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Impeach for Peace v. City of St. Paul

United States District Court - District of Minnesota

CASE DESCRIPTION

ACLU-MN attorneys representing Impeach for Peace and a group of individuals, including Coleen and Ross Rowley, filed a complaint against the city of St. Paul in Ramsey County District Court over the infringement of their clients' rights to demonstrate during the 2008 Republican National Convention.

Impeach for Peace, a non-partisan grassroots organization dedicated to holding elected officials accountable to the rule of law, stated in their complaint that the City of St. Paul, Mayor Chris Coleman, St. Paul Police Chief John M. Harrington, and Assistant St. Paul Police Chief Matthew D. Bostrom have designated an inadequate and unacceptably small area with sight and sound access to Xcel Center as a designated protest zone. The City had failed to provide details about whether and to what extent that view would be obstructed by fencing, delegate buses, and media tents; and, whether the area will be a three-sided pen that would severely limit egress and ingress. In addition, the City had adopted guidelines regulating speech that were subject to last-minute changes as the City deemed fit. The guidelines also did not explain what rights groups and individuals had to demonstrate, hold signs, or distribute literature in other areas in proximity to the

Xcel Center. The lawsuit sought additional space in proximity to Xcel Center and other relief to protect the right to free speech.

"The City hasn't even amended the Guidelines, as promised, to explain what the "Primary Event Area" is in which most speech activities will be relegated to their 'Freedom Cage'," Chuck Samuelson, Executive Director of the ACLU of Minnesota stated. "Although the City may pat itself on the back for its forthright willingness to provide such a venue during the entire run of the Convention, we remain concerned about the complete lack of specific information which would allow our clients to plan their peaceful events in a manner that is not unduly restricted by the logistics of the orderly staging of the Convention."

The complaint focuses on the narrow public use area near the Xcel Center, which has been designated for ordinary citizens and groups to exercise their rights to free speech, assembly, and petition during the Convention. Given the expected numbers of people wishing to exercise their rights, the likelihood that there may be a divergence of views, beliefs, and messages, and the vagueness, arbitrariness, and uncertainty surrounding the details about speech activities in the "Primary Event Area" raises cause for concern. These details had been a moving target.

On December 10, 2007, defendant Bostrom, appearing before the "Preparedness for Terrorism and Disasters Work Group" of the Minnesota Legislature, stated that he did not want to put protesters into a penned-in area, and testified that he did not intend to put protesters into a specific "footprint." He further testified that "there's going to be a lot of areas where you're going to be able to walk in and around the Xcel Energy Center" during the Convention. On February 28, 2008, a St. Paul Pioneer Press article quoted Defendant Bostrom as stating that protestors were going to be confined to a set area, characterized in the article as a "free speech zone." The City had also revoked permits granted for Hamm's Plaza, stating that the area would be inaccessible during the convention.

"Federal authority and local government units at this year's convention as well as the past half-dozen conventions have systematically restricted the release of information in a manner that could be construed as violating First Amendment rights of citizens who wish to make political statements at these venues," Samuelson noted.