

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. **08-cv-00910-MSK-MJW**

AMERICAN CIVIL LIBERTIES UNION OF COLORADO,
AMERICAN FRIENDS SERVICE COMMITTEE,
AMERICAN INDIAN MOVEMENT OF COLORADO,
AMERICANS FOR SAFE ACCESS,
CODEPINK,
ESCUELA TLATELOLCO CENTRO DE ESTUDIOS,
LARRY HALES,
GLENN MORRIS,
RECREATE 68,
ROCKY MOUNTAIN PEACE & JUSTICE CENTER,
DAMIAN SEDNEY,
TENT STATE UNIVERSITY,
TROOPS OUT NOW COALITION, and
UNITED FOR PEACE & JUSTICE,
Plaintiffs,

v.

THE CITY AND COUNTY OF DENVER, COLORADO,
MICHAEL BATTISTA,
THE UNITED STATES SECRET SERVICE, and,
MARK SULLIVAN,
Defendants.

DECLARATION OF TERESA NELSON

I, **Teresa Nelson**, under penalty of perjury of the laws of the United States of America, declare 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 Legal Counsel for the American Civil Liberties Union of Minnesota (“ACLU-Minnesota”). I have represented the ACLU-Minnesota in connection with the negotiations with the City of St. Paul and its police department concerning arrangements for protest activities at the Republican National Convention in St. Paul in September 2008.

3. The Republican National Convention is scheduled to take place September 1-4, 2008, at the Xcel Energy Center in downtown St. Paul, Minnesota.

4. The ACLU-Minnesota began meeting with city officials in St. Paul soon after the city was selected as the site of the Republican National Convention. Since early in those discussions, the ACLU-Minnesota has advocated for timely disclosure of the city’s plans for marches and rallies so that the various organizations planning their protest activities may have sufficient time to make their own arrangements. The City of St. Paul identified Assistant Police Chief Matt Bostrom as the individual with the primary responsibility for arrangements regarding security and regulating speech activities during the convention.

5. On February 29, 2008, the St. Paul Assistant Police Chief Matt Bostrom promulgated “Guidelines Regarding the Conduct of Public Assemblies” during the convention, and in those Guidelines made clear that the city would disclose the location of the expected demonstration zone within sight and sound of the convention hall before May 31, 2008. That resolution is available through the city’s internet website at <http://www.ci.stpaul.mn.us/index.asp?NID=2100>, and a true and correct copy of it is attached here as **Exhibit A**.

6. On April 15, 2008, St. Paul Police Department Assistant Chief Matt Bostrom personally disclosed the location of the planned “designated public assembly area” outside of the

Xcel Energy Center during a walk-through of the convention area that he conducted with representatives of various protest organizations and their ACLU-Minnesota and National Lawyer's Guild attorneys. During that walk-through, which occurred four and a half months in advance of the convention itself, Assistant Chief Bostrom pointed out an area east of the intersection of 7th Street and 5th Street where he expected the demonstration zone to be located. Assistant Chief Bostrom also disclosed to participants on that walk-through where he anticipated the "credentials only" and "foot traffic only" perimeters would be around the Xcel Energy Center. Shortly after that walk-through, ACLU-Minnesota cooperating attorney Chris Sur and NLG attorney Bruce Nestor noted the information that Assistant Chief Bostrom had provided to us on a printout of a Google Maps diagram of the area. A true and correct copy of that annotated map is attached here as **Exhibit B**.

7. On May 14, 2008, the St. Paul Police Department issued an Alternative Permit for a march from the State Capitol grounds to the convention site. This Alternative Permit was issued in response to applications that ACLU-Minnesota client The Coalition to March on the RNC and Stop the War had filed several months before. A true and correct copy of this Alternative Permit is attached here as **Exhibit C**.

8. On May 21, 2008, in response to an appeal of the police department's Alternative permit filed by the Coalition, the St. Paul Police Department provided the St. Paul City Council with a staff report on its decision concerning the arrangements for protest activities reflected in the Alternative Permit. In that staff report, the Police Department indicates that the parade and demonstration zone will be within 100 feet of the glass façade of the Xcel Energy Center on 7th Street. A true and correct copy of this report is attached here as **Exhibit D**.

9. At no point during our discussions with the Police Department or anyone else with the City of St. Paul has anyone indicated that the disclosure of the location of the demonstration zone or the parade route as it passes the Xcel Energy Center would pose a security risk for the convention.

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

Executed this 4th day of June, 2008.

By: Teresa Nelson
Teresa Nelson
Legal Counsel, American Civil Liberties
Union of Minnesota