

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CODEPINK PITTSBURGH WOMEN FOR)
PEACE; 3 RIVERS CLIMATE)
CONVERGENCE; THOMAS MERTON)
CENTER; PITTSBURGH OUTDOOR)
ARTISTS; BAIL OUT THE PEOPLE, and G6)
BILLION JOURNEY AND WITNESS,)

Plaintiffs,

v.

UNITED STATES SECRET SERVICE OF)
THE DEPARTMENT OF HOMELAND)
SECURITY; CITY OF PITTSBURGH; and)
PENNSYLVANIA DEPARTMENT OF)
CONSERVATION AND NATURAL)
RESOURCES,)

Defendants.

Civil Action No. _____

VERIFIED COMPLAINT¹

INTRODUCTION

1. This First Amendment action for declaratory and injunctive relief is brought by peace, social-justice and environmental-justice organizations alleging that Defendants have unduly restricted or failed to recognize their right to peaceably demonstrate in traditional public forums during the G-20 Summit to be held at Pittsburgh’s David L. Lawrence Convention Center on September 24-25. This action, which is accompanied by a request for a temporary restraining order and/or preliminary injunction, alleges that the City of Pittsburgh, the U.S. Secret Service and the Pennsylvania Department of Conservation and Natural Resources, are violating Plaintiffs’ First and Fourteenth Amendment rights of expression, equal protection and travel. The claims arise from four discrete, but related,

¹ Verifications from Plaintiff organizations’ representatives are compiled in Exhibit 1.

sets of facts: 1) Defendants' refusal to issue permits to Plaintiffs for the use of Point State Park during the entire week of the G-20 Summit; (2) Defendants' failure to actually issue permits to Plaintiffs for First-Amendment-protected activities; (3) Defendants' refusal to issue a permit to the Thomas Merton Center authorizing a march and assembly in downtown Pittsburgh that is less than 0.7 miles away from the Convention Center on the afternoon of Friday, September 25; and (4) Defendants' refusal to allow demonstrators to erect overnight encampments and "tent cities" as a form of symbolic protest in Pittsburgh's parks, notably Point State, Schenley, East and Riverfront Parks.

JURISDICTION AND VENUE

2. As plaintiffs seek to vindicate rights protected by the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, this Court has jurisdiction over this civil action under 28 U.S.C. §§ 1331 and 1343(a)(3) and (4). Pursuant to 28 U.S.C. §§ 2201 and 2202 this Court has jurisdiction to declare the rights of the parties and to grant all further relief found necessary and proper.
3. Venue is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. § 1391(a) because the events that give rise to this action occurred and are occurring within the Western District of Pennsylvania and the defendants are subject to personal jurisdiction here.

PARTIES

4. Plaintiff CODEPINK Pittsburgh Women for Peace ("CODEPINK") is a Pittsburgh-area affiliate of the national movement, known simply as CODEPINK. CODEPINK is a women-initiated grassroots peace and social justice movement working to end the wars in

Iraq and Afghanistan, stop new wars, and redirect America's resources into healthcare, education, green jobs and other life-affirming activities.

5. Plaintiff 3 Rivers Climate Convergence ("3RCC") is a partnership of Pittsburgh-area groups and individuals, working with like-minded national and international groups, who are concerned about climate change, environmental justice and true sustainability.
6. Plaintiff Thomas Merton Center ("TMC") is a 30-year-old Pittsburgh-based non-profit, tax-exempt organization comprised of people from diverse philosophies and faiths who have found common ground in the nonviolent struggle to bring about a more peaceful and just world. The TMC works to raise the moral questions involved in the issues of war, poverty, racism and oppression.
7. Plaintiff Pittsburgh Outdoor Artists is a group of local and out-of-town artists.
8. Plaintiff Bail Out the People ("BOP") is a group that was formed to make sure that the unemployed, the homeless, the hungry and the poor are not silent and invisible during the upcoming G-20 Summit.
9. Plaintiff G6 Billion Journey and Witness is an interreligious coalition called together to respond to the Pittsburgh meeting of the G-20. The coalition includes the American Friends Service Committee, Pittsburgh Interfaith Impact Network, Pittsburgh Pax Christi, Association of Pittsburgh Priests, the Sayed Farooq Hussaini Islamic Interfaith Network, Peoples' Summit, People's Choices, Roots of Promise, Peoples March, Women's Tent City and Thomas Merton Center. The Coalition is gathering to pray, listen and witness as representatives of the 6 (almost 7) billion people whose lives and livelihoods are affected by economic and environmental choices not of their making.
10. Defendant United States Secret Service of the Department of Homeland Security is the lead federal agency for the design and implementation of the operational security plan for

the upcoming Summit of G-20 nations in Pittsburgh. Secret Service officials and employees were at all relevant times acting under color of state law.

