

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BODIES OUTSIDE OF UNJUST LAWS:)	
COALITION FOR REPRODUCTIVE)	
JUSTICE & LGBTQ+ LIBERATION,)	
ANDREW THAYER, KRISTI)	
KEORKUNIAN, and LINDA LOEW,)	No. _____
)	
Plaintiffs,)	
)	
v.)	
)	
CITY OF CHICAGO, TOM CARNEY in)	
his official capacity as Commissioner of the)	
Chicago Department of Transportation, and)	
LARRY SNELLING, in his official)	
capacity as Superintendent of the Chicago)	
Police Department.)	
)	
Defendants.)	
)	

VERIFIED COMPLAINT

Plaintiffs Bodies Outside of Unjust Laws: Coalition for Reproductive Justice & LGBTQ+ Liberation (“Bodies Outside of Unjust Laws” or “Bodies Outside”), Andrew Thayer, Kristi Keorkunian, and Linda Loew, bring this Complaint against the City of Chicago, Tom Carney, in his official capacity of Commissioner of the Department of Transportation, and Larry Snelling, in his official capacity as Superintendent of the Chicago Police Department.

INTRODUCTION

1. Plaintiff Bodies Outside of Unjust Laws has an important message for the Democratic Party: despite its branding as a champion of reproductive rights and an ally to the LGBTQ+ community, the party has not done enough to protect the right to bodily autonomy from a devastating series of attacks in recent years.

2. Bodies Outside and its members have just one historic opportunity to present their demands to some of the most influential Democrats in the country, the 2024 Democratic National Convention (“the Convention” or “DNC”), to be held in Chicago from August 19 to 22, 2024. Thousands of delegates from across the country and journalists from around the world will converge on the city. Political conventions have typically been the site of mass protests because they provide a singular occasion to send a message to the national parties and the national and international media.

3. Nonetheless, the City of Chicago has released no plans for accommodating large-scale protests during the Convention.

4. To the contrary, Defendants have exploited Chicago’s constitutionally defective parade permit ordinance to summarily deny a permit to Bodies Outside and other groups who wish to march during the convention. Instead, they have offered Bodies Outside and other applicants a permit to march along the same alternative route—one that is virtually invisible to the protesters’ intended audience. The message is clear: Defendants will tolerate marches during the Convention only if they are nowhere near the Convention or its delegates.

5. The ostensible grounds for denying all of the permits were the proposed marches’ impact on traffic and a lack of adequate law enforcement resources before and during the Convention. But those rationales were supported more by supposition than evidence, as testimony at an administrative hearing on Bodies Outside’s application made clear. Indeed, at the time Defendants denied Bodies Outside’s permit the Defendants lacked key information, such as how many law enforcement officers would be available during the Convention.

6. Moreover, the denial of Convention-related parade permits may create more traffic problems and divert more police resources than granting them would. The purpose of

permit requirements is to give officials advance knowledge of where protesters will be and when so that they can plan to have appropriate resources in place. A permit also ensures that officials have contact information for one or more protest organizers with whom they can coordinate before and during the permitted event. The City of Chicago has forgone that planning opportunity, opting by default to respond to protests wherever and however they arise.

7. In addition to denying permits, the City has enacted a new ordinance prohibiting an indeterminate list of objects within an undefined “security footprint” on the days before, during, and after the Convention.

8. This is a lawsuit for declaratory and injunctive relief under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution challenging the Defendants’ denial of Plaintiffs’ permit application and the facial and as-applied constitutionality of Chicago’s ordinances governing parade permits and prohibited items within the security footprint.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and §1343. Plaintiffs seek redress for violations of their constitutional and civil rights granted under First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. §1983.

10. This Court is authorized to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201(a) and 2202.

11. Venue in this Court is appropriate under 28 U.S.C. § 1391(b) because Defendants reside in, and all transactions and occurrences giving rise to this matter arose in, the Eastern Division of the Northern District of Illinois.

PARTIES

12. Plaintiff Bodies Outside of Unjust Laws is an unincorporated coalition of organizations and individuals formed to demand a federal response to a wave of attacks on bodily autonomy. It demands national legislation to expand access to abortion, support families, and defend the rights of LGBTQ+ people. After its planned march on August 18, 2024, it intends to continue holding marches and other demonstrations on those issues in Chicago.

13. Plaintiff Andrew Thayer is a Chicago resident and a member of Bodies Outside of Unjust Laws. He is a decades-long activist who has organized and participated in countless marches and demonstrations in Chicago and expects to continue doing so in the future. In addition to participating in the Bodies Outside march on August 18, 2024, he intends to participate in marches or demonstrations near the United Center on one or more days during the Democratic National Convention.

14. Plaintiff Kristi Keorkunian is a Chicago resident and a member of Bodies Outside Unjust Laws. They are the co-founder of Stop Trans Genocide Chicago, a grassroots organization dedicated to fighting to uphold and expand the rights and resources of gender-variant and gender-expansive youth and adults, including reproductive care, family planning, and abortion access. In addition to participating in Bodies Outside's march on August 18, 2024, they intend to co-organize and participate in marches and demonstrations near the United Center on one or more days during the Democratic National Convention and to continue organizing and participating in protests in Chicago in the future.

15. Plaintiff Linda Loew is a Chicago resident and a member of Bodies Outside of Unjust Laws. She has actively organized and participated in countless marches and demonstrations in Chicago, with particular emphasis on reproductive justice and labor rights. She

expects to continue as an active participant in protests in the future, including in one or more marches or demonstrations during the Democratic National Convention.

16. Defendant City of Chicago (“the City” or “Chicago” or “Defendant”) is an Illinois municipal corporation.

17. Defendant Tom Carney (“Commissioner”) is the Commissioner of the Chicago Department of Transportation (CDOT). By ordinance, the Commissioner is authorized to grant or deny permits for parades and public assemblies. He is sued in his official capacity only.

18. Defendant Larry Snelling (“Superintendent”) is the Superintendent of the Chicago Police Department (CPD). The Superintendent directs the operations of the CPD, which consults with CDOT on permit applications. By ordinance, the Superintendent is authorized to designate a “security footprint” and a list of items prohibited within the security footprint in the days before, during, and after the Convention.

STATEMENT OF FACTS

Bodies Outside of Unjust Law’s permit application.

19. Plaintiff Bodies Outside of Unjust Laws has some bones to pick with the Democratic Party. In its view, Democrats, who portray themselves as allies of the LGBTQ+ community and supporters of reproductive rights and bodily autonomy, have not lived up to that image. Hate crimes against LGBTQ+ individuals have risen, and laws targeting their most personal family and medical decisions have proliferated in recent years. Meanwhile, state after state has enacted harsh antiabortion laws that criminalize or chill necessary prenatal care and render pregnancy more dangerous for millions of people. Yet Democrats have failed to pursue an aggressive national agenda to protect the rights of equality and bodily autonomy.

20. In November 2023, Bodies Outside began organizing a march to bring their demands directly to the Democratic Party when its representatives come to Chicago for the Convention. It planned to greet the arriving delegates the evening before the Convention rather than to encroach on the Convention itself. The march would assemble at Water Tower Park, a common assembly point well-known to the local activist community. Based on the collective organizing experience of its members, it devised a route down Michigan Avenue and State Street—streets frequently used as sites for marches and parades—that would be visible from Magnificent Mile and downtown hotels (“the Proposed Route,” Ex. A).

21. Plaintiff Andy Thayer hand-delivered a parade permit application (“the Application,” Ex. B) on behalf of Bodies Outside of Unjust Laws to CDOT on January 2, 2024, the first day he was permitted to file such an application under Chicago’s parade permit ordinance. The Application requested a permit to march along the Proposed Route on August 18, 2024.

22. On or about January 3, 2024, Mr. Thayer received a phone call from a person who said that she was from the First District of the Chicago Police Department and that CPD did not allow permits for marching in the street, a statement that contradicted Chicago’s permit ordinance and CDOT’s permit application form.

23. On or about January 4, 2024, Mr. Thayer received a phone call from a person who said he was with the “special events department,” which Mr. Thayer understood to mean CPD’s special events department. Mr. Thayer inferred from the caller’s statements that the application would probably be denied if it were not modified, but the caller did not suggest any modifications.

24. On or about January 5, 2024, Mr. Thayer received a phone call from Susan Pawlak, who works at CDOT. She told Mr. Thayer that Bodies Outside should be flexible with the permit application and that it might want to submit an amended version. She did not tell Mr. Thayer about any concerns Defendants had about the Application, recommend any specific changes, or ask for any additional information.

25. On January 8, 2024, Mr. Thayer submitted an amended version of the application (“Amended Application,” Ex. C; collectively with the Application, “the Applications”). Based on his years of experience with Chicago’s permitting process, he thought he had a sense of Defendants’ likely concerns and the type of revisions they might want. He shortened the portion of the route on Michigan Avenue north of the Chicago River, and otherwise modified the route to ensure that marchers walked in the direction of traffic in the lanes they occupied (“Amended Route,” Ex. D; collectively with the Proposed Route, the “Proposed Routes”).

26. On January 16, 2024, the Commissioner denied both the Applications. A denial letter signed on behalf of the Commissioner by CDOT Assistant Commissioner Bryan Gallardo (Ex. E), cited two reasons: (1) under Chicago Code Section 10-8-330(g)(1) “the proposed parade will substantially and unnecessarily interfere with traffic” and there will not be “sufficient city resources to mitigate the disruption”; and (2) under Section 10-8-330(g)(2), there will not be “a sufficient number of on-duty police officers or other city employees authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards.”

27. In the denial letter, the Commissioner offered an alternate route (Ex. F) which would allow marchers to assemble on Columbus Drive north of Roosevelt Road, proceed north

on Columbus Avenue to Jackson Drive, and disband on Jackson between Michigan and Columbus.

28. The Commissioner's alternate route would not be visible from the hotels designated for delegate use.

29. The denial letter did not indicate any opportunity for Bodies Outside of Unjust Laws to propose a different route or a different date or time. Instead, the letter stated that Bodies Outside of Unjust Laws had five days to accept the alternate route, after which the offer of an alternate route would be withdrawn. Ex. E at 3.

30. Bodies Outside of Unjust Laws did not accept the City's proposed alternate route. Instead, it timely filed an administrative appeal from the denial.

The administrative hearing.

31. On January 30, 2024, the Chicago Department of Administrative Hearings held a hearing on Bodies Outside's appeal before Administrative Law Judge (ALJ) Dennis Fleming.

32. Testimony at the hearing failed to establish that insufficient law enforcement resources were available for the Proposed Routes, or that insufficient city resources were available to mitigate their impact on traffic.

33. At the hearing, Secret Service Agent Rashad Spriggs testified that the DNC is a National Special Security Event (NSSE), meaning that "the full capacity and capabilities of the Federal Government are to be used to help in the securing of the event" (transcript of January 30, 2024, hearing, Ex. G, Tr. 17:11-15). Agent Spriggs sits on a steering committee with representatives of CPD, CDOT, and other federal, state and local agencies for this purpose. Ex. G, Tr. 18:5-19:3. The Secret Service had asked to be made aware of any parade permit

applications affecting the Convention, but it had no role in deciding whether particular applications would be granted. *Id.*, Tr. 26:14-21, 27:2-9, 37:2-5, 42:21-24.

34. Bryan Gallardo, an assistant commissioner of CDOT who reviewed the Application and Amended Application, met with CPD representatives who “said that they were concerned given with the activities at the DNC that they weren’t going to have sufficient resources to safely provide a path that [Bodies Outside] had requested” on the Applications. *Id.*, Tr. 69:13-19.

35. But CPD lacked the basic information to make such a determination, that is, the number of officers who would be available during the Convention and the number that would be required for the march.

36. Daniel O’Connor, a deputy chief in CPD’s Bureau of Patrol who reviewed the Application and Amended Application, testified that CPD will be operating at full capacity during the Convention, cancelling all officers’ time off and prohibiting vacations, and as a result, over 11,000 CPD officers will be available. *Id.*, Tr. 135:8-14. Further, CPD “may” supplement its forces during the Convention with officers from other law enforcement agencies in the state, and it was “contemplating” bringing in law enforcement officers from out-of-state law enforcement agencies. *Id.*, Tr. 133:1-14. Officers from the Illinois State Police and Cook County Sheriff’s Office will also be deployed. *Id.*, Tr. 183:12-14. Deputy Chief O’Connor did not know how many officers from other law enforcement agencies would be coming to Chicago.

37. Nor did Deputy Chief O’Connor know how many police officers would be required for Bodies Outside’s Proposed Routes. He estimated the number at “several hundred,” (*Id.*, Tr. 129:19) and, when pressed, said “over 500” (*Id.*, Tr. 145:3). Asked about the margin of

error for that estimate, he said, “I don’t have a margin of error. I would have to review it more thoroughly.” *Id.*, Tr. 145:14-16.

38. Deputy Chief O’Connor further testified that the alternative Columbus Avenue Route would also require “several hundred officers” (*Id.*, Tr. 144:17:19) but “less resources” (*Id.*, Tr. 141:21-22) than Bodies Outside’s Proposed Routes. He offered no testimony to explain how, given the vagueness of these numbers, he knew that CPD would have sufficient resources to secure the Columbus Avenue route but not either of the Plaintiff’s Proposed Routes.

39. Likewise, there was insufficient evidence to establish that the Proposed Routes would have a substantial impact on traffic that the City had insufficient resources to mitigate.

40. Mr. Gallardo noted that the march would take place on “heavily trafficked streets” and that thirteen bus routes “would be impacted.” *Id.*, Tr. 75:6-23. Yet he acknowledged that CDOT had previously authorized parades on Michigan Avenue, such as the Festival of Lights parade. He testified that permits for that parade were approved even though it had a substantial impact on traffic because organizers of the event provided their own parade marshals and traffic barriers, and CDOT met with them ahead of time to review their traffic management plan. *Id.*, Tr. 88:11-89:6.

41. Yet Mr. Gallardo acknowledged that he did not know whether Bodies Outside planned to have its own marshals for its march. *Id.*, Tr. 89:7-10. Neither Gallardo nor any other CDOT employee asked Bodies Outside about marshals or traffic barriers. Nor did they offer to meet with Bodies Outside about their traffic and pedestrian safety plans.

42. In fact, parade marshals were and are an integral part of Bodies Outside’s plans. Plaintiffs Thayer, Keorkunian, and Loew, as well as other members of Bodies Outside, are experienced activists who have acted as marshals, trained others as marshals, or both.

43. Nor did CDOT communicate other traffic-related concerns to Bodies Outside, such as “how [the Amended Route] zig-zags through the city streets,” or difficulty of rerouting buses for a march that uses both Michigan Avenue and State Street, as opposed to one or the other—issues that Bodies Outside may have been able to address. *Id.*, Tr. 144:17-19, 76:3-8.

44. Instead, Mr. Gallardo instructed Ms. Palwak to call Mr. Thayer and tell him that there were concerns about the application, but he did not instruct her to tell him any specifics or ask for any additional information. The goal of the call was not to give Bodies Outside “an opportunity to modify their route to avoid having their permit denied,” but to make it aware the City had concerns about the application as a matter of “good customer service.” *Id.*, Tr. 89:24-91:11.

45. Despite the gaps in the Defendants’ knowledge of relevant facts and their failure to provide Bodies Outside the information they would need to submit a successful application, the ALJ found that the City’s denial of the application was proper. Ex. H.

The Defendants’ policy or practice of distancing protesters from Convention delegates.

46. The Defendants’ denial of Bodies Outside’s permit is only one in a series of actions they have taken to keep protesters away from the Convention and Democratic delegates.

47. First, Defendants denied four other applications submitted after January 2, 2024, for permits to protest the Convention. The groups submitting these applications were March on the DNC 2024 (Ex. I), Poor People's Economic Human Rights Campaign (Ex. J), March for the People’s Agenda (Ex. K), and Students for a Democratic Society at UIC (Ex. L).

48. In contrast to Bodies Outside, the other four organizations sought to march during the Convention, rather than the evening before, and they proposed routes in the vicinity of the United Center, rather than near delegate hotels. Nonetheless, Defendants offered these

organizations the same alternate route on Columbus Avenue that they offered to Bodies Outside. Ex. I at 2; Ex. J at 2; Ex. K at 2; Ex. L at 2.

49. Defendants were later compelled to grant the application of the Poor People’s Economic Human Rights Campaign because their denial was issued after the ten business days provided by ordinance. The remaining three organizations filed administrative appeals. In each case, an ALJ affirmed the Commissioner’s denial of the permit. Exs. M, N and O.

50. Further, Defendants have taken no affirmative steps to protect First Amendment rights at the Convention—at least, none they have disclosed to the public. They have issued no plan for accommodating protesters. Nor have they announced any “free speech zones” near the Convention’s primary venues, or any other means to protest within sight and sound of the delegates.

51. On the other hand, the City has taken steps to facilitate the policing of protesters. In February 2024, CPD released a proposed policy for facilitating mass arrests in “response to crowds, protests, and civil disturbances” (Special Order S06-06). The mass arrest policy states that “[i]f there is any perceived conflict,” it “will take precedence” over other CPD policies, including policies on First Amendment rights, use of force, force reporting, and other accountability measures. Officers began training on the mass arrest policy in March 2024.

52. In April 2024, the Chicago City Council enacted Ordinance 2024-0008373 (the “Footprint Ordinance,” Ex. P), a measure introduced by Mayor Brandon Johnson that restricts activity within a yet-to-be-announced “security footprint” from August 17 to August 26, 2024. Broad categories of everyday objects are prohibited within the security footprint, including “sealed packages,” “metal containers,” and “pointed objects,” as well as any other objects later deemed potential safety hazards. Ex. P at 4.

The Chicago parade permit ordinance.

53. Chicago's parade permit ordinance, Code Sec. 10-8-330 (the "Permit Ordinance," Ex. Q), facilitated Defendants' denial of Convention-related parade permit applications, including Bodies Outside's application.

Permit denial provisions.

54. The Permit Ordinance establishes a "one-and-done" regime that Defendant Commissioner may wield to permanently bar any given march without considering alternative means by which organizers may reach their intended audience.

55. First, under the Permit Ordinance, the Commissioner is not required to communicate any problems with the proposed date, time, or route of a parade until it issues a denial letter "stating the facts and conclusions which are the basis for" the denial. Ex. Q, Sec. 10-8-330(j)(2). As a result, applicants have no opportunity to adjust their application to address those concerns. If applicants do not accurately guess which route will be acceptable to Defendants, the application will be denied.

56. In the case of Bodies Outside, the organization received only vague warnings that its Proposed Route was unacceptable. In the absence of specific feedback, the organization submitted an Amended Route, but its educated guess about how to fix the route was wrong.

57. Second, although each parade permit denial must include an offer for an "alternate permit," the Commissioner need not consult with applicant in designating that alternative. The alternate permit must have "comparable public visibility and a similar route, location and date to that of the proposed parade," only "to the extent practicable" (*Id.*, Sec. 10-8-330(k)), and it need not take account of an applicant's intended audience.

58. In this case, Defendants claimed that the Columbus Avenue route would be comparably visible because it is in the central business district and would be seen by visitors to Grant Park and vehicles on the busy thoroughfare of DuSable Lake Shore Drive. Ex. G, Tr. 101:12. But they did not and could not claim that DNC delegates—much less the throngs of reporters covering them—were likely to see a march on that route.

59. Third, after receiving a denial letter, applicants may not submit a new application that addresses the specific reasons for denial. The Permit Ordinance prohibits them from “submit[ing] more than one application...for a parade substantially similar in theme or units described but requesting an alternate date or route....” Ex. Q, Sec. 10-8-330(d)(1). The Commissioner may “disregard any such multiple applications,” and the applicant “shall not be eligible for such a permit and shall be in violation of” the Permit Ordinance. *Id.*, Sec. 10-8-330(d)(3), (4). Instead, if the applicant does not accept the “alternate route” within five days, the denial becomes final. *Id.*, Sec. 10-8-330(l)(1).

60. In this case, the Commissioner issued a final denial of Bodies Outside’s application on January 16, 2024, seven months before the Convention and without adequate information to determine whether the parade was feasible. Nonetheless, he did not invite Bodies Outside to submit further revisions to its route or consider options such as provisionally granting the permit subject to modifications based on new information about resources and security needs.

Liability and indemnification.

61. In the event a permit is granted for a “large parade”—one that takes place in the central business district or will require city services valued above a certain amount—the Permit Ordinance subjects the permit-holder to a risk of unlimited liability for damages it did not proximately cause and could not have reasonably foreseen or mitigated. In addition to carrying

liability insurance, organizers of “large parades” must “indemnify, defend and hold harmless the City of Chicago and its assignees and employees against any additional or uncovered third party claims against the city arising out of or caused by the parade; and shall agree to reimburse the city for any damage to the public way or to city property arising out of or caused by the parade.” *Id.*, Sec. 10-8-330(m).

