

**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 ZOE WILIAMS

I, Zoe Williams, 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 Democratic National Convention Denver Organizer for CODEPINK. CODEPINK is a duly incorporated not-for-profit entity under the laws of the State of California, and has regional offices in New York City, Washington, D.C., Los Angeles, and San Francisco. CODEPINK has over 250 active local groups around the country and the world, including a chapter in Denver, Colorado.

3. Started in 2002, CODEPINK is a worldwide women-initiated grassroots peace and social justice movement working to end the war in Iraq, stop new wars, and redirect our

resources into healthcare, education and other life-affirming activities. CODEPINK calls for policies based on compassion, kindness and a commitment to international law. With an emphasis on joy and humor, CODEPINK women and men seek to activate, amplify and inspire a community of peacemakers through creative campaigns and a commitment to non-violence.

4. CODEPINK maintains a website accessible to anyone in Colorado, the United States and the world where it informs the public about issues related to CODEPINK's mission. The website contains information about CODEPINK including, news articles, publications, news releases, international campaigns, action alerts, links to other organizations, opinion and editorial pieces, news clippings, and other ideas.

5. In addition, CODEPINK advertises upcoming events via our website. CODEPINK also advertises events using an email listserve, press releases, and through other formal and informal communications with allied organizations, individuals, the media and the general public. More than 150,000 people are currently receiving the weekly CODEPINK alert.

6. CODEPINK has engaged in past peaceable assembly in Colorado. For example, CODEPINK invited and promoted women from Baghdad, Iraq, to speak in Denver about experiences during and after the invasion of Iraq. CODEPINK has distributed neon pink postcards to Colorado state legislators and Colorado's federal senators and representatives with information about the Iraq War. CODEPINK has participated in numerous peaceful marches in Denver, for example, a recent march on the fifth anniversary of the invasion of Iraq where CODEPINK members and supporters marched together with large neon pink hands displaying a message advocating funding for schools instead of war. Most recently, CODEPINK organized and sponsored free speech events around April 15th, tax day, handing out flyers and literature

near tax preparation centers, government tax offices and in other public forums.

7. During the Democratic National Convention (“Convention”), CODEPINK intends to peaceably assemble within sight and sound of the Pepsi Center and the Convention delegates to deliver creative and colorful messages that promote life-sustaining foundations of society such as education, civil liberties and human rights, to speak about how those foundations have been negatively affected by the current funding for the military and for the war, and to influence delegates to support and promote CODEPINK’s issues on the Convention floor. CODEPINK intends to peaceably assemble and encourage our members and supporters to peaceably assemble during the Convention in parades, marches, demonstrations, rallies and concerts.

8. CODEPINK’s 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.

9. It is the experience and belief of CODEPINK that it’s messages are most effectively conveyed to, and more likely to be received by, decision-makers such as Convention delegates when delivered by attention-grabbing, colorful and creative means such as signs, puppets, banners, props, street theatre, and costumes. CODEPINK wants delegates to be able to see our messages as they enter the Pepsi Center in order to influence delegates to support platforms and candidates at the Convention that are aligned with CODEPINK’s issues.

10. CODEPINK also plans to distribute leaflets, flyers, pamphlets and other written materials to the Convention delegates, and wishes to hand those written materials to willing delegates as they enter the Pepsi Center for the purpose of educating and influencing delegates to act on those issues at the Convention.

11. CODEPINK also has strong relationships with many Convention delegates. Some of these delegates have communicated with CODEPINK and expressed an interest in attending, viewing and/or speaking at CODEPINK's assemblies. These Convention delegates include, but are not limited to, Congresswomen Maxine Waters, Barbara Lee, Lynn Woolsey, Eleanor Holmes Norton, Hilda Solis, Diane Watson, Zoe Lofgren, Linda Sanchez, and Anna Eshoo; Congressmen Robert Wexler, Charles Rangel, Jerry Nagler, and Patrick Murphy; and Senators Barbara Boxer, Chris Dodd, Ted Kennedy and Amy Klobuchar.

12. CODEPINK intends to recruit allied groups and individuals to assemble peaceably at our events, advertise those events to the general public and encourage their attendance, advertise our events to the media, generate general public and media interest in our events and the message being delivered at those events, and recruit and invite speakers and other distinguished persons to help deliver the message of CODEPINK and raise public and media awareness about CODEPINK's message.

13. CODEPINK also intends to help plan and organize a peaceful parade if a permit request submitted by Recreate 68 is granted. CODEPINK plans on organizing a "traditional" parade with floats, cheerleaders, and drum corps, and to encourage members and supporters to peaceably assemble to watch and/or participate in the parade. During the parade, CODEPINK wants to especially emphasize our message of providing funding for education, instead of for war, and to encourage families and children to participate in and attend the parade.

14. As of the date of this declaration, CODEPINK does not know any of the restrictions, limitations or plans for parades, the "demonstration zone," or other public forums at or near the Pepsi Center that may affect the ability of CODEPINK to assemble peaceably and

deliver our message within sight and sound of the Pepsi Center and the Convention Delegates.

15. For example, CODEPINK 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 scarce 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 CODEPINK from delivering our message to Convention delegates orally or by distributing 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.