11. Defendant City of Pittsburgh is a municipal subdivision organized under the laws of Pennsylvania. It has primary jurisdiction and responsibility for regulating demonstrations and other expressive activities in the City's traditional public forums, including the streets and sidewalks near the Convention Center, Point State Park, Riverfront Park, East Park and Schenley Park. City officials and employees were at all relevant times acting under color of state law.
12. Defendant Pennsylvania Department of Conservation and Natural Resources ("DCNR") is a state agency charged with, *inter alia*, maintaining and preserving the Commonwealth's 117 state parks, including Point State Park, over which it maintains joint responsibility along with the City of Pittsburgh. DCNR officials and employees were at all relevant times acting under color of state law.

FACTS

Plaintiffs Seek to Engage in Peaceful, Constitutionally Protected Expressive Activities During the Upcoming G-20 Summit in Pittsburgh

13. The Group of Twenty ("G-20") Finance Ministers and Central Bank Governors was established in 1999 to bring together important industrialized and developing nations to discuss key issues in the global economy. It includes 19 of the world's largest national economies, plus the European Union ("EU").
14. The next G-20 Summit is scheduled to be held at the David L. Lawrence Convention Center in Pittsburgh, Pennsylvania, on September 24-25, 2009. The Convention Center is located at 1000 Fort Duquesne Boulevard in Pittsburgh's downtown area, sometimes

referred to as the “Golden Triangle.”

15. Government and financial leaders from many of the world’s most influential and powerful nations, including U.S. President Barack Obama, will attend the G-20 Summit.
16. Plaintiff organizations represent thousands of people who oppose the undemocratic way in which the G-20 operates and the decisions the group makes, which affect the more than 6 billion inhabitants of this planet. Among the plaintiffs’ criticisms is that the G-20’s decisions result in a concentration and privatization of economic wealth and consequent denial of financial resources for basic human needs like food, clean water, healthcare, etc.; promote violence by waging war on, and occupying, other nations, resulting in countless casualties, including innocents; the failure to adopt “green” policies that protect our planet’s fragile natural resources and that meaningfully address the looming catastrophe that is global climate change.
17. Since the announcement in May that the G-20 Summit will be held in Pittsburgh, the Plaintiff organizations have applied to the City of Pittsburgh for permits to engage in constitutionally protected expressive activities in various traditional public forums located within City limits.
18. The City, in consultation with the Secret Service and DCNR, has refused outright to issue the permits requested by Plaintiff groups for demonstrations in traditional public forums, has refused aspects of the requested permits, has delayed acting on the applications or has simply failed to issue the permits.
19. This action presents four main issues: (1) the demonstrators’ right to use Point State Park; (2) the failure to actually issue permits to Plaintiffs for First Amendment protected activities in and near the Golden Triangle; (3) the right of TMC and other Plaintiff groups to march and assemble in the Golden Triangle near the Convention Center on

Friday afternoon, September 25; and (4) the right of demonstrators to erect overnight encampments and “tent cities” in Pittsburgh’s parks, notably Point State, Schenley, East and Riverfront Parks.