62. Further, CDOT’s parade permit application form provides that as a condition for *any* parade permit, the applicant “agrees that it will not hold liable the City for or on account of any losses or damage to property owned by it or controlled by the applicant or for or on account of any loss or damage sustained by the applicant as a result of injuries to employees or agents of the applicant.” *See* Ex. B at 3. This language does not appear in the Permit Ordinance.

The Chicago Footprint Ordinance.

63. On April 17, 2024, Chicago enacted Ordinance 2024-0008373, introduced by Mayor Brandon Johnson, which restricts activity within a yet-to-be-announced “security footprint” from August 17 to August 26, 2024 (the “Footprint Ordinance,” Ex. P, Sec. I).

64. Under the Footprint Ordinance, the Chicago Superintendent of Police, in consultation with the United States Secret Service and the Chicago Office of Emergency Management and Communications, has complete authority to designate the boundaries of the security footprint. *Id.*, Sec. II (1).

65. The Footprint Ordinance does not provide any guidelines or standards for determining the security footprint. Nothing in the Ordinance would prevent the Superintendent of Police from designating the entire City as within the security footprint. Nor does the Footprint Ordinance provide a date by which the security footprint must be announced.

66. The Footprint Ordinance makes it unlawful to “possess, carry, control, or have immediate access to any item that poses potential safety hazards, as determined by Chicago Superintendent of Police, in consultation with the United States Secret Service and the Chicago Office of Emergency Management and Communications.” *Id.*, Sec. II (2)(iii).

67. A non-exhaustive list of items prohibited within the footprint is attached to the Footprint Ordinance as Exhibit A. The list includes broad categories such as “pointed objects,” which may include everyday objects such as pencils and medically necessary items such as Epi-pens or insulin injectors. *Id.*, at 4.

68. The Footprint Ordinance does not provide for adequate public notice of the boundaries of the security footprint. It requires that the borders be posted on CPD’s website only “to the extent feasible,” and authorizes the marking of boundaries only “as necessary.” *Id.*, Sec. II (1). The Footprint Ordinance does not require that the list of prohibited items be publicized at all.

69. Violation of Section II (2)(3) of the Footprint Ordinance is a strict liability offense. Possession of a prohibited item in the security footprint is unlawful regardless of whether the person knows that they are in the security footprint or that they are carrying a prohibited item or their purpose in carrying it.

70. The Footprint Ordinance contains no guidelines for law enforcement to ensure that its application is not arbitrary or discriminatory.

71. CPD counterterrorism Chief Duane DeVries said of the security footprint:

So if something goes bad, and those protests are pushing up against the fence, we don’t want anybody to get hurt and get crushed against the fence. Walking a dog in the neighborhood, you’re not gonna be right against that fencing. Yes, a dog wouldn’t be allowed in that area. But in the neighborhoods, the bike lanes, the scooters, backpacks, people going to work — they will be able to carry all that.

Mitchell Armentrout, *'Security footprint' plan for Democratic Convention kicked to City Council for Wednesday vote*, Chicago Sun-Times (Apr. 11, 2024), <https://chicago.suntimes.com/2024-democratic-national-convention/2024/04/11/democratic-national-convention-dnc-security-zone-city-council-united-center-mccormick-place>.

72. Chief DeVries' statement suggests that CPD intends to enforce the Footprint Ordinance selectively, with local residents exempt from some or all of its proscriptions.

CAUSES OF ACTION

COUNT I 42 U.S.C. § 1983

Denial of Plaintiffs' Permit Application in Violation of Plaintiffs' rights under the First and Fourteenth Amendments

73. The allegations set forth above are realleged and incorporated by reference as if fully set forth in this paragraph.

74. The Chicago streets upon which Plaintiffs wish to march on August 18, 2024, are traditional public forums.

75. Defendants denied Bodies Outside's permit application for reasons that were not supported by the evidence and not narrowly tailored to serve a significant compelling government interest.

76. Defendants failed to provide an adequate alternative means for Plaintiffs to communicate their message to their intended audience.

77. Defendants exercised undue discretion in denying Bodies Outside's permit application.

78. By denying Bodies Outside's permit application, Defendants have effectively foreclosed its opportunity to hold a march anywhere in Chicago during the Convention.

79. Defendants' actions have put Plaintiffs to the choice of foregoing the opportunity to march in view of the Democratic delegates or risking citation, arrest, or conviction.

80. Defendants' denial of Plaintiffs' permit application violated and continues to violate Plaintiffs' right to freedom of speech and assembly under the First Amendment as incorporated by the Fourteenth Amendment.

COUNT II
42 U.S.C. § 1983

Facial and As-Applied Challenge to the Permit Ordinance
Under the First and Fourteenth Amendments

81. The allegations set forth above are realleged and incorporated by reference as if fully set forth in this paragraph.

82. The Permit Ordinance is not narrowly tailored to any significant governmental interest on its face or as applied to Plaintiffs.

83. By creating a "one and done" regime that disallows resubmissions, the Permit Ordinance, on its face and as applied to Plaintiffs, does not provide adequate alternative avenues for communication.

84. The Permit Ordinance, on its face and as applied to Plaintiffs, grants undue discretion to the Commissioner to deny permit applicants and propose alternate routes.

85. The Permit Ordinance requires applicants to accept liability for the acts of third parties as a condition of marching on Chicago streets.

86. As applied to Plaintiffs, Section 10-8-330(g) of the Ordinance denied them a parade permit for reasons that were not narrowly tailored to serve a significant government interest.

87. On its face and as applied to Plaintiffs, the Permit Ordinance violates the First Amendment as incorporated by the Fourteenth Amendment.

COUNT III
42 U.S.C. § 1983

Facial Challenge to the Chicago Footprint Ordinance
Under the Due Process Clause of the Fourteenth Amendment

88. The allegations set forth above are realleged and incorporated by reference as if fully set forth in this paragraph.

89. The Footprint Ordinance does not give Plaintiffs and others sufficient notice of what conduct is prohibited to allow them to conform their conduct to the law.

90. The Footprint Ordinance does not contain adequate standards for law enforcement to avoid arbitrary or discriminatory enforcement.

91. The Footprint Ordinance is unconstitutionally vague on its face in violation of the Due Process Clause of the Fourteenth Amendment.

REQUEST FOR RELIEF

Plaintiffs respectfully request that the Court grant the following relief:

- A. Declaratory relief, including the following:
1. A declaration that Defendants unconstitutionally denied Plaintiff Bodies Outside of Unjust Laws' application for a parade permit;
 2. A declaration that Chicago Code Sec. 10-8-330, violates the First and Fourteenth Amendments to the United States Constitution on its face and as applied to Plaintiffs; and
 3. A declaration that Section II of Chicago Ordinance 2024-0008373 violates the Fourteenth Amendment to the United States Constitution on its face;

- B. Preliminary relief against Defendants, including a preliminary injunction that:
 - 1. Enjoins Defendants from enforcing unconstitutional provisions of the Permit Ordinance;
 - 2. Enjoins Defendants from enforcing Section II of the Footprint Ordinance; and
 - 3. Orders Defendants to grant Plaintiffs a permit allowing them to assemble and march on August 18, 2024, at a time and along a route that allows them to communicate their message to their intended audience of DNC delegates;
- C. A permanent injunction prohibiting Defendants from enforcing unconstitutional provisions of the Permit Ordinance;
- D. Costs and expenses, including reasonable attorneys' fees pursuant to 42 U.S.C. §1988; and
- E. Any other relief the Court deems just and proper.

Dated: May 2, 2024

Respectfully submitted,

BODIES OUTSIDE OF UNJUST LAWS:
COALITION FOR REPRODUCTIVE JUSTICE &
LGBTQ+ LIBERATION, ANDREW THAYER,
KRISTI KEORKUNIAN, and LINDA LOEW

By counsel:

/s/ Rebecca K. Glenberg_____

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VERIFICATION

I, Andrew Thayer, have read the foregoing Verified Complaint and under penalty of perjury state the facts alleged therein are true and correct to the best of my knowledge and recollection.

Date: May 2, 2024

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

Andrew Thayer
One of the Plaintiffs

Exhibit Index

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- H. Administrative Ruling
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- N. March for the People's Agenda Administrative Ruling
- O. SDS Administrative Ruling
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Exhibit A

Proposed Route

Proposed Route 1



Jane M. Byrne Plaza



Proposed Route 1



John Alexander Logan Monument



Exhibit B



APPLICATION ONLY - NOT A PERMIT
Application for a Parade Using the Public Way

CDOT

Application Must Be Submitted 15 Business Days Before Event

JAN 2 PM 12:00

Deliver in person or by certified mail to:

CITY OF CHICAGO - DEPARTMENT OF TRANSPORTATION
ATTN: PUBLIC WAY PERMIT OFFICE
CITY HALL, ROOM 905
121 N. LA SALLE STREET, CHICAGO, ILLINOIS 60602

DATE: January 2, 2024

APPLICATION NO: 24-218

APPLICATION FEE: \$ 50⁰⁰

CKA
507

A non-refundable processing fee of \$50.00 must accompany the application for a parade permit unless an application for a waiver of the fee has been granted per Chicago Municipal Code section 10-8-330(r).

1. Name of Parade: Bodies Outside of Unjust Laws

Traditional Parade as defined by section 10-8-330? () Yes (X) No

2. Requested Date for Parade: Sunday, August 18, 2024

3. Sponsoring Organization (or Individual): Bodies Outside of Unjust Laws: Coalition for Reproductive Justice and LGBTQ+ Liberation

Address: c/o Thayer, 4835 N Kenmore Ave Apt 2, Chicago, IL 60640

24-Hour Contact Number: 773-209-1187

Organization's Leader(s)/Representative(s): Andy Thayer

4. Name of Parade Organizer/ Applicant: Andy Thayer

Address: 4835 N Kenmore Ave Apt 2, Chicago, IL 60640

Email Address: LGBTliberation@aol.com Fax Number: _____

24-Hour Contact Number: 773-209-1187

5. Time Parade will start: 6 pm

Estimated time Parade will end*: 8:15 pm

* Per section 10-8-330(o)(1), a parade shall be no longer than 2 hours and 15 minutes, except as provided under the ordinance.

6. Time Parade will begin to assemble: 5 pm

Time Parade will begin to disband: 9 pm

7. Location and exact street address of assembly area: Water Tower Park, 180 E. Pearson Street,
Chicago.

Location and exact street address of disbanding area: Sidewalk in front of General John Logan statue,
901 S. Michigan Avenue, Chicago.

Permit obtained from property owner to use assembly/disbanding area?

() Yes () No (X) Not Applicable

8. Proposed Parade Route (including sidewalks or lanes of traffic parade will occupy): East on Pearson
Street (all lanes) to Michigan Avenue. South on Michigan Avenue in all southbound lanes of traffic to
Wacker Drive. West on Wacker Drive in all westbound lanes of traffic to State Street. South on State
Street in all southbound lanes of traffic past ABC 7 studios to Adams Street. East on Adams Street in
all lanes of traffic to Michigan Avenue. South on Michigan Avenue in all southbound lanes past the Art
Institute and Hilton Hotel to 9th Street, crossing the northbound lanes of Michigan Ave at 9th Street to
end at 901 S. Michigan Avenue.

9. Estimated Number of Participants: 1000-3000 people

Basis for this estimate: Previous experience organizing events of this nature.

10. Number of units participating in the parade:

Floats: 0

Vehicles: 2

Marching Groups: The group will march as one mass, not separate groups.

11. Will animals participate in the parade? () Yes (X) No (unless brought as service animals by
Participants)

If so, what type of animals and how many?*

*Participation of animals in a parade is governed by section 10-8.330(a)(2) of the Chicago Municipal Code.

12. Description of any sound amplification or other equipment that is on wheels or too large to be carried
by one person, and a description of the size and dimension of any sign, banner, or other attention-getting
device that is too large to be carried by one person.

Bigfoot and Liberty 2 sound systems by Anchor Audio. A 30' x 3' banner, four 10' x 4' banners, plus

numerous banners of similar sizes brought by participants that it is impossible to predict.

13. Ward(s) involved: Wards 2, 4 and 42.

TERMS AND CONDITIONS

Per section 8-4-120 of the Chicago Municipal Code, the applicant must promptly reimburse the City for any and all damage of any kind to any property of the City which may result from the use by the applicant of the City's premises under the permission granted herein, and the applicant further agrees that it will not hold liable the City for or on account of any losses or damage to property owned by it or controlled by the applicant or for or on account of any loss or damage sustained by the applicant as a result of injuries to employees or agents of the applicant.

For large parades, as a condition of the permit, it is required that the parade organizer: (1) obtain a \$1,000,000.00 commercial general liability insurance policy, naming the City as an additional insured; (2) indemnify the City against any additional and uncovered third party claims against the City arising out of or caused by the parade; and (3) agree to reimburse the City for any damage to the public way or to City property arising out of or caused by the parade.

Any person violating any of the provisions of section 10-8-330 of the Municipal Code of Chicago, shall be fined not less than \$200 nor more than \$1000 or may be subject to incarceration for up to ten days or both. In addition to any other penalty or fine provided, any person who sells or transfers a permit granted under this section shall be barred from applying for another such permit for a period of three years.

If applicant is applying on behalf of an organization, applicant warrants that he/she has authority to bind the organization listed in line 3 above. If applicant does not have such authority or if no organization is involved, applicant agrees that this application is made on his/her own behalf and is binding on applicant.

Any change in information on this application shall be reported to the Commissioner immediately.

Signature:  Date: 1/2/2024

Printed Name: Andy Thayer

Title/Position(if any): _____

Telephone number: 773.209.1187 E-Mail Address: LGBTliberation@aol.com

Exhibit C

January 8, 2024

TO: Chicago Department of Transportation

FROM: Bodies Outside of Unjust Laws: Coalition for Reproductive Justice and LGBTQ+ Liberation

RE: Per your request, modifications to parade permit application submitted 1/2/24

Per your, the 1st District's and the Special Events Departments' telephoned requests for flexibility regarding our permit application to march on Sunday, August 18, 2024, attached please find a modified version of our parade permit application originally submitted on January 2, 2024.

The changes to the original application are noted **in red**. Please note that to better accommodate your concerns, the portion of the march on Michigan Avenue north of the Chicago River is substantially lessened. Also, with this new version, in every instance the marchers will be going with the flow of traffic on all portions of the route, including on one-way streets.

Delivered to Susan
The DOT. 1/8/24

JAN 8 PM 2:29



APPLICATION ONLY - NOT A PERMIT
Application for a Parade Using the Public Way



Application Must Be Submitted 15 Business Days Before Event

Deliver in person or by certified mail to:

CITY OF CHICAGO - DEPARTMENT OF TRANSPORTATION
ATTN: PUBLIC WAY PERMIT OFFICE
CITY HALL, ROOM 905
121 N. LA SALLE STREET, CHICAGO, ILLINOIS 60602

DATE: January 2, 2024

APPLICATION NO.: _____ APPLICATION FEE: _____

A non-refundable processing fee of \$50.00 must accompany the application for a parade permit unless an application for a waiver of the fee has been granted per Chicago Municipal Code section 10-8-330(r).

1. Name of Parade: Bodies Outside of Unjust Laws

Traditional Parade as defined by section 10-8-330? () Yes () No

2. Requested Date for Parade: Sunday, August 18, 2024

3. Sponsoring Organization (or Individual): Bodies Outside of Unjust Laws: Coalition for Reproductive Justice and LGBTQ+ Liberation

Address: c/o Thayer, 4835 N Kenmore Ave Apt 2, Chicago, IL 60640

24-Hour Contact Number: 773-209-1187

Organization's Leader(s)/Representative(s): Andy Thayer

4. Name of Parade Organizer/ Applicant: Andy Thayer

Address: 4835 N Kenmore Ave Apt 2, Chicago, IL 60640

Email Address: LGBTliberation@aol.com Fax Number: _____

24-Hour Contact Number: 773-209-1187

5. Time Parade will start: 6 pm

Estimated time Parade will end*: 8:15 pm

* Per section 10-8-330(e)(1), a parade shall be no longer than 2 hours and 15 minutes, except as provided under the ordinance.

6. Time Parade will begin to assemble: 5 pm

Time Parade will begin to disband: 9 pm

7. Location and exact street address of assembly area: Water Tower Park, 180 E. Pearson Street,
Chicago.

Location and exact street address of disbanding area: Sidewalk in front of General John Logan statue,
901 S. Michigan Avenue, Chicago.

Permit obtained from property owner to use assembly/disbanding area?

() Yes () No (X) Not Applicable

8. Proposed Parade Route (including sidewalks or lanes of traffic parade will occupy): East on Pearson
Street (all lanes) to Michigan Avenue. South on Michigan Avenue in all southbound lanes of traffic to
Ontario Street. West on Ontario in all lanes of traffic to Wabash Avenue. South on Wabash in the
southbound lanes to Wacker Drive. West on Wacker Drive in all westbound lanes of traffic to State
Street. South on State Street in all southbound lanes of traffic past ABC 7 studios to Washington
Street. East on Washington Street in all lanes of traffic to Michigan Avenue. South on Michigan
Avenue in all southbound lanes past the Art Institute and Hilton Hotel to 9th Street, crossing the
northbound lanes of Michigan Ave at 9th Street to end at 901 S. Michigan Avenue.

9. Estimated Number of Participants: 1000-3000 people

Basis for this estimate: Previous experience organizing events of this nature.

10. Number of units participating in the parade:

Floats: 0

Vehicles: 2

Marching Groups: The group will march as one mass, not separate groups.

11. Will animals participate in the parade? () Yes (X) No (unless brought as service animals by
Participants)

If so, what type of animals and how many?*

*Participation of animals in a parade is governed by section 10-4-310(b)(2) of the Chicago Municipal Code

12. Description of any sound amplification or other equipment that is on wheels or too large to be carried
by one person, and a description of the size and dimension of any sign, banner, or other attention-getting
device that is too large to be carried by one person:

-Bigfoot and Liberty 2 sound systems by Anchor Audio. A 30' x 3' banner, four 10' x 4' banners, plus

-numerous banners of similar sizes brought by participants that it is impossible to predict.

13. Ward(s) involved: Wards 2, 4 and 42.

TERMS AND CONDITIONS

Per section 8-4-120 of the Chicago Municipal Code, the applicant must promptly reimburse the City for any and all damage of any kind to any property of the City which may result from the use by the applicant of the City's premises under the permission granted herein, and the applicant further agrees that it will not hold liable the City for or on account of any losses or damage to property owned by it or controlled by the applicant or for or on account of any loss or damage sustained by the applicant as a result of injuries to employees or agents of the applicant.

For large parades, as a condition of the permit, it is required that the parade organizer: (1) obtain a \$1,000,000.00 commercial general liability insurance policy, naming the City as an additional insured; (2) indemnify the City against any additional and uncovered third party claims against the City arising out of or caused by the parade; and (3) agree to reimburse the City for any damage to the public way or to City property arising out of or caused by the parade.

Any person violating any of the provisions of section 10-8-330 of the Municipal Code of Chicago, shall be fined not less than \$200 nor more than \$1000 or may be subject to incarceration for up to ten days or both. In addition to any other penalty or fine provided, any person who sells or transfers a permit granted under this section shall be barred from applying for another such permit for a period of three years.

If applicant is applying on behalf of an organization, applicant warrants that he/she has authority to bind the organization listed in line 3 above. If applicant does not have such authority or if no organization is involved, applicant agrees that this application is made on his/her own behalf and is binding on applicant.

Any change in information on this application shall be reported to the Commissioner immediately.