16. In addition, CODEPINK does not know whether or when Recreate 68’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 be 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 CODEPINK to deliver our message within sight and sound of the Pepsi Center and the Convention Delegates during the march.

17. Furthermore, neither the City nor the United States Secret Service has provided any certain date or timeframe by which this information will be made public.

18. CODEPINK is aware that groups and individuals wanting to exercise their free

speech rights at past conventions have been forced to use “demonstration zones” that significantly restricted their ability to peaceably assemble in public forums. CODEPINK is aware that at the 2004 Democratic National Convention in Boston, the “demonstration zone” was a small, isolated area covered by netting and barbed wire that did not permit effective access to convention delegates and deterred many people from attempting to peaceably assemble. CODEPINK knows that in Boston, a court that reviewed those restrictions determined that it did not have enough time to order changes to make the zone comply with the First Amendment. CODEPINK needs any plans for restricting peaceable assembly during the Convention to be disclosed immediately so that there is adequate time for negotiation and judicial review of any unjustifiable restriction on our free speech rights.

19. Because neither the City nor the United States Secret Service has made public any of the planned restrictions, limitations or other plans for the “demonstration zone” or other public forums at or near the Pepsi Center, our ability to plan for peaceable assembly at those intended events and the ability of CODEPINK to effectively deliver and generate public interest in our intended message is and will continue to be significantly and dramatically impaired.

20. CODEPINK and allied organizations would like to recruit several out of town speakers to come to parades, demonstrations and rallies at or near the Pepsi Center. Because CODEPINK 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, CODEPINK has been unable to extend invitations to those speakers. Time is of the essence in securing those speakers because many have full schedules, and would need to make arrangements to travel to Denver.

21. Some of these potential speakers live abroad in countries such as Jordan, Syria and Lebanon. Sufficient time for advance planning is even more imperative for these speakers, who must arrange for visas that can take weeks or months to get approved. Many of the speakers are not, however, willing to make expensive and time-consuming arrangements prior to knowing whether or not a safe space and time for the planned events at or near the Pepsi Center has been secured, and the quickly-approaching date of the Convention has now made it impracticable to invite many international speakers.

22. In addition, some of the international speakers CODEPINK and allied organizations wish to invite do not have the financial resources to pay for their own travel to Denver. There are public and private individuals and organizations willing to help defray these travel costs, however, CODEPINK cannot invite speakers and seek travel funding and housing on the speakers' behalf until we know whether or not there will be a space and time for the planned events at or near the Pepsi Center.

23. Furthermore, the lack of knowledge about security arrangements has made it difficult as a practical matter for CODEPINK to recruit our members and supporters to come to planned peaceable assemblies during the Convention. I have spoken with many people who have expressed interest in coming to participate in CODEPINK's planned activities, but who are unwilling or unable to commit to coming until they know whether or not there will be a space and time for the planned events at or near the Pepsi Center, and whether we will be within sight and sound of the Convention delegates.

24. With the parade in particular, CODEPINK cannot effectively recruit speakers and attendees until a permit is secured because of the possibility of arrest, prosecution and criminal

sanction for conducting a parade without a permit. I have spoken with CODEPINK members and supporters who have expressed to me that they will not come to the parade, nor commit to doing so, until and unless a permit is secured.

25. The possibility of criminal penalty is especially grave for our potential international guests who may face consequences for criminal charges that would interfere with their ability to travel to and from the United States in the future, and for whom it would be extremely difficult and costly, if not impossible, to return to the United States for criminal proceedings.

26. In addition, although CODEPINK wishes in particular to recruit children and families to support our parade message of “Fund education, not war,” the possibility of arrest and criminal prosecution for parading without a permit is a particularly severe deterrent for families with children, and prevents me from inviting and recruiting those members and supporters until a permit is secured and the plans for the parade route are known.

27. The parade will also necessitate a considerable amount of advance planning. CODEPINK plans on conducting a “traditional” parade, with floats, banners and organized groups, as opposed to just a regular march procession, because CODEPINK believes strongly that our message will be more effectively delivered and received using floats to deliver the message in way that is fun, creative, humorous and engaging. Organizing and planning for floats and other aspects of a “traditional” parade, however, will require a significant amount of logistical planning including making arrangements to ensure that all participants and speakers can travel to and from the march, organizing for and creating floats, and planning for any necessary health or safety concerns for participants during the march such as water and first aid

stations. Such planning is impossible as a practical matter in the absence of knowing whether or not a parade permit will be granted, and if so, what the restrictions, limitations and other plans for the parade route will be.

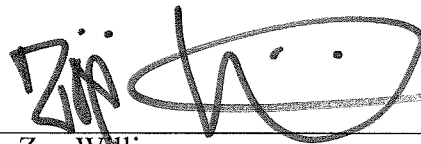
28. In order to effectively and adequately be able to peaceably assemble and deliver our intended message at the “demonstration zone” and other public forums at or near the Pepsi Center, CODEPINK needs to know immediately when parade requests will be granted or denied, and what the restrictions, limitations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

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

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

Executed this 29 day of April, 2008.

By:

A handwritten signature in black ink, appearing to read 'Zoe Williams', written over a horizontal line.

Zoe Williams
DNC Denver Organizer
CODEPINK