Use of Point State Park

20. Point State Park is administered jointly by DCNR and the City.
21. A historically important public space, Point State Park sits at the confluence of the Allegheny, Monongahela and Ohio Rivers, and is considered by many to be the gateway to Pittsburgh. It is more than 34 acres in size and thus is the largest open green space in or near downtown Pittsburgh and the David L. Lawrence Convention Center.
22. Point State Park is a traditional public forum that is used frequently for demonstrations and festivals.
23. Plaintiffs 3RCC and CODEPINK submitted separate permit applications on approximately August 10 and 12, respectively, to use a portion of Point State Park from Sunday evening, September 20, until Friday evening, September 25.
24. CODEPINK planned to erect a “tent city,” which would include overnight camping, to represent the millions of refugees who have been displaced by the wars in Iraq, Afghanistan and Gaza. The tent city is designed to serve as a visible platform to voice the group’s opposition to war and war spending. During the day the tent city would be a space for people to receive materials and learn about CODEPINK’s views and why they are critical of the G-20.
25. 3RCC planned to use Point State Park to stage a visitor- and family-friendly educational festival to inform the public about crucial environmental issues, notably related to climate change.
26. A vital part of the plan was to build an overnight encampment to demonstrate alternative

ways to use the planet's natural resources respectfully. The primary expressive aim of 3RCC's tent city is to model "sustainability," i.e., to show every aspect of sustainable living in a community.

27. Tent cities are an important protest tactic with a rich historical tradition. They are a highly visible means of expressing dissent.
28. 3RCC's call for a week-long encampment was not just in response to the G-20 Summit, but also to protest against the policies likely to emanate from the 26th Annual International Pittsburgh Coal Conference, which will be held at the Westin Convention Center on September 20-23.
29. Now, just two weeks prior to the start of the requested demonstration date, the City has not issued a permit to either group. Indeed, the City has advised the groups and their lawyers, in writing and verbally, that their application to use Point State Park is being denied.
30. For the past month City officials have been telling the two Plaintiff groups, their lawyers and others that Point State Park will be completely off limits to demonstrators between Sunday, September 20, and Sunday, September 27. The City's stated reasons have varied, but include some combination of the claim that police will be using the park as a "staging area," City Public Works Department crews will be dismantling structures from the "Junior Great Race" to be held on Sunday, September 20, and Public Works crews will be erecting structures for the "Great Race" on Sunday, September 27.
31. Despite advising the groups that Point State Park was unavailable for the days during the week of September 20, the City has now granted a permit for an all-day festival to be held in Point State Park on Wednesday, September 23. The festival, entitled the "Pittsburgh Free Speech Festival," is co-sponsored by Pennsylvania State Senator Jim Ferlo, the

United Steel Workers, the Blue Green Alliance and the Alliance for Climate Protection, which is an organization founded in 2006 by Al Gore, Nobel Laureate and former Vice President of the United States. Mr. Gore has reportedly committed over \$150,000 to staging the event.

32. Festival sponsors have announced that likely speakers include, among others, Mr. Gore himself.
33. Reports indicate that Festival sponsors expect in excess of 10,000 attendees.
34. The permit application for the Free Speech Festival, delivered to the City's Permit Office after August 10, requested use of Point State Park only for Wednesday, September 23, which included time for set-up and dismantling on the same date.
35. CODEPINK and 3RCC have no objection to allowing the Free Speech Festival to be held on Wednesday, but the two groups' message is different from that of the Free Speech Festival organizers and is more critical of the policies of President Obama and the G-20.
36. The Free Speech Festival has made no provision to include CODEPINK or 3RCC in Wednesday's program.
37. In order to accommodate the Free Speech Festival organizers on Wednesday and to avoid conflicts with possible security and transportation arrangements on Thursday and Friday, CODEPINK and 3RCC offered to modify their request so that they would utilize a portion of Point State Park from Sunday evening, September 20, after the Junior Great Race concludes, through Tuesday evening, September 22.
38. The City advised CODEPINK and 3RCC that even this modified request could not be accommodated.
39. On September 8, the City authorized the sponsors of the Free Speech Festival to set up a gigantic stage in Point State Park for the Wednesday, September 23 event. Also on

September 8 the City gave the Free Speech Festival sponsors permission to perform the set-up for Wednesday's event on Tuesday, September 22.

40. The sponsors of the Free Speech Festival have either never submitted a permit to use Point State Park on Tuesday, September 22, or if they did so unbeknownst to Plaintiffs the application was submitted long after the permit applications filed by CODEPINK and 3RCC in early August.
41. The City's refusal to grant permits to CODEPINK and 3RCC for their first-in-time applications to use Point State Park while later granting permission to the Free Speech Festival, a larger, better-financed and more politically moderate group, raises troubling questions about the City's decision-making, and whether the apparent favoritism shown to a more politically influential group reflects content- and even viewpoint-based censorship.
42. CODEPINK and 3RCC still wish to use Point State Park, starting after the Junior Great Race concludes on Sunday afternoon, September 20, until Tuesday evening, September 22. The City and DCNR have refused the two groups permits to demonstrate in Point State Park during the foregoing times.