Signature:  Date: 1/8/2024

Printed Name: Andy Thayer

Title/Position(if any): _____

Telephone number: 773.209.1187 E-Mail Address: LGBTliberation@aol.com

Exhibit D

Amended Proposed Route

Proposed Route 2



Jane M. Byrne Plaza



Proposed Route 2



John Alexander Logan Monument

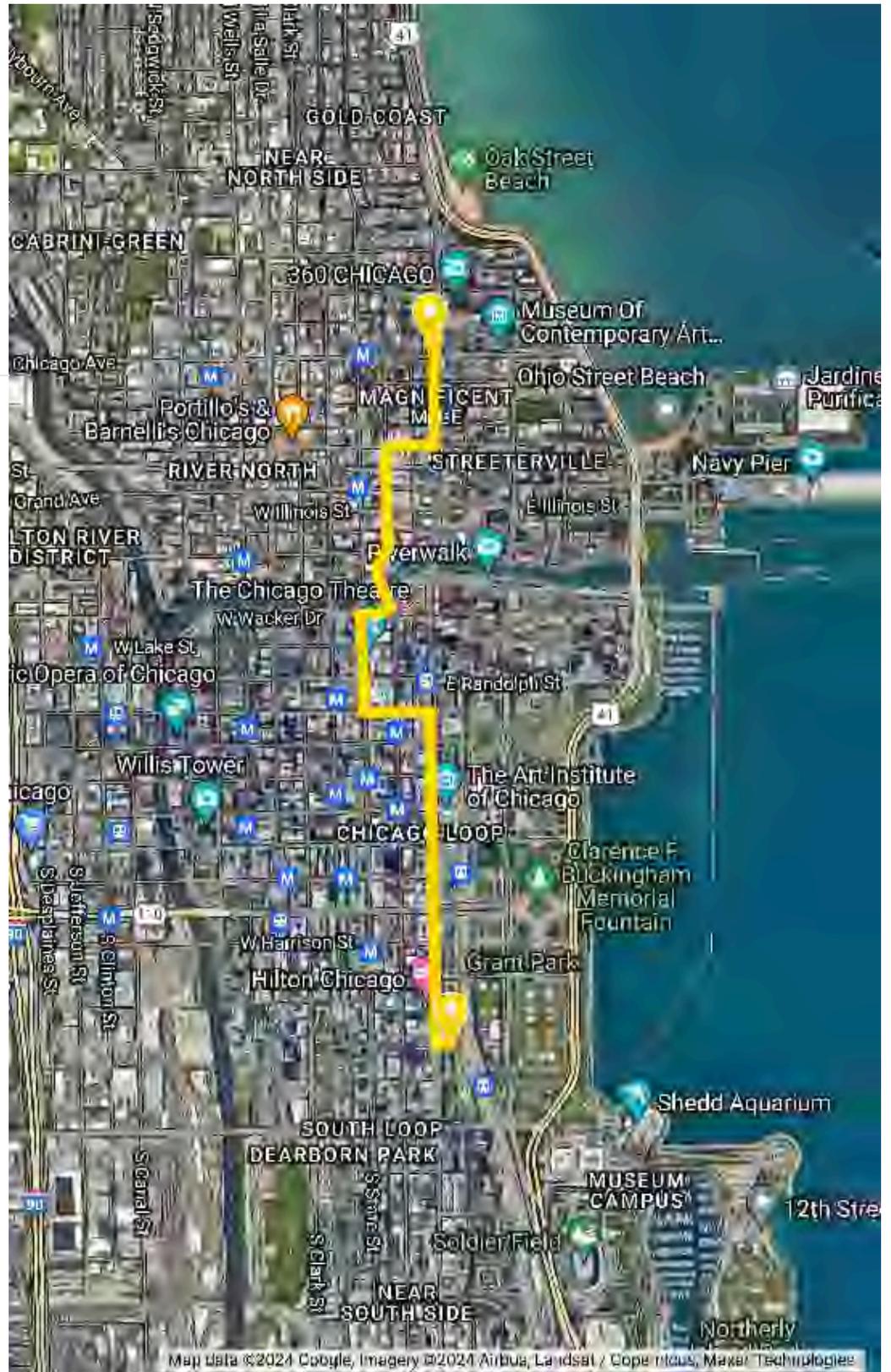


Exhibit E



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

January 16, 2024

Bodies Outside of Unjust Laws: Coalition for Reproductive Justice and LGBTQ+ Liberation
C/O Andy Thayer
4836 N. Kenmore Ave., #2
Chicago, IL 60640

Dear Mr. Thayer,

Pursuant to subsection 10-8-330 (g) of the Municipal Code of Chicago ("Code"), your application dated January 2, 2024, for a parade on August 18, 2024, is denied for the following reasons:

1. Under section 10-8-330(g)(1) of the Code, the Commissioner finds that the proposed parade will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption.
2. Under section 10-8-330(g)(2) of the Code, the Commissioner finds that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of the other requirements for police protection during the time of the proposed parade.

The Commissioner's decision is based on a number of factors, including, but not limited to the following: on the week in question, Chicago will host the 2024 Democratic National Convention (DNC), a large presidential nominating convention that will involve the attendance of delegates from all 50 states, the District of Columbia, and U.S. territories. Additionally, many high-level protectees, including President Biden, and other political leaders will attend the convention. Motorcades for DNC attendees will create significant traffic impediments and safety issues that will not permit the proposed parade route to occur. Moreover, the proposed parade route winds through the city center on a day many attendees are expected to arrive and would create significant traffic concerns and a drain on existing police resources. Movement of up to 50,000 delegates, staff, public officials, and high-level protectees from various locations, including the city center, to McCormick Place and the United Center (the sites of the event) and the associated entry to the event sites on this date will require heightened security, traffic

rerouting, and security checkpoints and will demand large numbers of police and other city resources. In addition to covering the entire downtown area, including the hotel zone and business district, and routing of traffic near and to McCormick Place and the United Center, police and other city resources will also be required to provide protection and services to the rest of the city. Thus, sufficient city resources are not available to mitigate the traffic disruption that would be caused by the proposed parade, or to police and protect parade participants and non-participants in light of these other demands. Although your application for a parade is denied as to the precise terms of your January 8th, 2024, application, pursuant to Section 10-8-330(k) of the Municipal Code, your group is authorized to conduct a parade under the following conditions:

Date: August 18, 2024

Assembly time: 5:00pm

Step-off time: 6:00pm

Disband time: 8:15pm

Assembly area: Assemble on Columbus DR north of Roosevelt Rd.

Disbanding area: Jackson Dr between Michigan and Columbus.

Route: Proceed north along Columbus Drive from Roosevelt Rd ending at Jackson Dr

Pursuant to Section 10-8-330(o)(2) of the Municipal Code, "Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units and in the event that the number of participants in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodations to increase the portion of the right of way made available in order to preserve public health and safety. Alternatively, where the number or size of parade participants or parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants and parade units present."

This alternate permit only authorizes the use of the public way. To the extent your proposed event may desire to utilize the property of the Chicago Park District, another governmental entity, or a private owner, authorization of such locations must be sought directly from the affected entity.

If you wish to accept this alternate parade permit subject to the above indicated specifications, Section 10-8-330(k) of the Municipal Code requires that you file a written notice of acceptance with the Commissioner of the City of Chicago Department of Transportation, Public Way Permit Office, 121 N. La Salle Street, Room 905, Chicago, Illinois, 60602 or email address CDOTPermitsupport@cityofchicago.org, within 5 business days of the date of this notification. Failure to provide such notice within the time provided will result in the authorization for the alternate parade permit being rescinded.

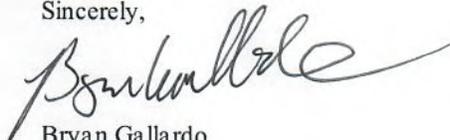
On January 8, 2024, the Department of Transportation also received your amended or duplicate application for the same parade. Therefore, please consider this letter responsive to that duplicate application or amendment as well.

The Department of Transportation reserves the right to modify or condition any issued parade permit in light of developing circumstances and information surrounding the DNC, including circumstances outside of the City of Chicago's control, such as the logistical or security needs or plans connected with the DNC.

If you believe your application is being wrongfully denied, you may appeal this decision by filing and appeal with the Department of Administrative Hearings. Your appeal should be filed with the Director of the Department of Administrative Hearings, 740 N. Sedgwick Street, 6th Floor, Chicago, Illinois 60654. If no appeal is filed with the Department of Administrative Hearings within five business days of notice of this decision, this decision shall be deemed final.

If you have any questions regarding this letter, you may contact Bryan Gallardo at 312-744-4652

Sincerely,



Bryan Gallardo
Assistant Commissioner
Public Way Permit Office
CDOT Division of Infrastructure Management

CC: Chief Devries
Deputy Chief Stevens
Cmdr. Harris
Cmdr. Barz
J. Kalayil
M. Imparato
T. Carney
A. Owens
J. Tirado
C. Pettineo
M. Peterson
T. Doran
M. Siegel
C. Hake

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL®



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Retail



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RDC 99

U.S. POSTAGE PAID
FCM LETTER
CHICAGO, IL 60604
JAN 17, 2024

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CITY OF CHICAGO

DEPARTMENT OF TRANSPORTATION

DIVISION OF INFRASTRUCTURE MANAGEMENT
DRIVEWAY SECTION
CITY HALL, ROOM 905
121 NORTH LASALLE STREET
CHICAGO, IL 60602

*Bodies Outside of Unjust Laws
4835 N. Kenmore Ave APT 2
c/o Andy Thayer
Chicago, IL 60640*

*2/1/24
11/19*

**RETURN RECEIPT
REQUESTED**

60640-372702

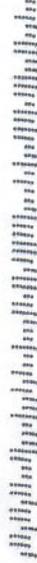


Exhibit F

Exhibit G

January 30, 2024

BEFORE THE
DEPARTMENT OF ADMINISTRATIVE HEARINGS

CITY OF CHICAGO, a)	
municipal corporation,)	
)	COPY
Plaintiff,)	
)	
vs.)	No. 24PA000001
)	
BODIES OUTSIDE OF UNJUST)	
LAWS: COALITION FOR)	
REPRODUCTIVE JUSTICE AND)	
LGBTQ+ LIBERATION,)	
)	
Defendant.)	

RECORD OF PROCEEDINGS held
before HEARING OFFICER DENNIS FLEMING, taken in
the above-entitled cause, taken by audio
recording at 400 West Superior Street, Room 110,
Chicago, Illinois, commencing on the 30th day of
January, 2024.

January 30, 2024

2

1 APPEARANCES:

2
3 CITY OF CHICAGO - DEPARTMENT OF LAW
4 LEGAL INFORMATION AND PROSECUTIONS
5 DIVISION

6 BY: CHRISTOPHER DIONNE, ESQ.

7 CHRISTINE HAKE, ESQ.

8 MATTHEW SPAHR, ESQ.

9 740 North Sedgwick Street

10 Chicago, Illinois 60654

11 (312) 744-8309

12 christopher.dionne@cityofchicago.org

13 christine.hake@cityofchicago.org

14 matthew.spahr@cityofchicago.org

15 Appeared on behalf of the Plaintiff.

16
17 FIRST DEFENSE LEGAL AID

18 BY: JOSEPH DiCOLA, ESQ.

19 601 South California Avenue

20 Chicago, Illinois 60612

21 (708) 967-3344

22 joseph@first-defense.org

23 Appeared on behalf of the Defendant.

24

January 30, 2024

3

	I N D E X	
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2	RASHAD SPRIGGS	PAGE
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January 30, 2024

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EXHIBITS

ADMITTED

City No. 1A-C	61
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January 30, 2024

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P R O C E E D I N G S

HEARING OFFICER FLEMING: All right. The attorneys for the Movant, have you guys filed appearance forms?

MR. DIONNE: I have an appearance form, your Honor.

HEARING OFFICER FLEMING: Okay. All right. We are going to open this morning's session of the Municipal Division of the Department of Administrative Hearings. The matter in front of me is 24PA000001.

My name is Dennis Michael Fleming. I am the Hearing Officer that has been assigned to this matter.

MR. DiCOLA: Judge, is the recording on?

HEARING OFFICER FLEMING: It's on, it's just the light's not. They try to confuse us.

They haven't put the case in the system yet for me to enter an order at the end of the day but we have time on that. They still have the impound cases in there.

January 30, 2024

6

1 All right. So I have Mr.
2 DiCola on behalf of Andy Thayer, Bodies Outside
3 of Unjust Laws.

4 And City attorneys, please
5 identify themselves for the record.

6 MR. DIONNE: ACC Chris Dionne for the
7 City.

8 MR. SPAHR: ACC Matthew Spahr for the
9 City.

10 HEARING OFFICER FLEMING: Okay. This
11 is the first parade case that I have done in my
12 career over here, so I did take an opportunity
13 to review the ordinance and the like.

14 And the reason I did it,
15 Mr. DiCola, is I sometimes will do what they
16 call dangerous dog cases which are also appeals
17 from a Commissioner's decision. In that
18 particular situation, they specifically say that
19 the hearing over there would be de novo. I
20 don't see language like that in the parade
21 ordinance.

22 Other cases that have come
23 down, one including dealing with the
24 environmental cases coming out of Hegewisch

January 30, 2024

7

1 dealing with the recycling plants and that
2 particular situation, the Administrative Law
3 Judge took the position that it was the burden
4 on the Appellant to present their evidence and
5 proceed with it.

6 I have reviewed the ordinance
7 and my interpretation of the language -- give me
8 a second here -- is that the decision here is to
9 be based on the evidence that is presented at
10 this hearing, which leads me to take the
11 position that, although it doesn't say it
12 specifically, the City would have the burden of
13 moving forward with their evidence. And at the
14 end of their evidence, obviously, you would have
15 the right to cross-examine, and then if you have
16 evidence you wish to present.

17 But it appears to me that that
18 is the way the ordinance suggests it should be,
19 which would mean then that, again, the burden as
20 I see it would be, as in most of the cases over
21 here, is a preponderance of the evidence.

22 Any response or anything from
23 that?

24 MR. DIONNE: Nothing from the City.

January 30, 2024

8

1 HEARING OFFICER FLEMING: If not, then
2 that's how we will proceed.

3 MR. DiCOLA: Thank you, your Honor.
4 That was my understanding and that sounds great.

5 HEARING OFFICER FLEMING: I didn't
6 want to get to a situation where we were
7 partially through and that issue came up and
8 hadn't been addressed. So we are all on the
9 same page relative to that.

10 MR. DiCOLA: I appreciate that.

11 HEARING OFFICER FLEMING: Are there
12 any preliminary matters that we need to address?

13 MR. DiCOLA: I don't believe so, your
14 Honor.

15 HEARING OFFICER FLEMING: Okay.

16 MR. DIONNE: Judge, the City has a
17 preliminary motion to exclude any witnesses that
18 will not be testifying presently.

19 HEARING OFFICER FLEMING: Okay. Any
20 objection to the motion to exclude?

21 MR. DiCOLA: Yes, your Honor. I would
22 object just on the basis that it's a public
23 proceeding and that my clients with the
24 organization have a right to hear what the fate

January 30, 2024

9

1 of their parade permit and other attendees also
2 have a right to be here.

3 HEARING OFFICER FLEMING: Well, they
4 have a right to be here but, you know, when we
5 get into the question of witnesses, I think that
6 the motion to exclude is proper. Once,
7 depending on who has testified and at what
8 point, if there is no objection, the person can
9 remain in after they have testified, if we get
10 to that.

11 MR. DiCOLA: Fair enough, your Honor.

12 HEARING OFFICER FLEMING: All right.
13 Okay. Opening statement if you wish, City.

14 MR. DIONNE: Yes. Judge, we are here
15 today on an appeal for an application for a
16 parade permit that was submitted by the parade
17 applicants in this matter in which the City has
18 responded to both the initial application, as
19 well as an amended application, in which the
20 City did not say that they are not permitted to
21 parade.

22 The City simply said that
23 based upon the locations were provided in both
24 the initial application as well as the amended

January 30, 2024

10

1 application, that they would be unable to secure
2 the route due to the safety of the participants
3 of that proposed parade, as well as all the
4 other traffic and buses, city traffic, other
5 pedestrians that would be in the proposed
6 initial location as well as the amended
7 location.

8 Additionally, the City also
9 cited that the resources that would be needed
10 during the proposed time frame of the date and
11 times provided by the applicants on this
12 application, the City would simply not have the
13 resources available from Chicago Police
14 Department, as well as the other necessary
15 departments within the City, that would
16 adequately allow to keep the safety of the
17 participants of this parade safe during the
18 route of the proposed time, date and location.

19 It is solely the bases that
20 were listed as one and two in the denial that
21 were listed, and those are the only two bases in
22 which the applications were denied.

23 Furthermore, Judge, the City
24 did not say they could not parade. The City

January 30, 2024

11

1 said, in fact, you can parade at the same date
2 and time, simply a different location that was
3 provided. And that location that was provided,
4 testimony will be elicited, that that location
5 is able to have the amount of transportation not
6 affected as well as the resources available to
7 ensure not only the safety of the participants
8 of that parade but also all the other citizens
9 of Chicago.

10 And paramount to what is going
11 on during this time is the Democratic National
12 Convention, which the City will elicit testimony
13 too that during this time frame is considered a
14 National Special Security Event or NSSE.

15 For all the reasons the City
16 will provide in this case, we are asking that
17 the Court affirm the determination from
18 Transportation and deny the route as proposed by
19 the Applicants.

20 HEARING OFFICER FLEMING: Do you wish
21 to do opening now or do you wish to reserve?

22 MR. DiCOLA: I would like to reserve,
23 your Honor.

24 HEARING OFFICER FLEMING: Okay. Very

January 30, 2024

12

1 good.

2 Okay. Call your first
3 witness.

4 MR. DIONNE: With that, Judge, City is
5 calling its first witness, Mr. Rashad Spriggs.

6 RASHAD SPRIGGS,
7 called as a witness herein, having been first
8 duly sworn, was examined and testified as
9 follows:

10 DIRECT EXAMINATION

11 BY MR. DIONNE:

12 Q. Good morning. Could you please
13 introduce yourself stating your name for the
14 record?

15 **A. My name is Rashad Spriggs.**

16 Q. And could you spell your last name as
17 well?

18 **A. S-p-r-i-g-g-s.**

19 Q. All right. And who is your current
20 employer?

21 **A. I am employed by the United States
22 Secret Service.**

23 Q. And how long have you worked for the
24 United States Secret Service?

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13

1 **A. I have been there 17 years.**

2 Q. All right. What is your current
3 position within the Secret Service?

4 **A. Currently, I am assigned as the Deputy**
5 **Coordinator or Assistant Coordinator for the**
6 **Democratic National Convention within our**
7 **Department of Dignitary Protective Division.**

8 Q. And when did you receive that
9 assignment?

10 **A. In April of 2023.**

11 Q. Okay. And in that position, what are
12 some of your current responsibilities?

13 **A. So myself as well as the overall**
14 **coordinator, Jeff Burnside, we are responsible**
15 **for the implementation and coordination with our**
16 **city, state and local federal partners in coming**
17 **up with the security plan for the Democratic**
18 **National Convention.**

19 Q. Are you based here out of Chicago?

20 **A. No, sir.**

21 Q. Where are you based out of?

22 **A. New York.**

23 Q. Okay. So you mentioned the Democratic
24 National Convention in Chicago. What exactly is

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14

1 your role in planning that event?

2 **A. Can you say it again?**

3 Q. What exactly is your role in planning
4 that event here in Chicago?

5 **A. So with the NSSE the Secret Service**
6 **takes the lead -- is the lead federal agency**
7 **that is responsible for implementation, planning**
8 **and coordination of all security operations. So**
9 **we work closely with all of our federal**
10 **partners, CPD in this case, as one of the**
11 **co-chairs of the event to make sure that the**
12 **security plan and visit of our delegates, as**
13 **well as our protectees, are safe and secure.**

14 Q. And you mentioned NSSE. What does
15 that stand for?

16 **A. NSSE stands for National Special**
17 **Security Event, which have been around since**
18 **1998. They were established as any event of**
19 **international or national significance in which**
20 **terrorism or criminal activity has a higher**
21 **chance of occurring.**

22 Q. Okay. And who designates which events
23 are considered NSSEs?

24 **A. The Secretary of Homeland Security is**

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15

1 **responsible for designating an event as an NSSE.**

2 Q. Is the Democratic National Convention
3 designated as an NSSE?

4 **A. Yes. Secretary Nielsen in 2018 made**
5 **the political conventions as standing NSSEs,**
6 **meaning that they do not have to go through the**
7 **application process as other events would,**
8 **similar to the presidential inaugurations as**
9 **well as state funerals. The political**
10 **conventions have been designated as standing**
11 **NSSEs, meaning any time that they occur, they**
12 **will be given the NSSE designation.**

13 Q. Is the standing NSSE also known as a
14 recurring NSSE?

15 **A. Correct.**

16 Q. Okay. Now, I'm showing you what's
17 been marked as City Exhibit No. 7. Do you
18 recognize this document?

19 **A. Yes.**

20 Q. Okay. And how do you recognize this
21 document?

22 **A. It is the document sent out to members**
23 **of DHS in which Secretary Nielsen in 2018**
24 **referenced political -- Presidential Policy**

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1 **Directive 22 which designated political**
2 **conventions to be recurring NSSEs.**

3 Q. And DHS stands for?

4 **A. Department of Homeland Security.**

5 Q. Okay. And who is this letter from?

6 **A. Secretary Nielsen.**

7 Q. And who is it to?

8 **A. All federal departments and agencies.**

9 Q. All right. And who is it signed by?

10 **A. Signed by Secretary Nielsen.**

11 Q. All right. And would you say this is
12 a complete and accurate copy of the letter that
13 was sent out by Secretary Nielsen on September
14 24, 2018?

15 **A. Yes.**

16 MR. DIONNE: Judge, at this point City
17 asks what's been marked as City Exhibit No. 7 be
18 entered into evidence.

19 HEARING OFFICER FLEMING: Any
20 objection?

21 MR. DiCOLA: No, your Honor.

22 HEARING OFFICER FLEMING: Admitted
23 without objection.
24

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1 (WHEREUPON, City
2 Exhibit No. 7 was admitted
3 into evidence.)

4 BY MR. DIONNE:

5 Q. All right. You mentioned President
6 Directive 22. Is that contained within this
7 letter?

8 **A. Yes.**

9 Q. And generally, what does this
10 directive mean?

11 **A. The directive is stating that when an**
12 **event is considered to be an NSSE, that the full**
13 **capacity and capabilities of the Federal**
14 **Government are to be used to help in the**
15 **securing of the event.**

16 Q. Okay. And you mentioned briefly about
17 terrorism, anti-terrorism. Was it the only
18 reason why the directive was implemented?

