march route requested will be permitted, the proximity of the march route to the Pepsi Center and Convention delegates, what time the

march will permitted to occur, what ingress and egress will be allowed on the march route, nor any of the other potential restrictions, limitations or plans that may effect the ability of AFSC to deliver our message within sight and sound of the Pepsi Center and the Convention Delegates during the march.

19. AFSC is aware that in past conventions, such as the Democratic National Convention in Boston in 2004, the city and the United States Secret Service established severe limitations on the rights of expressive activity, and forced groups and individuals wishing to engage in peaceable assembly within sight and sound of delegates into a small, isolated, caged area. AFSC is also aware that in Boston, although a court indicated that the conditions were abhorrent and overly restrictive, the court stated that it had too little time to provide any relief from those restrictions. We are extremely concerned that if the City of Denver and United States Secret Service implement any plans that restrict First Amendment rights in a way similar in nature or severity to the 2004 Convention in Boston, it will significantly deter AFSC members and supporters from participating in our peaceable assemblies.

20. Neither the City nor the United States Secret Service has provided any date or timetable by which the public, and AFSC, will know any of the information discussed above. AFSC believes that without the intervention of the court, the plans will not be made public until the very last minute, and there will be no time for negotiations or judicial review if those plans unjustifiably restrict First Amendment rights.

21. Because neither the City nor the United States Secret Service has informed the public of any of the restrictions, limitations or other plans for the “demonstration zone” or other public forums at or near the Pepsi Center that may be closed or restricted, the ability of AFSC to

plan for peaceable assembly at those intended events, and thus the ability of AFSC to effectively deliver and generate public interest in our intended message, is and will continue to be significantly and dramatically impaired.

22. For example, AFSC wants to recruit out of town speakers to come to parades, demonstrations and rallies at or near the Pepsi Center. Because AFSC does not know whether there will be a stage in the demonstration zone, whether or when they will have access to it, nor what the conditions inside the demonstration zone will be like, AFSC has been unable to extend invitations to those speakers. Time is of the essence in securing those speakers because many have limited time in their schedules, and/or would need to make arrangements to travel to Denver.

23. Furthermore, AFSC has been unable to effectively recruit our members and supporters to come to the DNC. I believe that many people are unwilling or unable to commit to coming until they know whether or not there will be a safe space and time for the planned events at or near the Pepsi Center.

24. AFSC cannot recruit the speakers, members and supporters we wish to invite until a permit is secured, because of the possibility of arrest, prosecution and criminal sanction for conducting a parade without a permit.

25. The possibility of criminal penalty is especially grave for legal permanent residents, visa holders, and other non-citizens who wish to participate in a peaceful, safe and permitted march, but who could face immigration consequences as a result of criminal charges if the march is not granted a permit.

26. Furthermore, planning for the march will require AFSC to undertake a significant amount of logistical planning in addition to making arrangements to ensure that all participants and speakers can travel to and from the march, including creating leaflets, banners, pamphlets, or other expressive materials to augment and effectively deliver AFSC's message during the march, and arrange and/or plan for any necessary health or safety concerns for participants during the march.

27. Furthermore, the AFSC offices are located at 14th Street and Speer, approximately 0.8 miles from the Pepsi Center. Not only could the security perimeter interfere with our day-to-day operations, but with regard to the Convention in particular, we intend to conduct much of our planning and organizing from that office, and intend to assemble members, supporters, puppets, banners and other materials at our office for peaceable assembly during the Convention. AFSC needs to know whether or not we and our members and supporters will have access to the AFSC office during the Convention, and if the City of Denver or United States Secret Service intends to restrict that access in an unreasonable way, we must have sufficient time to negotiate with the Defendants or seek judicial relief from those restrictions.

28. AFSC also plans on organizing a "Youth-4-Peace" assembly and concert at the Denver Skate Park, owned and managed by the City of Denver, which is approximately 0.8 miles from the Pepsi Center. Our ability to plan and organize this event is also significantly impaired by the lack of any information regarding whether or not the skate park will be subject to any restrictions or limitations on assemblies at that public forum during the Convention.

29. AFSC also plans on erecting a "Cost of War" exhibit that will highlight how money spent on the Iraq War could have been spent on other public priorities, such as education

and healthcare. That display is planned at the junction of the Cherry Creek and Platte River bike trails, just 0.5 miles from the Pepsi Center. Our ability to plan and organize this event is also significantly impaired by the lack of any information regarding whether or not this public forum will be subject to any restrictions or limitations on assemblies during the Convention.

30. In order to effectively and adequately be able to peaceably assemble and deliver our intended message at the “demonstration zone” and other public forums at or near the Pepsi Center, AFSC needs parade requests to be granted or denied immediately, and needs to know what the restrictions, limitations or other plans will be for parades, the “demonstration zone,” and other public forums at or near the Pepsi Center.

31. The disclosures must be made sufficiently in advance of the Convention to ensure adequate time for negotiations with Defendants and/or judicial review of those restrictions, limitations or other plans if they unduly restrict the expressive rights of AFSC as guaranteed by the First Amendment and Article II Section 10 of the Colorado Constitution.

32. The foregoing is true and correct, to the best of my recollection.

Executed this 29th day of April, 2008.

By: 

Gabriela Flora
Project Voice Regional Organizer
American Friends Service Committee