Plaintiff Organizations Have Not Received Their Requested Permits to Demonstrate in Pittsburgh's Streets, Sidewalks and Parks Near the Convention Center

43. At least 13 permit applications have been submitted to the City by various groups, some of which have been filed by the Plaintiffs.
44. Discussions between and among the Plaintiff groups, their lawyers, the City and the Secret Service regarding when, where and under what conditions demonstration activities can take place near the Convention Center have been ongoing for over a month.
45. Despite repeated pledges to "issue permits," as of this date, less than two weeks before

- the Summit opens, City officials have issued only two permits.
46. One of those permits was issued to Plaintiff Bail Out the People for permission to march on Sunday, September 20, from Monumental Baptist Church to Freedom Corner. The starting and ending points, as well as the entire march, will take place in Pittsburgh's Hill District, which is located entirely outside the Golden Triangle.
 47. The City also granted part of Bail Out the People's second request, namely, to use East Park, in Pittsburgh's Northside, for a rallying place between Sunday, September 20 and Friday, September 25. Again, East Park is located entirely outside the Golden Triangle and Pittsburgh's downtown area.
 48. The City has denied Bail Out the People's request that they be allowed to camp overnight in East Park. The camp is designed to highlight the plight of people suffering from the economic downturn and other consequences of the G-20's policies.
 49. The second permit granted by the City is to CODEPINK for use of the Lewis & Clark Parklet, located near the Convention Center, but only for Sunday, September 20, through Wednesday evening, September 23. After applying for that location, CODEPINK submitted, again in early August, a second permit application intended to supersede the first one. That application was for use of Point State Park to set up a tent city for the entire week of the G-20, as has been described above.
 50. As of this date no other permit applications have been granted, even though the City has for several weeks told Plaintiffs that issuance of some permits was imminent.
 51. The Plaintiff organizations whose permits have not been granted are as follows:
 - a. G 6 Billion Journey and Witness has submitted to applications. On or about August 13 they requested permission to march on Sunday, September 20, at about 3:00 p.m., from Smithfield United Church of Christ at 620 Smithfield Street to

Point State Park for a “Rally and Interfaith witness.” After being advised by the Permit Office that they could not march to Point State Park the group submitted a second application on or about August 27 requesting to march from the Smithfield United Church of Christ to the Convention Center. As of this date, less than ten days from the date of the march and rally, the City still has issued neither permit.

- b. Pittsburgh Outdoor Artists submitted a permit application in early August for musicians, artists and out-of-towner’s to gather and camp overnight in Southside Riverfront Park. Although the City has been saying for several weeks that it would issue the permit, except for overnight camping, as of this date no permit has been received.
- c. CODEPINK applied for a permit to use Point State Park, as has been described above, and have thus far received no permit. The City has advised CODEPINK’S lawyers that the request will be denied.
- d. 3RCC applied for a permit to use Point State Park, as has been described above, and they have thus far received no permit. The City has advised 3RCC’s lawyers that the request will be denied.
- e. TMC has applied for a three-phase march and series of rallies, as will be described further in the next section, and has thus far received no permit. While the City has indicated that the first two phases of the application are likely to be granted, on the last phase of the request, to march to and assemble nearer the Convention Center, the City and Secret Service have indicated that the request will be denied.

The Thomas Merton Center’s “People’s March to the G-20”

- 52. The TMC has sponsored or co-sponsored hundreds of peaceful, non-violent demonstrations in Pittsburgh’s traditional public forums over the past 30 years.