19 **A. Was it the only reason why?**

20 Q. Yes.

21 **A. It's the main reason to ensure a safe**
22 **and secure event.**

23 Q. All right. Are there other reasons
24 why that you know of?

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18

1 **A. No.**

2 Q. All right. So once an event such as
3 the DNC is designated as an NSSE, what exactly
4 has to happen?

5 **A. So the framework of the NSSE starts**
6 **off with the Secret Service as the lead federal**
7 **agency appointing two coordinators, a main**
8 **coordinator and a deputy coordinator. They**
9 **begin the planning process by working with the**
10 **local governments to establish what we call an**
11 **Executive Steering Committee, and then there is**
12 **also subcommittees that make up each NSSE.**

13 **So the coordinators begin the**
14 **planning of organizing the Executive Steering**
15 **Committee and working with local governments to**
16 **make sure that the assets are in place for the**
17 **event.**

18 Q. And who is in this Steering Committee
19 that you mentioned?

20 **A. So there is 18 local and federal**
21 **agencies that are making up the Executive**
22 **Steering Committee. The Chicago Police**
23 **Department is included in that, Chicago Fire**
24 **Department, Office of Emergency Management, the**

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1 **FBI, FEMA, the Coast Guard, Cook County Sheriffs**
2 **Department and the US Attorney's Office, just to**
3 **name a few.**

4 Q. Okay. But there are additional ones
5 besides the ones that you enumerated?

6 **A. Yes.**

7 Q. Okay. And when is the DNC scheduled
8 to occur in Chicago?

9 **A. The DNC is set to take place August**
10 **19th through the 22nd of 2024.**

11 Q. All right. And so when do you have to
12 start -- you mentioned you started preparing for
13 this in April of 2023.

14 What has to occur in
15 anticipation of the dates that the DNC is
16 actually going to be in Chicago?

17 **A. So we work closely -- the first thing**
18 **we do is establish relationships with our local**
19 **partners and seeing what capabilities are**
20 **already in place. In this case, for the City of**
21 **Chicago, what they have personnel-wise, what**
22 **they have equipment-wise, and coordinating with**
23 **our federal partners as well to see what**
24 **additional assets would be needed to establish**

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20

1 **the event.**

2 Q. Are these personnel as well as
3 objects?

4 **A. Correct.**

5 Q. Okay. And in anticipation of the DNC
6 being in Chicago, do you have an estimate of
7 roughly how many people will be attending?

8 **A. So the overall scope of the convention**
9 **is approximately 6,000 delegates will be**
10 **attending to conduct the party's business.**
11 **There will be anywhere from 12 to 15,000 members**
12 **of the media, both local and national, as well**
13 **as international, and approximately 50,000**
14 **additional visitors to the City of Chicago for**
15 **DNC-related events, even though they may not**
16 **attend the actual convention itself. But Union**
17 **members, different organizations within the**
18 **Democratic party that would come here for**
19 **meetings and face-to-face time with their party**
20 **representatives.**

21 Q. Okay. And do these estimated figures
22 include family and possibly children of the
23 attendees?

24 **A. Correct.**

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1 Q. Okay. So when exactly does this NSSE
2 directive take effect in anticipation of August
3 19th through 22nd?

4 A. So the NSSE will stand up or take
5 effect approximately 48 hours prior, which is
6 when we will send our security perimeters in
7 place. However, that date could potentially
8 fluctuate based on any adverse intelligence that
9 could arise.

10 Q. And what are the main locations in
11 which the DNC is going to be occurring?

12 A. So right now the DNC has established
13 two primary venues, one being McCormick Place
14 and the main event, kind of what you would think
15 a political convention -- when you think of what
16 a political convention is with the nomination of
17 the candidates and the big balloon drop and all
18 the fun confetti stuff, that would all take
19 place at the United Center.

20 Q. Are there any other locations in the
21 city that will also require additional security?

22 A. So the delegate hotels will also have
23 an increased presence from CPD, as well as
24 motorcade routes that will be used to move not

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1 **only the delegates but also our VIPs who will be**
2 **attending, as well as the DNC may have**
3 **additional events throughout the City that would**
4 **require CPD assets.**

5 Q. Without getting into the specifics of
6 the motorcade routes, specifically where they
7 are, what is required to secure a route?

8 A. **So our motorcade routes are very, very**
9 **personnel intensive, especially coming out of**
10 **the City of Chicago heading to the United Center**
11 **where you have multiple intersections that would**
12 **be controlled by not only vehicles but also CPD**
13 **personnel, as well as State Police assets that**
14 **would be a part of the motorcade. So keeping**
15 **pedestrians safe and off of the streets is the**
16 **primary focus of the law enforcement officers**
17 **along that motorcade route.**

18 Q. Will pedestrians or other commercial
19 traffic be permitted to cross a motorcade once
20 one is put into effect?

21 A. **No. So once the motorcade -- for**
22 **example, if the President is moving, all traffic**
23 **along that motorcade route will be in what we**
24 **call a freeze, meaning that those vehicles and**

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23

1 pedestrians will not be allowed to cross
2 intersections or roadways until the motorcade is
3 cleared.

4 Q. And who would be anticipated to ensure
5 that motorcade route?

6 A. One of our subcommittees is the
7 transportation subcommittee. They are working
8 closely with CPD and the Illinois State Police
9 to establish those routes to try to make those
10 routes the least intrusive to the community and
11 the people who are not attending the events, and
12 to cause the least amount of disruption
13 possible.

14 Although clearly with the size
15 and magnitude of the event, it would be
16 impossible to do so without causing some
17 disruption to traffic.

18 Q. Now, you mentioned that CPD and other
19 agencies will be securing these routes. Do you
20 direct them as to how to secure those routes?

21 A. We work in coordination depending on
22 the assets that are available. If there are
23 intersections that need additional support, we
24 can recommend based on what we've seen from

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24

1 other cities, for example, sometimes we will use
2 large equipment like sanitation trucks if a
3 roadway needs to temporarily be closed and
4 opened up quickly as opposed to setting up, you
5 know, concrete Jersey barriers.

6 So we can make those
7 recommendations on how to secure, but we work
8 hand in hand with CPD relying primarily on their
9 knowledge of the City and what assets they have
10 available to make sure that they have the
11 capability of controlling that intersection.

12 Q. So, to your knowledge, then would that
13 be CPD's decision on how to allocate those
14 resources to obtain the objective?

15 A. Yes, very much so.

16 Q. Okay. Now, you mentioned that there
17 was going to be heightened security within
18 Chicago. Besides the areas that were already
19 listed, are there other events that are going to
20 be occurring inside the city besides McCormick
21 and United Center that require heightened
22 security locations?

23 A. Yes. As I mentioned, the delegate
24 hotels will have an increased CPD presence at

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1 those hotels. There will be impacts to other
2 things; obviously, are the air space. There
3 will be a temporary flight restriction over the
4 City of Chicago which would impact the ability
5 to fly drones, helicopter tour traffic, just
6 regular commercial traffic coming out of the
7 airports that we try to minimize the impact of
8 that. But, obviously, those temporary flight
9 restrictions will be in place as well.

10 Q. All right. We'll get back to that in
11 a moment with the flight restrictions. But how
12 are --

13 HEARING OFFICER FLEMING: One moment,
14 please.

15 (WHEREUPON, a discussion
16 was held off the record.)

17 HEARING OFFICER FLEMING: Sorry.
18 BY MR. DIONNE:

19 Q. How are these delegates supposed to
20 get from where they are staying to the events,
21 if you know?

22 A. So the delegates' transportation to
23 and from the venues is our responsibility as the
24 coordinators for the NSSE. They will be

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1 **traveling along dedicated motorcade routes that**
2 **will be established.**

3 Q. Will CPD be assisting in those routes?

4 **A. Yes.**

5 Q. Now, you are aware of the Petitioner's
6 application for the parade route; is that
7 correct?

8 **A. Yes.**

9 Q. All right. Have you seen any of their
10 applications before?

11 **A. Yes.**

12 Q. Okay. And when did you see these
13 applications?

14 **A. We have a monthly meeting with CPD and**
15 **the DNC Committee, and they were brought to our**
16 **attention that permits had been filed. We had**
17 **made the request to be made aware of any**
18 **potential protest or parades or demonstrations**
19 **that would be occurring during the week of the**
20 **convention, and we have made that determination**
21 **based on our history of working the NSSEs.**

22 Q. All right. And you say we. Who is we
23 in this case?

24 **A. Jeff Burnside and myself, as well as**

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1 **CPD leadership and the DNC themselves.**

2 Q. All right. Based upon the
3 applications that were submitted, did you make
4 any directions to anybody at CPD as to the
5 application itself?

6 **A. No.**

7 Q. All right. Did you make any
8 recommendations or directions to anyone at
9 Chicago Department of Transportation?

10 **A. No.**

11 Q. Do you have an opinion as to the
12 proposed routes from the applicants in this
13 instance?

14 **A. Our main objective is to ensure that**
15 **everyone who is attending the conventions gets**
16 **what they want to get out of the convention,**
17 **meaning we have every intention of making --**
18 **giving people the ability to express their First**
19 **Amendment rights. However, in this case we**
20 **understand that in this particular petition it**
21 **would be unfeasible as the proposed route would**
22 **be directly next to the United Center which will**
23 **have perimeter fencing around it and would make**
24 **it physically impossible to conduct that.**

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1 But, you know, we as the
2 Secret Service are very adamant about making
3 sure that there is the ability for anyone who
4 would like to express their First Amendment
5 rights have the ability to do so, just not
6 within our security perimeters.

7 Q. All right. And you previously
8 mentioned that there would be a no fly zone
9 within Chicago. Can you explain what that is
10 going to be?

11 A. So without getting into the specifics,
12 but if you are familiar with a presidential
13 visit, any time the President travels somewhere
14 there will be a temporary flight restriction
15 around anywhere that he goes, whether it be the
16 airport, the hotel he is staying at or the venue
17 in which he is speaking.

18 The size and scope of that
19 just needs to be reasonable and it needs to be
20 posted so they will make notification to airmen,
21 which is called a NOTAM, letting commercial and
22 private pilots aware of the flight restrictions
23 and they are not authorized to violate that.

24 For an NSSE, the actual flight

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1 restriction doesn't just encompass the President
2 himself when he is in town, it actually
3 encompasses the entire event for the duration of
4 the event. So it basically will cover, you
5 know, a pretty significant flight restriction
6 over the entire city of Chicago.

7 Q. Now, as a result of the Democratic
8 National Convention being designated an NSSE,
9 are you aware of any other Chicago events that
10 have had to have been rescheduled?

11 A. Yes. Based on the flight
12 restrictions, the air show which was to take
13 place the first weekend of the convention, and
14 would be within NSSE designation, has been moved
15 to a date that would accommodate, as well as I
16 believe the school has been pushed back as well
17 based on CPD's assets that are required.

18 Q. Now, you mentioned that you have
19 worked on other NSSE events before; is that
20 correct?

21 A. Yes.

22 Q. Approximately how many?

23 A. I have probably worked on about ten
24 other NSSEs during my time in the New York field

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1 office, as well as in our Dignitary Protective
2 Division. And those would include presidential
3 inaugurations for both President Obama and
4 President Trump, as well as the United Nations
5 General Assembly which takes place annually in
6 New York every year.

7 Q. All right. And New York, is that a
8 similar big city as to compared to Chicago?

9 A. Yes.

10 Q. And could you explain the magnitude of
11 the events that have taken place in previous
12 NSSEs in large cities?

13 A. So to use the UN General Assembly as
14 an example, you have approximately 164 Heads of
15 State in one building at one time. As you can
16 imagine, the security perimeter around the UN is
17 quite extensive. The island of Manhattan is
18 very, very densely populated, and there is
19 really no area within the security perimeter
20 where you don't have residential buildings,
21 office buildings, people coming to and from
22 work, as well as subway stations, buses.

23 And all of that coordination
24 takes place with the New York City Police

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1 Department as well as their Department of
2 Transportation and Secret Service to try to be
3 as least intrusive as possible to the people
4 that live there.

5 We realize that when we have
6 these big events, typically, the people who are
7 not attending the event seems to be the most
8 frustrated, but we also understand that the City
9 must go on. You can't shut down a big city like
10 New York. You can't shut down a big city like
11 Chicago.

12 If it was up to us, that would
13 be great to be able to do that, or to have these
14 in the middle of nowhere, but the Secret Service
15 is not responsible for selecting the host
16 cities. But we try to be as least intrusive as
17 possible.

18 Q. So do other city services shut down
19 just because the NSSE is located in Chicago?

20 A. There will be some services that are
21 impacted, but we try not to make sure that --
22 that day-to-day operations are shut down.
23 Trains will still be running. Sanitation trucks
24 will still be, you know, able to do their job,

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1 deliveries, Amazon, UPS, FedEx. We work in
2 coordination with all of those companies to make
3 sure that if there is a residential area or a
4 business that needs to get their deliveries.

5 Now, what it impacts greatest
6 is they may get their deliveries every day at
7 4:00 o'clock. We may have to shift that where
8 they get those deliveries at 3:00 a.m. just to
9 make sure that all the deliveries are in and out
10 and trash is removed prior to heavy pedestrian
11 and vehicle traffic in which we would be
12 establishing those motorcade freeze routes.

13 MR. DIONNE: Judge, one moment.

14 (Brief pause.)

15 BY MR. DIONNE:

16 Q. Agent Spriggs, you mentioned that you
17 had looked at the application of parade routes
18 for the Petitioner in this case; is that
19 correct?

20 A. Yes.

21 Q. All right. And do you know what those
22 routes were?

23 A. I do not.

24 Q. All right. If I showed you -- is your

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1 memory exhausted as to what those routes were?

2 **A. I believe that they were -- there was**
3 **a route that was going -- that had been**
4 **requested to go down Madison Avenue, but that's**
5 **the only section of the route that I was aware**
6 **of.**

7 Q. If I were to show you the route, would
8 that refresh your recollection as to the actual
9 route that was proposed?

10 **A. Yes.**

11 Q. All right. I'm showing you the
12 initial application route. Just give it a look,
13 refresh your recollection.

14 HEARING OFFICER FLEMING: Has that
15 been marked as an exhibit?

16 MR. DIONNE: It has been. It is not
17 --

18 HEARING OFFICER FLEMING: Even if it's
19 just for identification.

20 MR. DIONNE: For identification it's
21 marked as City's Group 1A through C.

22 HEARING OFFICER FLEMING: Okay.

23 BY MR. DIONNE:

24 Q. Is your memory refreshed?

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1 **A. Yes.**

2 Q. Okay. And where does that route
3 exactly go?

4 **A. This route would take essentially**
5 **through some of our security perimeters based on**
6 **the delegate hotels, as well as, you know, right**
7 **down the main Michigan Avenue which would impact**
8 **some of our transportation efforts.**

9 Q. Did you direct CPD to deny that route?

10 **A. No, we did not.**

11 Q. Okay. Why did you then leave it up to
12 CPD to make the determination?

13 **A. As Jeff and myself are not local to**
14 **the City of Chicago and have only been here for**
15 **a few months, we leave it up to our local**
16 **partners when these type of opportunities arise**
17 **for them as the experts in the traffic patterns**
18 **and the knowledge of their personnel and**
19 **equipment that would be required to make sure**
20 **that the parade participants were safe and**
21 **secure. We rely on our local partners to be**
22 **able to make those determinations.**

23 Q. And are you aware of the amended route
24 proposal by the applicants in this matter as

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1 well?

2 **A. Yes.**

3 Q. And are you familiar with the route or
4 is your memory exhausted as to what that route
5 was?

6 **A. I would need to look at it.**

7 Q. Okay. I am showing you what has been
8 marked as City Exhibit -- Group Exhibit 3A
9 through D. Go ahead and take a look. When your
10 memory is refreshed, just look up and let me
11 know.

12 **A. Okay.**

13 Q. Okay. And so what is the proposed
14 amended route?

15 **A. It would be a route that would be more
16 feasible for -- that would be outside of our
17 secured areas.**

18 Q. The amended route would not touch any
19 of the secured areas, is that what you are
20 saying, or it would touch secured areas still?

21 **A. Well, not being 100 percent familiar
22 with every street in Chicago, I believe that the
23 proposed route is -- is currently outside of
24 where our security perimeters would be.**

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1 Q. But you have no idea of knowing where
2 exactly the secured areas are going to be at the
3 moment?

4 **A. So we have established a notional**
5 **perimeter. Again, as intelligence comes in,**
6 **whether that zone needs to be retracted or**
7 **expanded is always something that's flexible up**
8 **until the event itself.**

9 Q. All right. So it could change before
10 the event actually starts?

11 **A. Correct.**

12 Q. All right. And whose determination as
13 to how to secure that route; whose
14 responsibility would that ultimately be?

15 **A. Secret Service along with Chicago**
16 **Police Department.**

17 Q. But the how as to how to implement
18 that, who would be responsible as to how to
19 deploy and secure that area?

20 **A. We would rely on CPD assets.**

21 Q. Okay. And they would make the
22 ultimate determination; is that correct?

23 **A. They would make the determination as**
24 **to what personnel and equipment would be used to**

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1 **secure that route, yes.**

2 Q. But Secret Service did not instruct
3 either Transportation or CPD to deny the
4 Petitioner's application?

5 **A. Correct.**

6 MR. DIONNE: Judge, nothing further at
7 this point. We tender the witness.

8 HEARING OFFICER FLEMING: Cross?

9 MR. DiCOLA: Yes, your Honor.

10 HEARING OFFICER FLEMING: I should
11 have said this before. I have a tendency to
12 just keep moving. So at any time we need a
13 break, you can let me know.

14 MR. DiCOLA: Thank you very much.

15 CROSS-EXAMINATION

16 BY MR. DiCOLA:

17 Q. Agent Spriggs, my name is Joseph
18 DiCola. I represent the Respondents in this
19 matter. I thank you for your time today. I
20 just have a few questions for you.

21 You -- in your experience with
22 NSSE events, does that -- does the planning
23 involve accommodations for anticipated First
24 Amendment activity at those events?

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1 **A. At the Secret Service, we do not**
2 **establish protest zones or free speech zones.**
3 **We establish our security perimeters, which**
4 **under 1752 gives us the authority to do so, and**
5 **we rely on the local partners who would**
6 **establish those First Amendment zones.**

7 Q. In your experience, NSSEs typically
8 draw or can be expected to draw protests and
9 First Amendment activity; is that correct?

10 **A. Correct.**

11 Q. And you testified that -- something to
12 the effect of it's important to bring the full
13 capacity of the Federal Government to ensure
14 safety for the event; is that correct?

15 **A. Yes.**

16 Q. Does the full capacity of the Federal
17 Government involve contracting with federal
18 agency personnel to work with the City of
19 Chicago agencies to secure the City for the
20 event?

21 **A. Contracting federal employees to?**

22 Q. In terms -- does full capacity to you
23 imply -- mean that the -- that federal employees
24 can work with the City directly?

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1 Can the City deputize federal
2 employees to help secure the event?

3 **A. We do not do that for NSSEs.**

4 Q. Do you -- does the Federal Government
5 deploy additional staff to the area of a
6 national security event to keep it secure?

7 **A. Deploying federal employees -- for**
8 **example, Jeff and I have relocated to Chicago to**
9 **be on the ground here as coordinators. We bring**
10 **in multiple additional personnel from the Secret**
11 **Service, as well as from FEMA will have**
12 **additional personnel here as well. The FBI will**
13 **have additional personnel here as well. So all**
14 **of our federal agencies do increase their**
15 **footprint in the city of which the NSSE is**
16 **taking place.**

17 Q. And all those federal employees,
18 federal law enforcement, they are there to
19 supplement CPD's capacity to secure the city for
20 the event, correct?

21 **A. Not necessarily. For example, Secret**
22 **Service agents do not have peace officer status**
23 **here in Chicago, meaning that we cannot act in a**
24 **police officer role. So those additional assets**

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1 are there to do the job to secure the NSSE, but,
2 for example, FEMA is not going to have officers
3 or any of their personnel working in a police
4 capacity where they would supplement CPD.

5 Q. But is it correct that there will be
6 more federal employees than ordinarily in the
7 City of Chicago working to keep this event
8 secure?

9 A. Yes.

10 Q. Can you tell me, what are the
11 established delegate motorcade routes? Have
12 they been -- let me rephrase the question.

13 Have those motorcade routes
14 been established?

15 A. No.

16 Q. So in reviewing any permit
17 applications, you cannot say for certain whether
18 or not they are going to intersect a motorcade
19 route?

20 A. Correct. Those motorcade routes that
21 will be used for the delegates will be not
22 standing 24 hours. They will be utilized during
23 the time in which the delegates will be required
24 to move from venue to venue.