53. In late July, TMC submitted a permit application to the City for a peaceful three-phase march and rally to be held on Friday, September 25. The event, billed as the “Peoples’ March to the G-20,” is endorsed by dozens of organizations, including all other Plaintiff groups and Senator Ferlo (a co-sponsor of the Free Speech Festival in Point State Park on Wednesday, September 23). The subtitle for the event describes the message: “Money for Human Needs, not for Wars and Occupations – Environmental Justice for the Earth and its Inhabitants – Jobs and Healthcare for All.”
54. TMC expects approximately 5,000 people to participate in the demonstration.
55. The opening rally will take place in Pittsburgh’s Oakland neighborhood at noon on Friday, September 25. The demonstrators will then march from the intersection of Fifth and Craft Avenues down Fifth Avenue to the City-County Building, located at the edge of the Golden Triangle in downtown Pittsburgh. Various “feeder marches” involving the other Plaintiff organizations and many others are expected from Freedom Corner, Oakland, Kennard Square, the United Steelworkers Building and other places. A second rally will be held, with these additional groups and demonstrators, in front of the City-County Building, located at 414 Grant Street.
56. TMC’s permit application then requested permission to march down Grant Street to the Federal Building and then to 10th and French Streets, a block away from the Convention Center, for the final rally.
57. By letter dated August 7, the City notified TMC that the permit would likely be granted for the first two phases of the application, namely, the rally in Oakland, the march down Fifth Avenue, the feeder marches and the rally in front of the City-County Building.
58. The letter indicated, however, that the third phase of the request would likely be denied. The letter stated that the G-20 event has been classified as a “National Security Safety

- Event,” and thus the Secret Service was the “lead agency” designing and implementing the operational security plan near the Convention Center, and that the agency’s plans had not yet been finalized. The letter indicated that while the City expected the final two destinations, the Federal Building and the location in front of the Convention Center, to be off limits under the Secret Service safety plan, the City would work with TMC to identify an alternate location for the demonstrators to gather near the Convention Center.
59. Since receipt of the letter, TMC leaders and their lawyers have been engaged in ongoing discussions with lawyers for the City and Secret Service about an alternate demonstration area nearer the Convention Center.
60. The City-County Building is thus far the only location inside the Golden Triangle that the City has indicated will be made available for a demonstration during the Summit, September 24-25.
61. The City-County Building is approximately 0.7 miles from the Convention Center, and is within neither sight nor sound of the Convention Center.
62. On September 8, the Secret Service finally announced its security plan. A copy of the announcement, including a map of the “secure” areas, is attached as Exhibit 2. The map shows green areas where only pedestrians with credentials who submit to searches will be allowed to enter (except for certain parts of Penn Avenue and 10th Street). The map also shows brown areas where pedestrians allegedly may enter without credentials or proceeding through a checkpoint, but within which no vehicles will be allowed.
63. At Plaintiffs’ request, representatives of the Plaintiffs and their lawyers met with lawyers for the City and Secret Service on Tuesday, September 8, to discuss, *inter alia*, a location closer to the Convention Center to which the TMC demonstrators could march and where they could hold their third and final rally.

64. After receiving no suggested alternative location from the City or Secret Service lawyers, the Plaintiffs identified three possible locations, near and within sight of, the Convention Center: 1) the intersection of 10th Street and Liberty Avenue, directly in front of the Convention Center; 2) the block of Fort Duquesne Boulevard between 6th and 7th Streets, due West of the Convention Center; and 3) a large, paved open space due East of the Convention Center, which will be referred to as the Strip District Property.
65. All three suggested locations seemed to fit within the Secret Service security plan. The first one was within the “secure zone,” but was in a location where pedestrians allegedly would have ready access and would not require credentials or be subjected to a search. The second and third locations were entirely outside the Secret Service’s secure zone.
66. The Secret Service has advised Plaintiffs that the first two locations cannot be used for a demonstration. The only reason given is a vague reference to “security.”
67. The Secret Service has indicated that the third location, the Strip District Property, could be used for a demonstration. The problem with that property is that there are only two ways for marchers to get to it from the City-County Building. One is to walk down Grant Street, but Grant Street, between 9th Street and Liberty Avenue, has been labeled a secure zone by the Secret Service. TMC’s request that the street be opened for approximately one hour to allow them to march from the City-County Building to the Boucher Property at about 3:00 on Friday afternoon has been refused. The second is to walk to Smithfield Street, and then along Liberty Avenue to the property. Even though Liberty Avenue is not located within a no-pedestrian area of the Secret Service safety area, the Secret Service has refused TMC permission to march the protesters along that route, just citing vague security concerns. Consequently, because of restrictions imposed by the Secret Service there is no route less than several miles long that would allow marchers to access

the Strip District property.

68. The parties have discussed using the “bike path” and green areas on Pittsburgh’s Northshore, directly across from the Convention Center, as a public-access area for use by demonstrators and spectators.
69. Plaintiffs agree that the Northshore location is a good place for demonstrations and hope that it will in fact be available as a public-access area throughout the G-20 Summit, for use by demonstrators and others who may simply want to get a glimpse of the area.
70. But the Northshore location is unacceptable to the TMC. First, they have requested a demonstration area within the downtown - the Golden Triangle. Not only is this important for the proximity to the Convention Center, but it is important because the event already requires demonstrators to walk a long distance. Forcing them to march substantially further to get to the Northshore location is not feasible. Second, TMC is concerned that the Northshore location may not be large enough to accommodate the expected crowd.
71. Accordingly, thus far the City and the Secret Service have neither issued permits nor even indicated that they will allow demonstrators to use a traditional public forum less than 0.7 miles from the Convention Center in downtown Pittsburgh during the two days of the Summit, September 24-25.

Overnight Camping in City Parks

72. Plaintiffs have asked that the City, and for Point State Park, the DCNR, allow expressive overnight campsites at East, Riverside, Point State and Schenley Parks.
73. Plaintiffs CODEPINK and 3RCC wish to maintain tent cities in Point State Park. Additionally, 3RCC has requested a second tent city at Schenley Park. Plaintiff Bail Out the People has requested permission for a tent city in East Park on the Northside. And

Plaintiff Pittsburgh Outdoor Artists has requested permission for a tent city in Riverside Park on the Southside.

74. The City, via a press conference by Public Safety Director Mike Huss, rejected all requests for permission to camp overnight in City parks. Huss claimed that the City has a policy against overnight camping that will not be excused for the demonstrators.
75. Plaintiffs and their attorneys have been unable to locate an ordinance or other rule that outright prohibits camping (expressive, symbolic, recreational or otherwise) in City Parks, and DCNR appears to allow it by permission.
76. To the contrary, the Pittsburgh City Code regulates camping in City Parks. It reads, in relevant part, as follows: “(d) *Camping*. No person in a park shall camp *except* with permission of the Director and only for groups of persons with adequate supervision.” Pittsburgh City Code, § 473.04(d) (emphasis added).
77. Exercising the discretion given them by the Code, the City in 2007 allowed 200 school and college students to participate in an overnight camp to raise awareness about Ugandan children displaced and made homeless by war.
78. Furthermore, in September 2007, the City agreed to resolve a lawsuit by entering into a consent order allowing an anti-war group to sleep for on the sidewalk in front of the Armed Services Recruiting Office in Pittsburgh’s Oakland neighborhood. *See Pittsburgh Organizing Group v. City of Pittsburgh*, 07-cv-1259 (W.D. Pa., Conti, J.).
79. The City’s refusal to allow Plaintiffs to use public spaces for expressive camping constitutes content-based discrimination.
80. To the extent the Defendants were to adopt or maintain a blanket rule against allowing groups to engage in expressing camping the policy would be constitutionally overbroad.

81. The City's refusal to allow expressive camping also burdens Plaintiffs' out-of-town members' ability to participate in the demonstrations.
82. Finally, people from outside of Pittsburgh will be coming to the City to participate in the demonstrations regardless of whether camping is permitted. Many of these people, unable to afford hotels and unable to find shelter with family, friends or others, will be left to roam the streets in search of a place to bunk down. The City's security concerns would be advanced by allowing and helping to organize clean and secure camping areas for out-of-town demonstrators.

General Allegations

83. Plaintiffs have suffered, and will continue to suffer, irreparable harm to their First-Amendment-protected right of expression unless this Court issues corrective injunctive relief. There is no adequate remedy at law for the harm that Plaintiffs have suffered and will suffer absent injunctive relief.