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1 Q. At the time you reviewed the permit
2 application in this case, those routes were not
3 established, correct?

4 **A. Correct.**

5 Q. You testified that you first learned
6 of this application at a monthly meeting with
7 CPD; is that right?

8 **A. Correct.**

9 Q. What was the exact date of that
10 meeting?

11 **A. I do not remember.**

12 Q. You testified that you became aware
13 that permits had been filed. Were you referring
14 to permits in addition to the permit that we are
15 discussing at this hearing today?

16 **A. Yes. We had asked CPD to keep us**
17 **informed of any permits that would be filed**
18 **within the city that would potentially be in**
19 **zones that we had previously discussed as areas**
20 **that would impact our security operation.**

21 Q. And so, to your knowledge, there had
22 been other permit applications filed apart from
23 the Respondent's in this matter?

24 **A. Yes.**

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1 Q. Did one of those parade permit
2 applications request a route that would pass the
3 United Center?

4 MR. DIONNE: Objection, vague.

5 HEARING OFFICER FLEMING: You can
6 answer if you know, if you recall.

7 MR. DIONNE: And relevance.

8 HEARING OFFICER FLEMING: You can
9 answer it if you recall.

10 THE WITNESS: I believe that they did,
11 yes.

12 BY MR. DiCOLA:

13 Q. And you testified a few moments ago
14 that a route went next to the United Center; is
15 that correct?

16 **A. I believe there was a petition to have**
17 **a route that went by the United Center.**

18 Q. Did you conflate a different permit
19 application with the one under consideration
20 today at this hearing?

21 **A. We haven't looked at any -- we haven't**
22 **made it -- Secret Service has not made any**
23 **decisions on whether a permit is to move**
24 **forward. We rely on CPD to do that.**

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1 Q. I'm going to rephrase the question.

2 Did you confuse a permit
3 application that requested a route that marched
4 to the United Center with the permit application
5 under consideration at this hearing?

6 **A. Yes, I believe so because that route**
7 **does not go through United Center.**

8 Q. Thank you.

9 Agent Spriggs, you testified
10 that there were two primary venues for the NSSE,
11 McCormick Place and the United Center; is that
12 correct?

13 **A. Yes.**

14 Q. Can you describe the -- or define for
15 me the difference between a primary venue and a
16 perimeter, the way -- which I believe you
17 mentioned a few moments ago?

18 **A. So the primary venues for this are**
19 **McCormick Place and the United Center. They**
20 **will have a significantly larger security**
21 **presence. There will be no scale fencing around**
22 **the venues. There will be vehicle restrictions**
23 **around those venues. Some of the other venues**
24 **that will fall under the DNC's responsibility**

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1 during the NSSE would be, like, the delegate
2 hotels.

3 So I mentioned there are 6,000
4 delegates that will be coming. They will be
5 staying based on their state and how the DNC
6 coordinates their lodging, but there will be
7 specific hotels in which DNC delegates will be
8 staying at. Those hotels, for example, will not
9 have the large scale fencing, the vehicle
10 restrictions, as well as the DNC, you know,
11 typically, with a convention will have a welcome
12 party for the delegates at a specific venue.

13 Let's say it's, you know, a
14 hotel ballroom, you know, that hotel itself
15 won't have the large impact security perimeter
16 that McCormick Place and the United Center would
17 have.

18 Q. Thank you.

19 And to your knowledge, are
20 there hotels along the route that was requested
21 by the Respondents here?

22 A. Not being sure of where every hotel
23 is, I would imagine so but I can't say for sure
24 that there is.

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1 Q. And the route requested in this parade
2 permit application, it doesn't approach
3 McCormick Place, correct?

4 **A. Correct.**

5 Q. And the route requested here doesn't
6 approach the United Center, correct?

7 **A. Correct.**

8 Q. And there is no other established
9 primary venue with the high security protocols
10 you described within the Loop at this time,
11 correct?

12 **A. At this time, correct.**

13 Q. You testified that you work hand in
14 hand with CPD; is that right?

15 **A. Yes.**

16 Q. But you also stated that you or the
17 Secret Service did not make recommendations
18 about the disposition of this permit
19 application; is that right?

20 **A. Correct.**

21 Q. Can you explain for me how that
22 cooperation, how the working hand in hand works
23 where you're not making recommendations?

24 **A. So at our monthly meeting that we do a**

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1 check in with both the DNC and CPD, as well as
2 the weekly subcommittee meetings that are taking
3 place, our transportation section, our venue
4 section subcommittees are constantly in
5 communication to identify potential motorcade
6 routes.

7 Like I mentioned, our
8 motorcade routes are not established and set in
9 stone at this point; however, we do have a
10 notional idea of where those motorcade routes
11 will be just based on the, you know, roadwork
12 and the way the City operates, looking at what
13 we prefer to take, you know, in terms of streets
14 that give us, you know, the best ingress and
15 egress from hotels or venues. So we are
16 constantly in communication with them to, you
17 know, keep up to date with any information that
18 comes our way from the DNC.

19 Q. And does anyone at the City, the
20 Department of Transportation and the Chicago
21 Police Department, have they shared with you so
22 far assessments of traffic volume or traffic
23 patterns in the Loop during the time of the DNC?

24 A. We have discussed heavy traffic volume

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1 **areas, but in terms of, like, a matrix of**
2 **traffic flow, no.**

3 Q. And so to clarify, there isn't a set
4 of empirical data about -- reflecting traffic
5 flow on days of the week, times of the day in
6 the city of Chicago that you have reviewed?

7 **A. There could be. There is nothing that**
8 **we have had to review.**

9 Q. And data like that showing number of
10 cars anticipated at different times throughout
11 the day, has that ever been introduced at any of
12 the monthly meetings with the Chicago Police
13 Department?

14 **A. No.**

15 Q. Thank you.

16 Agent Spriggs, the permit
17 application that we're discussing, is it for --
18 it's for August 18th, 2024, correct?

19 **A. Correct.**

20 Q. And the DNC starts the next day on
21 August 19th; is that right?

22 **A. The official start date of the DNC is**
23 **the 19th; however, our security perimeters will**
24 **go up more than likely on the 17th. And that**

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1 date is always subject to change.

2 For example, the presidential
3 inauguration, based on the events that took
4 place at the Capital on January 6th, the NSSE
5 was extended an additional week on the front
6 end. Based on the events from January 6th, that
7 NSSE official date -- those dates are able to
8 shift. So if we had any, you know, adverse
9 intelligence that would tell us that we needed
10 to set up those security perimeters longer, then
11 we would have the authority to do that.

12 Q. To your knowledge, will delegates be
13 going to either McCormick Place or the United
14 Center on Sunday the 18th?

15 A. They could be. Like I said, there is
16 a delegate welcome event at that event location.
17 It is not the responsibility of Secret Service
18 or CPD to establish. That's the DNCC that puts
19 that together. So at this point we haven't been
20 told where that welcome event is going to be.

21 MR. DiCOLA: Thank you very much. If
22 you'll just give me one moment.

23 (Brief pause.)
24

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1 BY MR. DiCOLA:

2 Q. I would like to clarify, if possible,
3 the approximate date of that monthly meeting
4 with CPD where you learned of this application.
5 Do those happen typically on the same day of the
6 week?

7 **A. Typically, we try to shoot for a**
8 **Tuesday just because it worked for everyone. I**
9 **know it was probably the week or two weeks**
10 **before the Christmas holiday, but, like I said,**
11 **specifics, actual date, I do not recall the**
12 **date.**

13 Q. This application was submitted
14 originally on January 2nd and then modified on
15 January 8th, correct?

16 **A. Is that on here? Yes, January 2nd.**

17 Q. And so I just want to clarify. When
18 you say the Christmas holiday, do you mean time
19 off after the holiday that people ordinarily get
20 or that you learned of this permit before
21 Christmas?

22 **A. We reviewed a submission -- well, we**
23 **were made aware of a number of petitions at that**
24 **December meeting. Whether it was this specific**

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1 **one, we didn't have any follow-up meetings after**
2 **that initial one in December.**

3 Q. You haven't -- did you meet in
4 January?

5 **A. We did.**

6 Q. And what date was that meeting?

7 **A. I don't recall the actual date. It**
8 **was --**

9 MR. DIONNE: Objection -- Judge,
10 objection to relevance.

11 HEARING OFFICER FLEMING: What's the
12 relevance of the date of the meeting?

13 MR. DiCOLA: Well, your Honor, the
14 investigation that the City performed to
15 ascertain the facts of this permit application
16 are -- it's a mandatory duty under the statute.
17 I'm trying to understand what that investigation
18 entailed.

19 The City has called a
20 representative of the Secret Service as a
21 witness. He has testified that he has been
22 involved in the City's response to these permit
23 applications. I am trying to understand when
24 that happened. If there were records of that

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1 meeting, records that the other City witnesses
2 prepared in preparation of that meeting, it
3 would help us to ascertain what they were
4 talking about and what investigation the City
5 did, to what extent they made use of the Secret
6 Service's information.

7 MR. DIONNE: Judge --

8 HEARING OFFICER FLEMING: Objection
9 sustained.

10 MR. DIONNE: Thank you.

11 BY MR. DiCOLA:

12 Q. So just to clarify, you don't know
13 when you first learned of this permit
14 application exactly, correct?

15 **A. This specific permit, no.**

16 MR. DIONNE: Objection, Judge. Asked
17 and answered.

18 HEARING OFFICER FLEMING: You can
19 answer.

20 THE WITNESS: No.

21 MR. DiCOLA: Thank you.

22 BY MR. DiCOLA:

23 Q. You testified that the amended route
24 would not touch secured areas; is that right?

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1 Is that what you testified?

2 **A. The amended route at this point**
3 **potentially will not touch the United Center or**
4 **McCormick Place.**

5 Q. Okay. You testified a moment ago that
6 you do not set up free speech zones or you
7 referenced free speech zones. Could you say
8 what you mean by a free speech zone?

9 **A. Just a place where those that want to**
10 **gather and engage in their First Amendment right**
11 **would be able to do so.**

12 Q. And a free speech zone, is that a
13 cordoned off or relatively enclosed space
14 dedicated for First Amendment activity?

15 **A. Typically, when we travel with the**
16 **President or Vice President, the Secret Service**
17 **is not responsible for establishing those zones.**
18 **If -- you know, each particular city has its own**
19 **way of handling those situations, and so we**
20 **would rely on CPD to manage any of those**
21 **potential situations that would come up.**

22 Q. So, to your knowledge, the City of
23 Chicago remains with all -- with its public and
24 private forums for public expression, those are

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1 still available for First Amendment activity?

2 MR. DIONNE: Objection, calls for
3 speculation.

4 HEARING OFFICER FLEMING: Sustained.

5 MR. DiCOLA: No further questions for
6 this witness, your Honor.

7 HEARING OFFICER FLEMING: All right.
8 Redirect?

9 MR. DIONNE: Redirect, yes, Judge.

10 (Brief pause.)

11 No. Nothing further, Judge.

12 HEARING OFFICER FLEMING: Okay.

13 All right. Why don't we take
14 about five minutes or ten.

15 MR. DIONNE: May I excuse the witness
16 or does the Petitioner have intention of
17 recalling?

18 MR. DiCOLA: No intention to recall.

19 HEARING OFFICER FLEMING: Okay. You
20 are excused then.

21 (WHEREUPON, a brief recess
22 was held.)

23 HEARING OFFICER FLEMING: All right.

24 We are back on the record.

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1 Call your next witness, City.

2 MR. DIONNE: Okay. City calls its
3 second witness, Bryan Gallardo.

4 BRYAN GALLARDO,
5 called as a witness herein, having been first
6 duly sworn, was examined and testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. DIONNE:

10 Q. Good morning. Could you please
11 introduce yourself, spelling your last name for
12 the record?

13 A. **My name is Bryan Gallardo,**
14 **G-a-l-l-a-r-d-o.**

15 Q. All right. Mr. Gallardo, who do you
16 currently work for?

17 A. **I work for the City of Chicago in the**
18 **Department of Transportation.**

19 Q. And how long have you worked for the
20 City?

21 A. **A little over six years. Since**
22 **October of 2017.**

23 Q. All right. And how long have you
24 worked for the Department of Transportation?

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1 **A. That entire time.**

2 Q. Okay. And what is your current job
3 position or title at CDOT?

4 **A. Assistant commissioner in charge of**
5 **the public way permitting office.**

6 Q. Okay. And you have held that for the
7 full seven years?

8 **A. Correct.**

9 Q. And so as assistant commissioner, what
10 are some of your responsibilities?

11 **A. So our office processes all**
12 **applications for activities on the public right**
13 **of way, so whether it's related to construction,**
14 **parades, moving vans, anything like that. If it**
15 **is going to obstruct something on the public**
16 **right of way, the applications are processed**
17 **through our office and I manage that office.**

18 Q. Okay. And so you mentioned that one
19 of the responsibilities is parade applications.
20 So can you just walk us through generally how a
21 parade application is submitted to the City?

22 **A. Sure. So there is a form that is**
23 **filled out, provides all the information,**
24 **including the applicant's name and contact**

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1 information, the dates and times that they are
2 looking for, as well as the route that they are
3 looking for.

4 That would be submitted to our
5 office during business hours, and at that point
6 we would take in that application. We time
7 stamp it just to show what date and time it came
8 in, and then that application is distributed to
9 various other City agencies and departments to
10 -- for their review to see if there's any
11 conflicts or issues with the request.

12 Q. All right. And you say we take it,
13 and who is the we that you are referring to?

14 A. The CDOT permit office. So me or some
15 member of my team.

16 Q. All right. And approximately how many
17 people are there that would receive
18 applications?

19 A. There are currently ten people working
20 in our office.

21 Q. Okay. Do you receive personally every
22 application that is submitted?

23 A. Not every application. We receive
24 over 200,000 permit requests a year, including

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1 all different types, so I'm not able to look at
2 every single one.

3 Q. Are you the representative from
4 Transportation that responds to all permit
5 parade applications?

6 A. Not necessarily, no. It depends,
7 again, on who is available to talk to it, or if
8 it's in the Central Business District or
9 something like that, then it might be flagged
10 for my attention and my response, but it doesn't
11 have to be me.

12 Q. And in this instance, did you respond
13 to the applicant's submissions?

14 A. Yes. Once it was taken in, it was
15 flagged as during the DNC in the Central
16 Business District, and so it was brought to my
17 attention to review for any potential conflicts.

18 Q. Do you know who accepted at
19 Transportation this application?

20 A. Her name is Susan Pawlak. She is a
21 member of the staff there. She processes the
22 majority of parade and assembly applications.

23 Q. And was it Ms. Pawlak who brought this
24 application to your attention?

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1 **A. Yes.**

2 Q. One moment.

3 I am showing you what the City
4 has marked as City's Group Exhibit 1 through C.
5 Do you recognize this document?

6 **A. Yes, it looks to be a copy of the**
7 **application that was submitted for the parade by**
8 **Bodies Outside of Unjust Laws.**

9 Q. Okay. And when was this application
10 submitted?

11 **A. It was submitted on January 2nd of**
12 **2024.**

13 Q. Okay. And does it specify as to who
14 is requesting the permit?

15 **A. Yeah. So the applicants have to**
16 **provide their information. So the name of the**
17 **organization is Bodies Outside of Unjust Laws:**
18 **Coalition for Reproductive Justice and**
19 **LGBTQ-plus Liberation, and that was submitted by**
20 **Mr. Andy Thayer.**

21 Q. Okay. And does that have a proposed
22 date for the application?

23 **A. It does. It was requested for August**
24 **18th, 2024.**

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1 Q. All right. And does it have a
2 proposed location as to where it is to start?

3 **A. Yes. They had requested that it start**
4 **at Pearson and Michigan, if I recall correctly.**

5 Q. Okay. And does it have a proposed
6 number of potential parade attendees?

7 **A. They estimated between one and 3,000**
8 **people would participate.**

9 Q. And does it have a proposed assembly
10 time?

11 **A. The proposed assembly time is listed**
12 **at 5:00 p.m.**

13 Q. And a start time?

14 **A. Okay. 6:00 p.m.**

15 Q. And an end time?

16 **A. 8:15 p.m.**

17 Q. And a disbanding time?

18 **A. 9:00 p.m.**

19 Q. Okay. And you said it had a start
20 location of the proposed route. Did it include
21 a full route?

22 **A. Yes, it does. It does describe the**
23 **route that they had requested.**

24 Q. All right. And on that initial

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1 application, City's 1 through C, what is that
2 proposed route?

3 **A. So the application, they would**
4 **assemble on Pearson at Michigan and then they**
5 **would proceed south on Michigan to Wacker Drive;**
6 **and then they would proceed west on Wacker Drive**
7 **to State Street; and then south on State Street,**
8 **it says here past ABC 7 studios.**

9 **And their initial request was**
10 **to turn back east on Adams Street; and then back**
11 **south again on Michigan Avenue and then they**
12 **would proceed to 9th Street.**

13 Q. Okay. And was this application
14 request signed by anyone?

15 **A. The submitter was Andy Thayer, and**
16 **that's the signature here.**

17 Q. Okay. And is that on page -- what
18 page number?

19 **A. Page 3.**

20 Q. All right. And what was the date of
21 that signature?

22 **A. It's dated the 2nd of January, 2024.**

23 MR. DIONNE: All right. Judge, at
24 this point City asks to be -- what's marked as

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1 City's 1 A through C be entered into evidence.

2 HEARING OFFICER FLEMING: Any
3 objection?

4 MR. DiCOLA: No, your Honor.

5 HEARING OFFICER FLEMING: Okay.
6 Allowed without objection.

7 (WHEREUPON, City
8 Exhibit No. 1A-C was admitted
9 into evidence.)

10 BY MR. DIONNE:

11 Q. Now I am showing you what's been
12 marked as City Exhibit No. 2. Do you recognize
13 this map?

14 **A. It looks like a Google Earth image of**
15 **the proposed route, perhaps.**

16 Q. Okay. And does that route start at
17 the top on Pearson Street?

18 **A. It appears to.**

19 Q. All right. And does that look like a
20 fair and accurate representation of the route
21 that was initially proposed by the applicant?

22 **A. It does appear to be the route that**
23 **was described in the application.**

24 MR. DIONNE: Judge, at this point City

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1 asks what's been marked as City Exhibit No. 2 be
2 entered into evidence.

3 HEARING OFFICER FLEMING: Any
4 objection?

5 MR. DiCOLA: No.

6 HEARING OFFICER FLEMING: Allowed
7 without objection.

8 (WHEREUPON, City
9 Exhibit No. 2 was admitted
10 into evidence.)

11 BY MR. DIONNE:

12 Q. Mr. Gallardo, did you also receive an
13 amended application from the Petitioner in this
14 case?

15 **A. Yes, we did. A few days later another**
16 **application was submitted with a slightly**
17 **amended route.**

18 Q. Okay. I'm showing you what's been
19 marked as City's Group Exhibit 3A through D. Do
20 you recognize this document?

21 **A. Yes. So on January 8th another copy**
22 **of the application was submitted along with a**
23 **cover letter, and the route was slightly**
24 **amended. I believe the change was to utilize**

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1 **Washington instead of Adams as they proceeded**
2 **east back to Michigan Avenue.**

3 Q. Okay. Otherwise, was everything else
4 in that amended application the same as what's
5 been marked as City's A through C?

6 **A. I believe so.**

7 Q. Do you want to check it over and
8 confirm whether that is true or not?

9 **A. Yes, it looks to be the same. Yes.**

10 Q. All right. So the only difference on
11 the amended application is the route that was
12 proposed?

13 **A. Yes.**

14 Q. Showing you what's been marked as --
15 sorry, just Exhibit 4. Do you recognize this?

16 **A. It looks to be the route that they had**
17 **requested in the second submittal.**

18 Q. Would you say it's a fair and accurate
19 representation of the Google map as the amended
20 route on the amended application?

21 **A. Yes.**

22 MR. DIONNE: All right. Judge, at
23 this point City is asking what's been marked as
24 Group Exhibit 3 A through D as well as 4 be

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1 entered into evidence.

2 HEARING OFFICER FLEMING: Any
3 objection?

4 MR. DiCOLA: No, your Honor.

5 HEARING OFFICER FLEMING: Allowed
6 without objection.

7 (WHEREUPON, City
8 Exhibit Nos. 3A-D, and 4 were
9 admitted into evidence.)

10 BY MR. DIONNE:

11 Q. All right. So, Mr. Gallardo, once you
12 received both the initial and the amended
13 application, could you explain the next process
14 of what happened?

15 **A. So we would review the application.**
16 **We would check the route for conflicts. Those**
17 **conflicts could be with other events. They**
18 **could be with construction or basically any**
19 **other activity. We also check to see the**
20 **streets that are being used, how impactful is**
21 **the route going to be for commuters, for**
22 **pedestrians, things like that and other**
23 **activities and see if it's going to be**
24 **burdensome.**

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1 **And then we gather any**
2 **comments from other departments or agencies that**
3 **may have also commented on the application.**

4 Q. And you mentioned we a lot of times in
5 that process.

6 **A. So CDOT. So myself in this particular**
7 **case, I looked at the route and potential**
8 **conflicts.**

9 Q. Okay. And does CDOT just look at the
10 transportation impact on the proposed routes?

11 **A. So, yeah, our responsibility is to**
12 **look at transportation impacts as well as**
13 **traffic impacts of old conflicts with other**
14 **permits that have been issued.**

15 Q. Okay. Now, you mentioned that you
16 also contact other City resources and other
17 individuals, and so did you do that in these
18 instances for these applications?

19 **A. Yes. These applications, copies of**
20 **these applications were sent to other City**
21 **departments for their review and comment as**
22 **well.**

23 Q. Okay. And do you know who or which
24 departments some of these applications were sent

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1 to?

2 **A. They were sent to the Police**
3 **Department, Streets and Sanitation, OEMC, to the**
4 **affected ward offices, as well as DCASE, which**
5 **is the Department of Cultural Affairs and**
6 **Special Events, and Streets and Sanitation.**

7 Q. Right.

8 Did you personally send these
9 applicants to those bodies?

10 **A. No. Susan Pawlak who did the initial**
11 **intake sent out the application to those**
12 **individuals -- or those departments, I should**
13 **say.**

14 Q. And do you recall approximately when
15 those were sent out to the other bodies?

16 **A. The same day that the applications**
17 **were taken in. So an email was sent out on the**
18 **2nd after that application was taken in, and**
19 **then when the amended application was received**
20 **on the 8th, later in the day on the 8th an email**
21 **was sent to those departments.**

22 Q. Okay. So, did you speak to any
23 representative from the Chicago Police
24 Department after this was -- either one of these

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1 were submitted?

2 **A. Yes.**

3 Q. All right. Who did you speak to?

4 **A. So I have had conversations with**
5 **Deputy Chief Jill Stevens, Deputy Chief Dan**
6 **O'Connor, as well as Scott --**

7 HEARING OFFICER FLEMING: Is that
8 O'Connor or O'Connell?

9 THE WITNESS: O'Connor.

10 HEARING OFFICER FLEMING: Okay. What
11 was the first one? I'm sorry.

12 THE WITNESS: Yeah. Deputy Chief Jill
13 Stevens.

14 HEARING OFFICER FLEMING: How do you
15 spell his last name?

16 THE WITNESS: Stevens, S-t-e-v-e-n-s.

17 HEARING OFFICER FLEMING: Oh, okay.

18 THE WITNESS: Yeah, as well as Scott
19 Spears from the Police Department to discuss
20 their concerns with the impacts and conflicts.

21 BY MR. DIONNE:

22 Q. All right. Do you recall when that
23 meeting was?

24 **A. So we had a phone call on, I believe,**

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1 **the Friday after the initial application was**
2 **submitted. Then we had a subsequent call the**
3 **following Thursday.**

4 Q. Okay. Were all the individuals,
5 Stevens, O'Connor and Spears all on the phone
6 call conversation with you?

7 A. **Not all on the same call. They were**
8 **all on the Thursday call. The initial call was**
9 **just with Deputy Chief Jill Stevens.**

10 Q. On the initial call with Stevens, what
11 did you discuss?

12 A. **I just reminded her that we -- that we**
13 **had sent out the application and if they wanted**
14 **to comment on it, we had a set timeline per the**
15 **ordinance in case they had any comments. And I**
16 **let her know that the route would include**
17 **Michigan Avenue as well as State Street and**
18 **Wacker, which were pretty impactful streets to**
19 **be utilizing.**

20 Q. At that initial conversation with Jill
21 Stevens, did she tell you anything about the
22 proposed routes?

23 A. **No. She said she was going to speak**
24 **with other folks at the Chicago Police**

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1 **Department and let me know if they had any**
2 **concerns with the proposed date, time and route.**

3 Q. Okay. And it was -- was that
4 conversation held on the following Thursday?

5 **A. Yes.**

6 Q. Okay. And at that -- on that
7 conversation, was it on the phone?

8 **A. Yeah, it was a -- like a Teams**
9 **meeting.**

10 Q. Okay. And so that happened on the
11 Thursday. What was discussed on this Teams
12 meeting?

13 **A. We discussed -- the police expressed**
14 **concerns with having the possible resources to**
15 **accommodate this route and asked what the next**
16 **steps were to file an objection letter. And I**
17 **also discussed with them that I had reached out**
18 **to the CTA and looked at potential traffic**
19 **impacts with the route as well.**

20 Q. And what did you learn from CTA?

21 **A. So this particular route at that time**
22 **would affect multiple bus routes on Michigan**
23 **Avenue, State Street, Washington per the amended**
24 **route, as well as Madison Street.**

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1 Q. Who did you speak to at the CTA?

2 **A. I spoke to a gentleman named Jack**
3 **Chalabian.**

4 Q. Do you know what Jack Chalabian's
5 title is?

6 **A. I do not know his exact title.**

7 Q. Do you recall when you had this
8 conversation with Mr. Chalabian?

9 **A. Shortly after that first initial --**
10 **that initial call, and then again yesterday I**
11 **spoke with him as well.**

12 Q. And the initial call being that
13 Thursday call that you previously mentioned?

14 **A. No, it was the -- I reached out the**
15 **Friday on that first Friday call.**

16 Q. Okay. Did CPD give you an ultimate,
17 like, opinion as to whether they would be able
18 to accommodate the routes proposed?

19 **A. They said that they were concerned**
20 **given with the activities at the DNC that they**
21 **weren't going to have sufficient resources to**
22 **safely provide a path that they had requested.**

23 Q. On both the initial and the amended?

24 **A. On both routes, correct.**

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1 Q. And was this determination by CPD made
2 on that Thursday call that you mentioned
3 previously?

4 **A. That's when they relayed it to me. I**
5 **don't know what conversations happened prior to**
6 **that.**

7 Q. Okay. Now, based upon that
8 conversation, what happened next?

9 **A. I prepared a letter. I asked for**
10 **input from City Law Department on the letter to**
11 **make sure that I followed the ordinance as**
12 **needed, and then I signed that letter and sent**
13 **it out to the applicant as required by the**
14 **ordinance.**

15 Q. Who did you contact on the City's Law
16 Department in regards to this letter?

17 **A. I spoke with Christine Hake, Tom Dorn**
18 **and Mark Siegel.**

19 Q. And had the letter already been
20 written before speaking to them?

21 **A. I had a -- I had drafted a letter, and**
22 **I asked them for their comments on it.**

23 Q. All right. Did anyone from Law write
24 this response letter for you?

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1 **A. No, no. They did provide comment but**
2 **the original initial draft I crafted from**
3 **previous letters that had been sent out.**

4 Q. All right.

5 Were you the sole author of
6 the letter that you are referencing?

7 **A. Again, I received comments from**
8 **others, but I was the one who drafted the final**
9 **letter.**

10 Q. I'm showing you now what's been marked
11 as City's Group Exhibit 5 A through D. Mr.
12 Gallardo, do you recognize this exhibit?

13 **A. This appears to be a copy -- yes, a**
14 **copy of the letter that I sent, the denial**
15 **letter that I sent, as well as the certified**
16 **mail slip that went along with it.**

17 Q. Okay. And when was this letter
18 written?

19 **A. This letter was written on January**
20 **16th.**

21 Q. All right. And by whom?

22 **A. By me.**

23 Q. All right. And to whom?

24 **A. To the organization Bodies Outside of**

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1 **Unjust Laws and care of Andy Thayer.**

2 Q. Okay. And is this letter signed?

3 **A. Yes, I signed the letter prior to**
4 **sending it out.**

5 Q. All right. And you said you sent it
6 via certified mail previously; is that correct?

7 **A. Correct. I sent an email copy as well**
8 **as certified mail.**

9 Q. All right. And would you say this is
10 a fair and accurate copy of the letter that you
11 drafted on January 16th, 2024 and sent to the
12 applicant?

13 **A. Yes, this looks like the same letter**
14 **that I sent.**

15 MR. DIONNE: All right. Judge, at
16 this point City is asking what's been marked as
17 City's Group Exhibit A through D be entered into
18 evidence.

19 HEARING OFFICER FLEMING: Any
20 objection?

21 MR. DiCOLA: No objection.

22 HEARING OFFICER FLEMING: Allowed
23 without objection.

24

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(WHEREUPON, City Exhibit No. 5A-D was admitted into evidence.)

BY MR. DIONNE:

Q. All right. Now, Mr. Gallardo, what was the purpose of this letter?

A. So, according to the City ordinance, if there is an issue with a proposed application, we have to send a response to the applicant letting them know that the parade has been denied and providing them an alternative.

Q. Okay. And in this letter did you provide the reasons or bases for the denial?

A. Yes. Within the letter there are multiple paragraphs describing the conflicts and a lack of resources that our City police believe will be the case in August.

Q. And how many reasons are stated for denial in this letter?

A. So there are multiple reasons. Off the top of my head I don't recall how many, but chief among them would be the traffic impacts and the lack of resources to safely protect both the participants as well as the general public

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1 **at the time.**

2 Q. Okay. So let's start with the traffic
3 impact. How would the proposed routes from the
4 applicants affect traffic in the area of those
5 routes?

6 A. So many of the streets that they have
7 a proposed route are heavily trafficked streets.
8 So in my review of it, I checked the State
9 website where they maintain traffic counts on
10 the streets and looked at the potential impacts
11 in terms of number of vehicles, as well as other
12 nearby businesses or residents that might be
13 impacted by the parade. I also contacted the
14 CTA to find out how many bus lines would be
15 impacted through the proposed route.

16 Q. Did you find out how many bus lines
17 would be impacted?

18 A. Yes. So on Michigan Avenue there are
19 13 bus routes that would be impacted. There are
20 three bus routes that use Wacker as an access
21 point. There are eight bus routes that use
22 State Street, eleven that use -- and eleven that
23 use Washington.

24 Q. And where would these buses have to be

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1 redirected if the application was accepted?

2 **A.** **So that determination would be made by**
3 **the CTA. All I can say is that in the past,**
4 **typically, if you are going to reroute buses off**
5 **of State Street they would be rerouted to**
6 **Michigan Avenue and vice versa. But in this**
7 **case that wouldn't be possible because both**
8 **streets would be impacted.**

9 **Q.** **Okay. And is that for both north and**
10 **southbound on Michigan?**

11 **A.** **So in their application they only**
12 **requested one direction. However, since there**
13 **would be no actual barricades protecting**
14 **pedestrians or participants of the parade, for**
15 **safety reasons we would recommend -- CDOT would**
16 **recommend that both directions of traffic be**
17 **closed so as not to cause confusion among**
18 **drivers and not to allow live traffic next to**
19 **unprotected pedestrians.**

20 **Q.** **Was the number of parade participants**
21 **also affecting that determination?**

22 **A.** **Yes. So they anticipated 1,000 to**
23 **3,000, so that is a large enough number that**
24 **it's likely they would not able to remain on**

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1 sidewalks. They would have to be in the street.

2 And so when you have that many
3 participants, it's -- they're going to be in a
4 traffic lane next to live opposing traffic if
5 you allow the other direction of traffic to
6 continue.

7 Q. Would the Department of Transportation
8 be a -- strike that.

9 Would it be feasible for the
10 Department of Transportation to close down only
11 a westbound on an east and westbound street?

12 A. It's possible, but if we do it, it's
13 typically related to construction, and they
14 would have barricades and maybe Jersey walls or
15 Type 3 barricades in place as an added measure
16 of protection. For a rolling closure like this,
17 it wouldn't be practical to have that kind of
18 protection in place for pedestrians.

19 Q. And is it both -- is it only for the
20 pedestrians that are participating's concern, or
21 are there other concerns?

22 A. No, there could be other pedestrians
23 that would still have a legal right to access
24 the sidewalk, and that might also be in that

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1 location. And with a road closure like this
2 without any actual detour signage or barricades,
3 it can cause confusion with drivers not knowing
4 -- you know, they see one side of the street
5 open, they may not know is it a one-way street,
6 are they using the -- one side of the street for
7 both directions of traffic and so that would be
8 a much greater effort to try and manage that
9 traffic adjacent to pedestrians.

10 Q. All right. And as a result of the
11 proposed routes suggested by the applicants,
12 where would just regular traffic have to go?

13 A. We might be able to push them towards
14 Lake Shore Drive if they are just going through
15 the Loop and Central Business District, if
16 they're just passing through. If they were
17 trying to stop somewhere within the Central
18 Business District, there wouldn't be a lot of
19 options. You could proceed on Clark and LaSalle
20 would probably be the closest streets for
21 southbound access and then northbound access
22 would have to be, perhaps, Dearborn.

23 Q. All right. What kind of resources
24 from Transportation would be required to reroute

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1 these traffic routes?

2 **A. We wouldn't be able to provide any**
3 **resources. So we didn't provide a review and it**
4 **becomes incumbent on the applicant to make sure**
5 **that their event is conducted in a safe manner.**
6 **And in the case of a protest, that often falls**
7 **back on police since the protesters wouldn't**
8 **necessarily be providing barricades or parade**
9 **marshals or anything like that. So we don't**
10 **have the resources in-house at CDOT. We've only**
11 **got a few dozen inspectors and they would not be**
12 **able to redirect traffic.**

13 Q. So that would be CPD's responsibility
14 potentially?

15 **A. Correct.**

16 Q. Okay. Now, you list a secondary
17 reason for the denial of the proposed route
18 under Municipal Code 10-8-330, Subsection G2 of
19 the code. Do you recall what the basis of that
20 denial was?

21 **A. I would have to reread the letter.**

22 Q. All right. Is your memory exhausted
23 as to that?

24 **A. Hmm?**

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1 Q. Is your memory exhausted as to that
2 reason?

3 **A. Yes.**

4 Q. Would seeing the letter refresh your
5 recollection?

6 **A. Yes.**

7 Q. All right. Showing you the letter.
8 When your memory is refreshed just look up at
9 me.

10 **A. So the Code -- Commissioner finds that**
11 **they are not available at the time, to --**
12 **(inaudible) -- sufficient number of on-duty**
13 **police officers or other City employees**
14 **authorized to regulate traffic, to police the**
15 **public and to protect parade participants and**
16 **non-participants from traffic-related hazards.**

17 Q. Okay. And what exactly does that
18 mean?

19 **A. So as we just discussed, given the**
20 **size of the crowd you're going to have a lot of**
21 **pedestrian traffic in vehicular lanes, and so**
22 **they would require protection from potential**
23 **vehicles or other hazards that would be in the**
24 **roadway.**

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1 And so the City, since this
2 isn't construction and they wouldn't necessarily
3 have traffic control or Jersey walls or
4 something like that protecting those
5 individuals, the City would have to provide
6 personnel to manage traffic and to try and
7 protect both the parade participants as well as
8 any other pedestrians or vehicles that would be
9 in the public right of way at the time.

10 Q. And who made that determination as to
11 Point 2?

12 A. So based on my conversations with the
13 Chicago Police Department, they stated that they
14 did not believe that they would have the
15 resources available to protect pedestrians along
16 that route.

17 Q. Do you know why they wouldn't have the
18 resources available?

19 A. Due to several events, not the least
20 of which is the DNC, they are going to have to
21 provide officers to various areas in a greater
22 number, but you would have to talk to the police
23 to get details on that.

24 Q. Okay. Now, in your letter to the

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1 Petitioners you also proposed an amended route,
2 correct?

3 **A. Yes.**

4 Q. All right. Do you recall what that
5 amended route was?

6 **A. So we amended the route to be on
7 Columbus Drive between Roosevelt and Jackson.**

8 Q. Okay. And when you say we, is that
9 just your determination or did you make it with
10 somebody?

11 **A. That was done in consultation with
12 Chicago Police Department. That was a route
13 that had a much less impact on traffic, and that
14 was the route that they suggested they might be
15 able to have sufficient resources to
16 accommodate.**

17 Q. Do you recall what the proposed
18 assembly time for that amended City proposed
19 route would be?

20 **A. We left the date and time as the same
21 as what was requested on the initial
22 application.**

23 Q. Okay. And aside from the change of
24 the actual location of the route, are there any

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1 other changes to the Petitioner's application?

2 **A. No. The date and time remained the**
3 **same. We just asked for a change of route.**

4 Q. To your knowledge, was that amended
5 route that was proposed accepted by the
6 Petitioner?

7 **A. I believe they objected to the amended**
8 **route.**

9 Q. I am showing you what's been marked as
10 City's Exhibit No. 6. Do you recognize what
11 this is?

12 **A. So this appears to be the proposed**
13 **amended route that we had suggested in the**
14 **letter from Roosevelt going north.**

15 Q. Starting at Roosevelt going north to?

16 **A. Jackson.**

17 Q. Okay. And would you say this is a
18 fair and accurate representation of the amended
19 route that was proposed in the letter to the
20 applicants?

21 **A. Yes.**

22 MR. DIONNE: Judge, we would ask that
23 what is marked as City Exhibit No. 6 be entered
24 into evidence.

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1 HEARING OFFICER FLEMING: Any
2 objection?

3 MR. DiCOLA: No, your Honor.

4 HEARING OFFICER FLEMING: Allowed
5 without objection.

6 (WHEREUPON, City
7 Exhibit No. 6 was admitted
8 into evidence.)

9 MR. DIONNE: One moment, Judge.
10 (Brief pause.)

11 BY MR. DIONNE:

12 Q. Do you know why this proposed route
13 was made that's on Columbus?

14 **A. It has a much less of an impact in**
15 **terms of bus traffic, so commuter traffic, as**
16 **well as pedestrian traffic and it, at least as**
17 **expressed today, would require fewer resources**
18 **to secure that route for both the parade**
19 **participants and any pedestrians in the area.**

20 Q. Is it also located in a downtown area
21 of Chicago?

22 **A. Yes. So the original request was to**
23 **be in the Central Business District, so we kept**
24 **the location in the Central Business District so**

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1 **that it wouldn't have been moved too far.**

2 Q. All right. Did you also speak with
3 CTA in relation to the proposed route that you
4 sent out?

5 **A. No, not on this particular route.**
6 **Just checking that it didn't have as many bus**
7 **routes that would be affected.**

8 Q. And was that the case in the proposed?

9 **A. Far fewer bus routes would be affected**
10 **by the use of Columbus.**

11 Q. Okay. Do you have an estimate of how
12 many?

13 **A. I don't know how many bus routes are**
14 **affected by Columbus. I forgot what the numbers**
15 **were for the original route.**

16 MR. DIONNE: Okay. Judge, we tender
17 the witness.

18 HEARING OFFICER FLEMING: Ready or do
19 you need a moment?

20 MR. DiCOLA: I'm ready.

21 HEARING OFFICER FLEMING: Okay.

22 MR. DiCOLA: Thank you, Judge.

23 CROSS-EXAMINATION
24

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1 BY MR. DiCOLA:

2 Q. Hi, Mr. Gallardo. My name is Joe
3 DiCola. I represent the Respondents in this
4 matter.

5 You testified that when you
6 are reviewing parade permit applications, that
7 you are looking to see how impactful they will
8 be for commuters and pedestrians; is that right?

9 **A. Yes.**

10 Q. How do you measure impact?

11 **A. I would look at average daily traffic,**
12 **so those numbers are available on the State**
13 **website. Sometimes we have internal numbers**
14 **that would show the estimated number of vehicles**
15 **that are on a particular road. We also would**
16 **check for public transportation impacts, bus**
17 **routes, CTA or el stops, things like that that**
18 **might be impacted.**

19 Q. And is the goal -- is CDOT's goal in
20 handling these permit applications to reduce all
21 impact? So to create zero impact, is that the
22 goal?

23 **A. It's to minimize impact. I don't know**
24 **that there's -- if you are going to be walking**

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1 **in the street, I don't know how you would have**
2 **no impact.**

3 Q. Well, no. My question is, when you
4 are gauging to see how impactful the parade is
5 going to be, my question is, how do you measure
6 an acceptable amount of impact? How do you
7 determine what's an acceptable impact?

8 **A. How do we determine what's acceptable**
9 **impact?**

10 Q. Correct.

11 **A. Ideally, it would -- whatever affects**
12 **the least amount of traffic, whether that's**
13 **vehicular traffic, pedestrian traffic, bicycle**
14 **traffic, whatever has the least amount of impact**
15 **would be the preferred route.**

16 Q. So is there any way to parade through
17 downtown Chicago without impacting traffic?

18 **A. If you have a small enough group, it**
19 **may not have a significant impact, but with --**
20 **if you're talking about this particular group, I**
21 **don't know how you would parade without impacting**
22 **any traffic, whether it's pedestrian, vehicular,**
23 **bicycle.**

24 Q. Does CDOT ever issue permits for

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1 parades that go through any of these major
2 streets that -- in the requested route? So, for
3 example, Michigan Avenue. We can keep it to
4 Michigan Avenue.

5 **A. There have been parades on Michigan**
6 **Avenue, yes.**

7 Q. And how is it determined that the
8 impact on Michigan Avenue -- what example comes
9 to your mind when you think of a parade on
10 Michigan Avenue?