CLAIMS

CLAIM I: FIRST AND FOURTEENTH AMENDMENT--USE OF POINT STATE PARK (ALL PLAINTIFFS v. ALL DEFENDANTS)

84. Defendants, City of Pittsburgh, Secret Service and DCNR, have individually and collectively denied Plaintiffs their rights under the First Amendment to the U.S. Constitution to engage in peaceful demonstrations in Pittsburgh's traditional public forums during the week of the upcoming G-20 Summit.
85. All three Defendants' refusal to allow CODEPINK and 3RCC the right to use Point State Park on Sunday, September 20, through Tuesday, September 22, including the overnight

camping and erection of tent cities, violates these Plaintiff groups' right of free expression under the First and Fourteenth Amendments.

86. All three Defendants' refusal to allow CODEPINK and 3RCC the right to use Point State Park on Sunday, September 20, through Tuesday, September 22, has deprived the remaining Plaintiff organizations and their members of the First Amendment right receive information, i.e., to attend the tent cities and events, and to hear and see the information that CODEPINK and 3RCC would otherwise be sharing with the public.
87. Defendant City of Pittsburgh's refusal to allow CODEPINK and 3RCC to use Point State Park during the week of September 20 while allowing the Free Speech Festival to use the same space, including on a day for which the Festival did not apply for a permit, violates CODEPINK'S and 3RCC's rights under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and constitutes unconstitutional content- and viewpoint-based discrimination under the First Amendment.

**CLAIM II: FIRST AMENDMENT--FAILURE TO
ISSUE DEMONSTRATION PERMITS
(ALL PLAINTIFFS v. SECRET SERVICE AND CITY OF PITTSBURGH)**

88. Defendants' failure to either issue permits and/or failure to approve all aspects of requested permits violates Plaintiffs' rights under the First Amendment to the U.S. Constitution.
89. Defendants' failure to issue a permit for Plaintiff Thomas Merton Center to assemble in a traditional public forum in downtown Pittsburgh closer than 0.7 miles away from the Convention Center violates the Thomas Merton Center's rights under the First

Amendment to the U.S. Constitution.

90. Defendants' failure to issue a permit for Plaintiff TMC to assemble in a traditional public forum in downtown Pittsburgh closer than 0.7 miles away from the Convention Center violates the remaining Plaintiffs' rights under the First Amendment to the U.S. Constitution because they are endorsers of the TMC march and plan to participate in the event.

**CLAIM III: FIRST AND FOUREENTH AMENDMENTS:
FAILURE TO ISSUE PERMITS FOR CAMPING
(ALL PLAINTIFFS v. CITY OF PITTSBURGH AND DCNR)**

91. The City's refusal to allow Plaintiffs to camp overnight in Pittsburgh Parks, and DCNR's refusal to allow same in Point State Park, violate Plaintiffs' rights under the First Amendment's free-speech clause, and the Fourteenth Amendment's Equal Protection and Privileges and Immunities (Right to Travel) Clauses.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court:

- a. Declare that the Defendants' failure to approve permits for expressive activities in traditional public forums violates Plaintiffs' rights under the First and Fourteenth Amendments to the U.S. Constitution;
- b. Enjoin, preliminarily and permanently thereafter, Defendants and their officials, employees, agents, assigns and others who may be working in concert with them, from interfering with Plaintiffs' rights to free expression in the traditional public

forums within the City of Pittsburgh during the week of the upcoming G-20 Summit, and more specifically order Defendants to:

- i) Issue permits to CODEPINK and 3RCC for use of Point State Park from Sunday evening, September 20, through Tuesday evening, September 22;
 - ii) Issue forthwith the permits requested by Plaintiffs CODEPINK, 3RCC, TMC, Bail Out the People, Pittsburgh Outdoor Artists and G6 Billion Journey and Witness;
 - iii) Make available for TMC's Friday, September 25 march and rally a location in downtown Pittsburgh that is less than 0.7 miles from the Convention Center and from which protesters can see the Convention Center;
 - iv) Issue permits for Plaintiffs to camp overnight in Point State, Riverside, East and Schenley Parks.
- c. Award Plaintiffs reasonable costs and attorneys' fees;
 - d. Grant such other relief as this Court may deem just and appropriate to protect Plaintiffs' constitutional rights.

Respectfully submitted,

/s/ Jules Lobel
Jules Lobel
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