11 **A. There's the Festival of Lights parade**
12 **that takes place on Michigan Avenue.**

13 Q. And so does the Festival of Lights
14 parade impact traffic?

15 **A. It does.**

16 Q. And how is it determined that that
17 impact is acceptable so that you would issue a
18 permit versus a parade permit in this case?

19 **A. So the organizers of that particular**
20 **event provide their own traffic control, their**
21 **own parade marshals. They provide Type 3**
22 **barricades, as well as Jersey walls.**

23 **We meet with them ahead of**
24 **time to discuss their plan so that we know that**

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1 **it's -- so that the standard pedestrian traffic**
2 **is still going to be safe and that they have all**
3 **the proper detour signage and barricades in**
4 **place to manage any traffic that's going to be**
5 **impacted. So although it is impacted, it is**
6 **minimized to the best of our ability.**

7 Q. Do you know whether or not the permit
8 requesters in this case plan to have marshals
9 for their parade?

10 **A. I do not.**

11 Q. And as you just testified, it is
12 relevant in your review of the impact of a
13 parade whether or not the group itself has their
14 own marshals; is that right?

15 **A. They can be helpful to have marshals,**
16 **yes.**

17 Q. And it's relevant to your
18 determination?

19 **A. It does have a bearing on it, yes.**

20 Q. You testified that Susan Pawlak from
21 CDOT originally received and reviewed this
22 application, correct?

23 **A. Yes.**

24 Q. Did you instruct Susan to call

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1 Mr. Thayer?

2 **A. Yes.**

3 Q. And what did you -- why did you
4 instruct her to call him?

5 **A. That was after a conversation with the**
6 **Chicago Police Department. They, again,**
7 **expressed concern that they weren't going to**
8 **have sufficient resources to accommodate this**
9 **route, and so I asked her to let the applicant**
10 **know that we were going to be working with the**
11 **Police Department and any other affected**
12 **departments to possibly issue the denial letter.**

13 Q. And was your goal in instructing Susan
14 to make that call to give the requester an
15 opportunity to modify their route to avoid
16 having their permit denied?

17 **A. They can choose to resubmit if they**
18 **want, but it was really more just about good**
19 **customer service. They had submitted an**
20 **application and per the ordinance there are set**
21 **timelines for our responses and their responses.**
22 **So I wanted to make sure that the applicant was**
23 **aware that the City had discussed this and had**
24 **concerns.**

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1 Q. So at the time -- and do you recall
2 the date that Susan Pawlak called Andy Thayer?

3 A. I don't recall the exact date. No, I
4 do not.

5 Q. But so at the time of that call, her
6 instructions were simply to explain the City
7 intends to deny this permit; is that right?

8 A. I don't know. I wasn't on the call so
9 I don't know specifically what she said, but I
10 did let her know that we -- to tell him that we
11 had concerns with the route.

12 Q. Had the decision to ultimately deny
13 the permit already been finalized in your office
14 at the time of that call?

15 A. No.

16 MR. DiCOLA: Just give me one moment,
17 please.

18 (Brief pause.)

19 BY MR. DiCOLA:

20 Q. Were you aware -- did you have prior
21 knowledge that anybody from the Chicago Police
22 Department had reached out to Andy Thayer about
23 his permit application?

24 MR. DIONNE: Objection, calls for

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1 speculation.

2 HEARING OFFICER FLEMING: Overruled.
3 If he knows, he knows; if he doesn't, he
4 doesn't.

5 THE WITNESS: Susan had let me know
6 that when she contacted Mr. Thayer that he had
7 already been in contact with someone from the
8 Chicago Police Department.

9 BY MR. DiCOLA:

10 Q. Did you -- did you know that CPD had
11 been planning to reach out to Mr. Thayer?

12 **A. I did not know they had called him**
13 **prior to that.**

14 Q. Is that a standard part of the permit
15 review process?

16 **A. It depends. Typically, it's up to the**
17 **commander of the district. Sometimes they like**
18 **to reach out and talk to the organizers since**
19 **they are going to be responsible the day of. So**
20 **nobody at CDOT would have objected to them**
21 **contacting them, but they are not required to.**

22 Q. Did CDOT check statistics for traffic
23 for a Sunday in August? Did you or anyone at
24 CDOT check those statistics?

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1 **A. So I went on the State website to get**
2 **what they call the ADT, the average daily**
3 **traffic.**

4 **Q. And what did it show you?**

5 **A. On Michigan Avenue you have an average**
6 **daily traffic of 24,400 vehicles. On Wacker you**
7 **have an average daily traffic of 19,500**
8 **vehicles. On State Street you have an average**
9 **daily traffic of 15,200 vehicles, and on**
10 **Washington you have an average daily traffic of**
11 **12,000 vehicles.**

12 **Q. Is that standardized across days of**
13 **the week? Is that an average for any day of the**
14 **week?**

15 **A. Typically, yeah, that's the**
16 **information that they give. They don't**
17 **necessarily give out specific hours or days.**
18 **It's an average that they collect, information**
19 **they collect.**

20 **Q. And what -- what number of daily**
21 **vehicles -- where is the threshold or is there a**
22 **threshold for determining when a street has too**
23 **many or few enough daily vehicles to allow a**
24 **parade on that street?**

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1 **A. It's not specifically a threshold.**
2 **It's just to understand the potential impacts.**
3 **So, you know, there are certain streets that**
4 **would be selected that don't have a high enough**
5 **ADT that they would even be listed on the State**
6 **website, in which case that would be a minimal**
7 **impact.**

8 Q. And so a heavily trafficked street, a
9 parade -- pedestrians and other visitors to the
10 city are likely to see a parade on a heavily
11 trafficked street, correct?

12 **A. It can happen, yes.**

13 Q. And of those streets that you
14 mentioned, there are likely to be people who see
15 a parade passing by, right?

16 **A. So, yeah, if you're on a street that a**
17 **parade is happening, I would imagine you would**
18 **see it.**

19 Q. So -- and a Sunday in August could
20 have less traffic than other days and you're not
21 certain?

22 MR. DIONNE: Objection, that calls for
23 speculation and vagueness.

24 HEARING OFFICER FLEMING: Overruled.

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1 I mean, he can answer.

2 THE WITNESS: I -- again, the
3 statistics don't separate out Sundays, so I
4 don't know that that's necessarily the case.

5 BY MR. DiCOLA:

6 Q. Mr. Gallardo, you have been with CDOT
7 for six years, right?

8 **A. Just over six years.**

9 Q. Does your personal experience with
10 traffic patterns inform the way you analyze
11 these routes?

12 **A. I'm not sure what you're asking.**

13 Q. In your personal experience, is
14 Michigan Avenue likely to be less busy on a
15 Sunday evening versus a Monday morning?

16 **A. Again, the statistics that I use are**
17 **just the ADT from the State, and that doesn't**
18 **separate out Sunday traffic.**

19 Q. So separate from the statistics you
20 looked at, in your personal experience and your
21 personal knowledge, is Michigan Avenue likely to
22 be less busy or -- on a Sunday night versus a
23 Monday morning?

24 **A. No, not necessarily.**

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1 Q. So it might -- so it could be busier
2 on Sunday night?

3 A. It can be. So -- because Michigan
4 Avenue, although it's a heavy commuter street,
5 it also has lots of shops and restaurants on it.
6 So I wouldn't want to speculate as to what type
7 of traffic you are going to see, folks coming
8 down to see shows or going to dinner, and assume
9 that that's going to be any kind of significant
10 reduction. I just got -- have to go with the
11 numbers that are on the State website.

12 Q. And -- but just to confirm what those
13 numbers showed you is that Michigan Avenue and
14 State Street are busy streets, which is --

15 A. Yes.

16 Q. -- knowledge you already possessed,
17 correct?

18 A. Yes.

19 Q. And CDOT does not have a published
20 metric or standard for determining what streets
21 are too busy to have a parade on them; is that
22 right?

23 A. No, I'm not aware of a specific
24 number.

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1 Q. Thank you.

2 Are you aware of other parades
3 that have been -- that have crossed the streets
4 in the requested route within the last 12
5 months?

6 **A. Yes, there are other parades that have**
7 **crossed some of the streets.**

8 Q. And CDOT had sufficient personnel to
9 accommodate those parades?

10 **A. So, again, CDOT doesn't provide**
11 **personnel during the parade. We simply evaluate**
12 **the impacts and the plan of the applicant, and**
13 **then it falls to other departments, such as CPD**
14 **or, perhaps, Streets and Sanitation or OEMC, to**
15 **determine if they have resources available on**
16 **the day of.**

17 Q. But so those parades within the last
18 12 months along streets within the requested
19 route, CPD was able to accommodate those?

20 **A. That would be up to CPD to answer that**
21 **question. All I know is that those parades did**
22 **take place, so I wouldn't want to speculate on**
23 **what CPD had to do to accommodate it.**

24 Q. Does CDOT ever have to respond to

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1 unpermitted parades that occur spontaneously and
2 take up busy streets?

3 MR. DIONNE: Objection as to
4 relevance.

5 HEARING OFFICER FLEMING: What's the
6 relevance?

7 MR. DiCOLA: The ability to prepare
8 versus -- I would like to be able to show that
9 -- I believe the testimony will show that
10 typically or almost every year there are
11 unpermitted protests and demonstrations that
12 take streets on Lake Shore Drive and Michigan
13 Avenue, on State Street, and the Department of
14 Transportation, the CTA, the CPD are able to
15 spontaneously accommodate those unpermitted
16 marches.

17 HEARING OFFICER FLEMING: I'll sustain
18 your objection. I don't think Mr. Gallardo is
19 in a position to testify to that.

20 BY MR. DiCOLA:

21 Q. Is it easier to prepare for a
22 permitted parade than for an -- than -- strike
23 that.

24 Is it easier for CDOT to

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1 prepare for a permitted parade versus an
2 unpermitted one?

3 **A. From a CDOT standpoint, yes. If we**
4 **have all the information and we are able to**
5 **coordinate with the applicant, that's going to**
6 **make it a lot more practical to accommodate any**
7 **type of activity whether it's a parade,**
8 **construction, anything like that.**

9 **But, yeah, scrambling at the**
10 **last minute would pose problems for us and I**
11 **imagine anybody else.**

12 **Q.** And here is an application that's
13 submitted eight months before the parade was
14 requested for, correct?

15 **A. Correct.**

16 MR. DiCOLA: Just a moment, please.

17 HEARING OFFICER FLEMING: Take your
18 time.

19 (Brief pause.)

20 MR. DiCOLA: Thank you so much for
21 your patience.

22 BY MR. DiCOLA:

23 **Q.** Mr. Gallardo, are you aware that the
24 Parade Permit Ordinance requires comparable

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1 public visibility for alternative proposed
2 routes?

3 **A. Yes, I believe I read that in the**
4 **ordinance.**

5 Q. And you testified earlier that you
6 offered a route that was also within the Central
7 Business District; is that right?

8 **A. Yes.**

9 Q. And the route that you offered is less
10 than a mile on Columbus Drive between Roosevelt
11 and Jackson; is that right?

12 **A. Correct. I don't know if it was -- on**
13 **Columbus between Roosevelt and Jackson, yes.**

14 Q. And part of the logic for selecting
15 that route was that there is less impact on
16 pedestrian and vehicle traffic, right?

17 **A. That is part of the reason, yes.**

18 Q. And so it follows then that that route
19 is less visible than the amended -- than the
20 requested routes?

21 **A. Not necessarily.**

22 Q. So it's less impactful meaning there's
23 fewer pedestrians and fewer vehicles, right?

24 **A. There are fewer vehicles that would be**

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1 affected. That doesn't mean that there's going
2 to be fewer vehicles driving by. They would
3 actually be in visible range of Lake Shore
4 Drive, which has an average daily traffic count
5 of over 120,000.

6 You are also in the middle of
7 Grant Park, so there may not be pedestrians on
8 the sidewalk, but there could be hundreds if not
9 thousands of people that are in the park at that
10 time. So I really wouldn't want to speculate
11 that there wouldn't be any type of visibility or
12 crowd that would see this -- what would happen.

13 Q. Does this route cover less area than
14 the requested route?

15 **A. In terms of overall length?**

16 Q. Geographic area, distance, yes.

17 **A. Yes.**

18 Q. And so is it more likely that more
19 people would see and hear the protest on the
20 requested route versus the alternative route?

21 MR. DIONNE: Objection, speculation.

22 HEARING OFFICER FLEMING: You can make
23 that as an argument. It is speculation.

24 THE WITNESS: Again, I wouldn't want

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1 to speculate. I don't know how many people are
2 going to be in the park or driving by on Lake
3 Shore Drive at that specific time or how many
4 people may be on State Street or Michigan Avenue
5 at that time. I don't have statistics for
6 pedestrian counts, only vehicular counts.

7 BY MR. DiCOLA:

8 Q. But you do know that it's -- that's
9 it's a number -- you don't know the exact
10 numbers but you know that it's a satisfactory
11 number of people in the alternative route versus
12 too many impacted people in the requested route?

13 **A. It would affect fewer cross streets,**
14 **yes.**

15 Q. Is Lake Shore Drive within the sight
16 and sound of Columbus Drive?

17 **A. It's the next road east from Columbus.**

18 Q. If you're driving on Lake Shore Drive,
19 can you hear people chanting in a protest march
20 on Columbus Drive?

21 MR. DIONNE: Objection, speculation.

22 HEARING OFFICER FLEMING: Yes, that's
23 speculation. You can make an argument on that.
24 Objection sustained.

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1 MR. DiCOLA: Thank you, Judge.

2 THE WITNESS: I suppose. I would
3 imagine.

4 HEARING OFFICER FLEMING: Objection
5 sustained.

6 THE WITNESS: Okay.

7 BY MR. DiCOLA:

8 Q. So you don't have exact numbers for
9 the number of CPD personnel available to protect
10 this event on August 18th; is that right?

11 **A. That would be a question you would**
12 **have to ask the Police Department. I don't have**
13 **that information.**

14 Q. Thanks.

15 You testified earlier that at
16 one of the calls, whether the Teams meeting on
17 Thursday the 11th or perhaps the first call,
18 forgive me, that CPD expressed concerns that
19 they wouldn't have enough personnel; is that
20 right? Is that how you testified?

21 **A. Yes.**

22 Q. And later I believe you testified that
23 CPD at some point stated they did not have the
24 resources; is that right?

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1 **A. Correct. That's the information they**
2 **provided to me.**

3 Q. And do you know how they made the
4 journey from concerned to definitively not
5 having enough resources?

6 **A. No.**

7 Q. When did you learn of the -- of CPD's
8 definitive denial, that their position was that
9 this permit should be denied?

10 **A. They informed me -- I'm trying to**
11 **think of the exact date. I don't recall the**
12 **exact date, but I received email -- an email**
13 **from the police department's special events**
14 **division that they were formally objecting to**
15 **this parade.**

16 Q. To your knowledge, did someone from
17 special events call Andy Thayer prior to Susan
18 Pawlak's call with him?

19 **A. I -- when I asked Susan, she said that**
20 **Andy had stated that he had already spoken to**
21 **someone from the Police Department.**

22 Q. But you're not sure whether there was
23 a call from someone in the First District and
24 then a separate call from someone in special

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1 events?

2 **A. No, I'm not --**

3 HEARING OFFICER FLEMING: Just so our
4 record is clear, when you're saying special
5 events you're referring to Chicago Police
6 special events as opposed to the department of
7 special events?

8 MR. DiCOLA: Yes, your Honor. I'm
9 talking about the special events department
10 within the Chicago Police Department.

11 BY MR. DiCOLA:

12 Q. You testified that you left the date
13 and time the same in the alternative proposed
14 parade route; is that right?

15 **A. Yes.**

16 Q. I don't need to introduce my own
17 exhibit. If you wouldn't mind -- if you
18 wouldn't mind, take a look at the route
19 requested on January 8th with the disband time.

20 MR. DiCOLA: Thank you very much,
21 Counsel.

22 MR. DIONNE: On City's 5?

23 MR. DiCOLA: City's 5, correct.

24

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1 BY MR. DiCOLA:

2 Q. And then as compared to your denial
3 letter. If you could tell me, are the disband
4 times the same in your letter dated January 16th
5 and Mr. Thayer's permit submission on January
6 8th?

7 **A. So the disband time listed here is**
8 **8:15, which is actually the parade's end time**
9 **that was listed on the initial application.**

10 Q. Was it your intent for the -- in your
11 alternative proposal for the parade to disband
12 45 minutes earlier than they had requested?

13 **A. No. I think that was probably -- I**
14 **just didn't include that line in the objection**
15 **letter. So the disband time and the parade end**
16 **time just merged into the same time. So, you**
17 **know, the parade would end at 8:15 and they**
18 **would disband as was safe.**

19 Q. So just to clarify, there is a
20 discrepancy and a change in terms in the
21 proposed route?

22 **A. Yes, there is a slight discrepancy.**
23 **Yeah.**

24 Q. Thank you.

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1 Could you please describe how
2 the -- how you conferred with the US -- or if
3 you can -- strike that.

4 Did you confer with the US
5 Secret Service in reviewing this permit
6 application?

7 **A. No, I did not. Not personally.**

8 Q. Were you present on any group meetings
9 that a US Secret Service representative was
10 present for?

11 **A. I have been in meetings with the US**
12 **Secret Service related to the DNC but not on any**
13 **call where they expressed any specific sentiment**
14 **about this application.**

15 Q. Did you discuss this permit
16 application at all with Agent Spriggs of the US
17 Secret Service?

18 **A. No. The calls that I had been on**
19 **included different Secret Service agents.**

20 Q. Do you happen to know their names?

21 MR. DIONNE: Objection, relevance.

22 HEARING OFFICER FLEMING: What's the
23 relevance of the names?

24 MR. DiCOLA: Your Honor, Agent Spriggs

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1 mentioned another agent he works with. I was
2 just going to confirm that it was the other
3 agent assigned to this task.

4 HEARING OFFICER FLEMING: If you know
5 who the other agent was.

6 THE WITNESS: The agent that I've
7 spoken with is Byron Schute (phonetic).

8 MR. DiCOLA: Thank you very much.

9 BY MR. DiCOLA:

10 Q. When you learned that Chicago would be
11 hosting the DNC this summer, did you anticipate
12 that the event would bring First Amendment
13 activity that might affect transportation?

14 **A. I don't know that I gave it much**
15 **thought, but I expect that it probably would.**

16 Q. Was there a point prior to the -- your
17 receipt of this application when CDOT engaged in
18 any preparation for the DNC or for First
19 Amendment activity at the DNC?

20 **A. No specific preparation. Like I said,**
21 **I've been on calls, both internal to the City,**
22 **as well as with the Secret Service, about the**
23 **DNC and the requirements that will be coming**
24 **along with it. But I haven't made any specific**

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1 **preparations in terms of parade applications.**
2 **They all follow the same process regardless.**

3 Q. Thank you.

4 You testified that Susan
5 Pawlak flagged this application. My question is
6 -- or is that correct? Did she flag this
7 application when it was received?

8 **A. She did let me know that this**
9 **application had come in, yes.**

10 Q. Is there a formal policy or any memo
11 reflecting when applications are to be flagged
12 and brought to the special attention of the
13 supervisor?

14 **A. If they are in the Central Business**
15 **District or if she received multiple**
16 **applications for the same event. So, yeah,**
17 **there are reasons that she would do that.**

18 Q. Are those written in any policy
19 memoranda or anything like that, or are those
20 unwritten customs within CDOT?

21 **A. So it's a policy within CDOT that if**
22 **you're doing anything in the Central Business**
23 **District you should consult with a supervisor.**

24 Q. Thank you.

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1 The City received a parade
2 permit application from a group called the Poor
3 People's Army for August 19th, the day after
4 this protest, correct?

5 MR. DIONNE: Objection, relevance,
6 Judge.

7 HEARING OFFICER FLEMING: First of
8 all, let him ask the question first.

9 MR. DiCOLA: Should I restate the
10 question?

11 HEARING OFFICER FLEMING: Well, it
12 kind of got muddled there, yes.

13 BY MR. DiCOLA:

14 Q. So the question was, the City received
15 a parade permit application from a group called
16 the Poor People's Army for August 19th, correct?

17 MR. DIONNE: Objection, relevance.

18 HEARING OFFICER FLEMING: Now there's
19 an objection. Okay. What's the relevancy of
20 that?

21 MR. DiCOLA: Your Honor, I would like
22 to introduce an exhibit showing that the City
23 denied a parade permit application for the day
24 after the one under consideration here for the

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1 exact same proposed route; and, in fact, some of
2 the letter copy and pasted some of the same
3 dates indicating that the response was pat in
4 response to both permit applications.

5 HEARING OFFICER FLEMING: Well, I'm
6 going to overrule -- I'm going to sustain the
7 objection. I just became aware of that permit
8 application on this, but the issue that's in
9 front of me is whether the facts in this case
10 weren't what's going on. And I don't feel that
11 it's necessarily improper, if that is in fact
12 what happened, for it to happen that way.

13 Taking into consideration,
14 again, what's already in the record with the
15 dates and time of this application, what you
16 just told me the date and time of the subsequent
17 application being within the framework of the
18 DNC, I would think that it's -- it's not
19 anything that would seem to be untoward or would
20 impact the credibility of this witness to have
21 another parade application denied for the same
22 reasons.

23 MR. DiCOLA: Fair.

24 HEARING OFFICER FLEMING: Okay. Now,

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1 if you would like, if you remind me at the end
2 of the day, if you would like, I certainly will
3 let you make a more detailed offer of proof so
4 that that is part of the record. But I don't
5 consider it relevant. But rather than not have
6 it in the record if there is an appeal and a
7 reviewing court feels that it is relevant, it
8 will be there for that reviewing court to look
9 at.

10 MR. DiCOLA: I appreciate that, Judge.
11 Thank you.

12 No further questions at this
13 time, your Honor.

14 HEARING OFFICER FLEMING: Any
15 redirect?

16 MR. DIONNE: Yes, Judge.

17 REDIRECT EXAMINATION

18 BY MR. DIONNE:

19 Q. Mr. Gallardo, I'm showing you what's
20 been previously admitted as City's Group 1A
21 through C, that's the application from the
22 Petitioner. Now, you said you recognized that
23 document previously, correct?

24 A. Yes.

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1 Q. All right. Now, directing your
2 attention to Page 2, 1B on that Line 9, what
3 does that state?

4 **A. Estimated number of participants,**
5 **1,000 to 3,000 people.**

6 Q. And the line below it, what does it
7 state by the applicant?

8 **A. Basis for this estimate, previous**
9 **experience organizing events of this nature.**

10 Q. All right. And that was submitted by
11 Mr. Thayer?

12 **A. Yes.**

13 Q. Okay. Now showing you what's been
14 previously entered as City's Group Exhibit 3A
15 through D. What's this first page of 3A?

16 **A. So this was a cover letter that was**
17 **provided by the applicant when they resubmitted**
18 **their parade application.**

19 Q. Okay. And anywhere in 3A does it
20 mention the Petitioner providing any resources
21 for this proposed parade route?

22 **A. No, it just notes that they had spoken**
23 **with police special events department.**

24 Q. All right. Within Groups 1A through C

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1 and as well as 3A through D, is there any
2 mention by the Petitioner/Applicant of providing
3 Jersey walls?

4 **A. No.**

5 Q. Marshals for the event?

6 **A. No.**

7 Q. Any other resources from the applicant
8 for the proposed parade route?

9 **A. Not that I'm aware of, no.**

10 Q. And just to be sure, the date of that
11 proposed and amended proposition is Sunday,
12 August 18th?

13 **A. Yes.**

14 Q. All right. And what else is occurring
15 at or around that time within the city of
16 Chicago?

17 **A. So that will be the week that we will**
18 **be hosting the Democratic National Convention,**
19 **so there are several events that are going to be**
20 **taking place that week. We don't have a full**
21 **picture since we're kind of far out from the**
22 **event, but there will be upwards of 50,000**
23 **delegates and attendees to the convention, and**
24 **then possibly thousands of other folks coming**

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1 **around for various other reasons associated with**
2 **it.**

3 Q. And is transportation affecting the
4 DNC to affect routes within the city as well
5 during that time period?

6 A. **Yes. So there will be designated**
7 **routes to and from various official venues, as**
8 **well as various hotels. We don't have that full**
9 **list at the moment, but there have already been**
10 **conversations initiated by the Secret Service**
11 **and the Illinois State Police to try and**
12 **determine routes for passage for delegates, for**
13 **the President, for whoever may need them.**

14 Q. And will those potential, I guess,
15 amendments to regular traffic flow, will those
16 also be in effect on August 18th, 2024?

17 A. **They are likely to be going into**
18 **effect at least a couple days before, at least**
19 **to some extent, depends on how many people**
20 **arrive and when they arrive. But it is a good**
21 **chance that it will, yes.**

22 MR. DIONNE: Judge, nothing further.
23 We tender the witness again.

24 HEARING OFFICER FLEMING: Anything on

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1 that?

2 MR. DiCOLA: Just one quick question,
3 your Honor, or possibly two.

4 RE CROSS EXAMINATION

5 BY MR. DiCOLA:

6 Q. When you instructed Susan Pawlak to
7 call Andy Thayer, did you instruct her to ask
8 him if he or his group would be supplying
9 resources such as marshals or barriers?

10 **A. No, I did not.**

11 MR. DiCOLA: Nothing further, your
12 Honor.

13 HEARING OFFICER FLEMING: Anything on
14 that?

15 MR. DIONNE: No, Judge. Nothing
16 further from this witness. May we excuse this
17 witness, or are they going to be recalled?

18 MR. DiCOLA: No intent to recall.

19 HEARING OFFICER FLEMING: Okay. Thank
20 you, sir.

21 THE WITNESS: Thank you.

22 HEARING OFFICER FLEMING: You know
23 what, let me run down the hall real quick and
24 just see if those people have shown up yet.

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1 (WHEREUPON, a brief recess
2 was held.)

3 HEARING OFFICER FLEMING: All right.
4 We are back on the record.

5 And like I said, I checked
6 down the hall, they haven't gotten here yet. So
7 we will get started as much as we can, and then
8 I will let you guys decide how you want to do
9 it, if you want to take a break then or if you
10 want to just -- (inaudible).

11 I always hate to say, just
12 like you're saying only one question on
13 redirect, it never happens. I am anticipating
14 it shouldn't take long, but every time I say
15 that I'm sitting there for half an hour, so...

16 So let's get going the best we
17 can and then we will just see where we're going.

18 MR. DIONNE: Okay. Judge, City calls
19 Deputy Daniel O'Connor.

20 (Witness duly sworn.)

21 DANIEL O'CONNOR,
22 called as a witness herein, having been first
23 duly sworn, was examined and testified as
24 follows:

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1 DIRECT EXAMINATION

2 BY MR. DIONNE:

3 Q. Good morning. Will you please state
4 your name and spell your last name for the
5 record?

6 **A. Yes. Daniel J. O'Connor,**
7 **O-C-o-n-n-o-r.**

8 Q. Okay. And who is your current
9 employer?

10 **A. The Chicago Police Department.**

11 Q. And how long have you worked for the
12 Chicago Police Department?

13 **A. Over 22 years.**

14 Q. And what is your current position at
15 the Chicago Police Department?

16 **A. I'm a deputy chief in the Bureau of**
17 **Patrol.**

18 Q. And how long have you held that
19 position?

20 **A. For over one year.**

21 Q. And what is your role as deputy chief
22 with the Police Department?

23 **A. I help oversee the day-to-day**
24 **operations of the entire Bureau, so that**

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1 includes all of the district law enforcement
2 officers, other units under our Bureau, and I
3 also assist with large event planning logistics
4 and emergency response for the Chicago Police
5 Department.

6 Q. Okay. Does large event planning
7 include potential parade applications?

8 A. Yes, it does.

9 Q. All right. So could you explain
10 generally how the CPD interacts with a parade
11 application request?

12 A. Sure. The parade application is
13 submitted to the district commander where the
14 parade is being requested. It's reviewed by the
15 commander and subsequently then that it can be
16 forwarded up through the chain to my office.

17 Q. All right. And then who sends the
18 application to the district commander from
19 within the City?

20 A. The Chicago Department of
21 Transportation.

22 Q. All right. And does every application
23 that is received by CPD eventually make it to
24 your desk?

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1 **A. Most do for at least awareness, yes.**

2 Q. All right. And once an application is
3 received by CPD, what kind of information
4 gathering occurs?

5 **A. We review the date of the**
6 **applications, the location, the scope and the**
7 **requested route among other information that is**
8 **included in the application.**

9 Q. And when you say we, is that you and
10 other people?

11 **A. It's -- yes, myself and the district**
12 **commander.**

13 Q. And the district commander could vary
14 depending upon where the proposed application is
15 submitted to?

16 **A. Yes.**

17 Q. All right. And it varies by location
18 and then it would vary by commander?

19 **A. Correct. The city is broken up into**
20 **22 separate police districts.**

21 Q. Okay. In this initial review of the
22 application, do you determine how many officers
23 would be needed for the proposal?

24 **A. We do, based on a recommendation from**

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1 the commander and in viewing other events that
2 are going on throughout the city, we do review
3 how many officers would be allocated for an
4 event.

5 Q. All right. Besides actual officers
6 what other types of resources are required from
7 CPD for a parade proposal?

8 A. Sure. So in addition to the physical
9 manpower and the officers themselves, we have to
10 ensure there is sufficient radios, body-worn
11 cameras and transportation for all of the
12 officers to get to their -- to any event.

13 Q. And what kind of transportation are we
14 talking about here?

15 A. Typically, squad cars or for some
16 large-scale events in the past we have used CTA
17 buses.

18 Q. Besides the Department of
19 Transportation, are there any other City
20 departments that you contact when an application
21 for a parade comes in?

22 A. Sure. Depending on the size of the
23 event, we contact the Chicago Department of
24 Transportation, the Department of Streets and

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1 **Sanitation, Water Department, Chicago Fire**
2 **Department and the Office of Emergency**
3 **Management and Communication, in addition to any**
4 **other impacted City agencies.**

5 Q. Okay. Deputy Chief, thank you.

6 I'm showing you what's been
7 previously entered into evidence as City's Group
8 Exhibit 1A through 1C. Do you recognize this
9 document? Just give it a view.

10 **A. Yes. This is a parade permit**
11 **application.**

12 Q. All right. And is that from the
13 Petitioner in this case?

14 **A. Yes.**

15 Q. Okay. Prior to today were you given a
16 copy of this application?

17 **A. Yes.**

18 Q. All right. Do you recall when you
19 were given a copy of this application?

20 **A. I don't know.**

21 Q. Okay. Do you recall who gave you a
22 copy of the application?

23 **A. I believe it came from CDOT.**

24 Q. Okay. Prior to today did you have an

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1 opportunity to review this application?

2 **A. Yes.**

3 Q. All right. And what is the proposed
4 date of this parade application to occur?

5 **A. Sunday, August 18th.**

6 Q. All right. And the time of assembly?

7 **A. Is 5:00 p.m.**

8 Q. Start time?

9 **A. 6:00 p.m.**

10 Q. End time?

11 **A. They disband 9:00 p.m.**

12 Q. All right. What about the end time
13 for the actual parade?

14 **A. Oh, I'm sorry. It's 8:15.**

15 Q. Okay. And approximately how many
16 people are anticipated for this parade route?

17 **A. One to 3,000.**

18 Q. Okay. And did you also have an
19 opportunity to review the proposed route from
20 the applicant on this initial proposal?

21 **A. Yes, I did.**

22 Q. All right. And what is that route?

23 **A. I think it's on the application. East**
24 **on Pearson to Michigan; south on Michigan to**

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1 **Wacker; west on Wacker to State; south on State**
2 **to Adams; east on Adams to Michigan; south on**
3 **Michigan to 901 South Michigan.**

4 Q. After receiving this what happened
5 next?

6 **A. There was -- a request was sent back**
7 **to the organizer by the First District**
8 **requesting a different route.**

9 HEARING OFFICER FLEMING: Sorry,
10 requesting what?

11 THE WITNESS: A modified route.
12 BY MR. DIONNE:

13 Q. Do you know who at the First District
14 contacted the Petitioner?

15 **A. It was Commander David Harris.**

16 Q. All right. And do you recall what
17 exactly or the gist of what Commander Harris
18 told the Petitioner in this case?

19 **A. I believe the route is -- resources**
20 **would be a significant issue to staff this route**
21 **and the route itself could impact several hotels**
22 **or other venues for the Democratic National**
23 **Convention.**

24 Q. All right. And when you mention

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1 resources, are those the same resources you
2 mentioned previously as to officers as well as
3 additional physical resources?

4 **A. Yes.**

5 Q. Okay. I am also showing you next
6 what's been previously entered into evidence as
7 City's Exhibit Group A through D. Directing
8 your attention to Page B, do you recognize this
9 document?

10 **A. Yes.**

11 Q. Okay. And what is this document?

12 **A. It's a parade application.**

13 Q. All right. Is this an amended
14 application from the Petitioner?

15 **A. Yes, it is.**

16 Q. All right. And have you reviewed this
17 amended application prior to today's date?

18 **A. Yes.**

19 Q. All right. And based upon your
20 review, what if anything is different on this
21 amended application?

22 **A. The route is slightly altered.**

23 Q. Okay. And how is the route altered in
24 comparison to the first application?

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1 **A. It was in red on the --**

2 HEARING OFFICER FLEMING: Excuse me
3 one second. Can you guys go down -- try 114 and
4 then I will be right down there in a few
5 minutes.

6 MR. DIONNE: Did you want to take a
7 recess, Judge, and we could --

8 HEARING OFFICER FLEMING: Yes. Let me
9 do this and then, you know, we can see where
10 we're at.

11 (WHEREUPON, a brief recess
12 was held.)

13 HEARING OFFICER FLEMING: Okay. We're
14 back on the record.

15 Sorry, Deputy. Proceed,
16 Mr. Dionne.

17 MR. DIONNE: All right. Thank you.

18 BY MR. DIONNE:

19 Q. You were previously shown what's been
20 previously entered into evidence as City's Group
21 Exhibit A through D, and directing your
22 attention to Exhibit 3C, specifically the
23 amended parade route from the applicant, did you
24 have a chance to review that amended route prior

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1 to today's hearing?

2 **A. Yes, I did.**

3 Q. All right. When did you review that
4 route?

5 **A. I don't recall what day.**

6 Q. All right. Was it sometime after this
7 application was submitted though?

8 **A. Yes.**

9 Q. All right. And what is the amended
10 route from the applicant?

11 **A. East on Pearson to Michigan; south on**
12 **Michigan to Ontario; west on Ontario to Wabash;**
13 **south on Wabash to Wacker; west on Wacker to**
14 **State; south on State to Washington Street; and**
15 **then east on Washington to Michigan Avenue; and**
16 **then it would resume southbound on Michigan**
17 **Avenue to 901 South Michigan.**

18 Q. All right. Now, to your knowledge, is
19 this the only change from the initial
20 application and the amended application, the
21 route?

22 **A. Yes.**

23 Q. Okay. Thank you.

24 Now, ultimately, did you and

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1 the Chicago Police Department come to a
2 conclusion as to the proposed route submitted by
3 the applicant?

4 **A. Yes, we did.**

5 Q. And what was that conclusion?

6 **A. That the route itself was -- the**
7 **recommended permit would be denied as it was too**
8 **impactful and too much of a resource draw for --**
9 **given the time frame of the DNC.**

10 Q. All right. Were you the
11 representative from the Chicago Police
12 Department that made that ultimate
13 determination?

14 **A. Yes.**

15 Q. All right. And did you share that
16 determination with anybody else within the City?

17 **A. Yes, I did.**

18 Q. Who did you share that determination
19 with?

20 **A. Bryan Gallardo from CDOT.**

21 Q. All right. And when you made the
22 determination that you would not have the
23 resources, what kind of resources would be
24 required from CPD for a proposal like either the

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1 initial or amendment?

2 **A. Significant resources would have to be**
3 **given both the primary -- or the first route and**
4 **the secondary route as it winds through city**
5 **streets and it is close to or next to certain**
6 **hotels or routes to hotels that may be used by**
7 **the Democratic National Convention as secure**
8 **sites.**

9 **As it wound through the**
10 **Central Business District, it requires not only**
11 **the closure of the street that the participants**
12 **are marching on but also surrounding streets**
13 **that feed in, like, to those streets to ensure**
14 **the safety of both the participants, the**
15 **officers and the general public.**

16 **Q. Do you have an approximation of how**
17 **many officers it would take to secure a route**
18 **that was proposed?**

19 **A. Several hundred.**

20 **Q. All right. And would only the streets**
21 **that were being proposed have to be closed as a**
22 **result of this parade request?**

23 **A. No. The streets that feed into these,**
24 **like downtown is a mix of one-way streets, and**

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1 **it curves with the river, and, like, Wacker**
2 **Drive we would have to block traffic in a bubble**
3 **outside of the route as well to ensure the**
4 **safety of everyone involved.**

5 Q. All right. And would that take
6 additional officers or is that part of your
7 initial several hundred estimation?

8 A. **The basic route, that would include**
9 **the several hundred, but given the week that --**
10 **so August 18th, since it coincides with the DNC,**
11 **we would have to supply additional officers in**
12 **anticipation of other factors such as the group**
13 **could swell in numbers with, like, people who**
14 **are not anticipated by the application, or it**
15 **could be groups of counter-protestors whose**
16 **views don't align with any groups that march.**
17 **So we would have to have additional resources,**
18 **like, dedicated that are on top of just the line**
19 **of march.**

20 Q. Besides -- thank you.

21 Besides physical officers,
22 what other resources does CPD have to provide
23 for the security of these routes?

24 A. **They provide the barricades, the**

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1 **body-worn cameras for each officer, radios for**
2 **each officer and then the transportation of**
3 **vehicles for all of our officers.**

4 Q. And would it also require CPD to
5 provide barricades for those streets?

6 **A. Yes.**

7 Q. All right. Now, you mentioned
8 previously in testimony that the Democratic
9 National Convention or DNC would be occurring
10 roughly around the same time. I want to talk to
11 you about the DNC's affect on the City during
12 this time.

13 So what is the proposed date
14 that the DNC is to be in Chicago?

15 **A. It's the week of August 19th.**

16 Q. And in anticipation of that event,
17 what is CPD being tasked with?

18 **A. CPD is being tasked with a lot. We**
19 **are being tasked with the safety and security of**
20 **the city at large, but particular to the DNC for**
21 **security for -- exterior security for all of the**
22 **venues, for all of the hotels and any other**
23 **sites that would be attended by the attendees,**
24 **like, to the DNC.**

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1 **In addition, we will have a**
2 **large contingent of elected officials to include**
3 **the President, the Vice President, their**
4 **spouses, and various cabinet level officials,**
5 **members of Congress, and then State and local**
6 **officials from across the country in addition to**
7 **the 50,000 or so delegates and attendees.**

8 Q. Aside from the 50,000 delegates and
9 attendees that you just mentioned, do you have a
10 rough estimate of how many additional people
11 will be in the city of Chicago during this time
12 period?

13 **A. Yes. We anticipate well over a**
14 **million people to come and enjoy the city at**
15 **that time.**

16 Q. All right. And who is tasked with
17 protecting not just the delegates but also the
18 additional guests that will be in attendance
19 during this time frame?

20 **A. That would be the Chicago Police**
21 **Department.**

22 Q. Okay. Now, is the Chicago Police
23 Department working alongside any other agencies
24 in anticipation of the DNC?

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1 **A. We are. The DNC is a National Special**
2 **Security Event as authorized by the Department**
3 **of Homeland Security, which puts the United**
4 **States Secret Service in overall command of the**
5 **event itself.**

6 **So we will be working with all**
7 **of our federal partners to include the Secret**
8 **Service, the FBI, ATF, the DA, the Marshals, and**
9 **other federal agencies in addition to CPD, other**
10 **law enforcement agencies from throughout the**
11 **State that may be called in, and we are**
12 **contemplating calling in law enforcement**
13 **officers from other cities in the country to**
14 **help supplement our resources.**

15 **Q. You mentioned some federal agencies.**
16 **Are there any specific individuals from say**
17 **Secret Service that CPD is actively working**
18 **with?**

19 **A. Yes, Special Agent Spriggs.**

20 **Q. And do you know what a National**
21 **Special Security Event is?**

22 **A. It's a -- it's an event that's**
23 **designated by the Department of Homeland**
24 **Security which has the potential for significant**

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1 **terrorist acts or an event that is so large in**
2 **scale that it requires the assistance of the**
3 **Federal Government. So the, like, Democratic**
4 **National or the, like, presidential nomination**
5 **conventions are obviously the two ones that are**
6 **upcoming, but it can also include other things**
7 **such as a Superbowl or a presidential**
8 **inauguration.**

9 Q. So given that the Democratic National
10 Convention is an NSSE, what is your role within
11 CPD in relation to this NSSE designation?

12 A. I'm tasked with assisting with the
13 logistics and the preparation for, like, the DNC
14 and also with the safe operations of the City in
15 general during this time frame.

16 Q. And who decides which officers and how
17 many resources are going to be assigned to any
18 specific area within the city?

19 A. That's dependent on a number of
20 factors, but ultimately the Superintendent of
21 Police or based on information from myself or
22 other individuals will help inform that
23 decision.

24 Q. All right. But is that ultimately

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1 CPD's decision about where --

2 **A. Yes.**

3 Q. -- to allocate the resources?

4 **A. Yes, it is.**

5 Q. Okay. And approximately how many
6 officers are going to be tasked in securing the
7 city of Chicago during this event?

8 **A. So during this event, all Chicago**
9 **police officers will have their days off**
10 **canceled, and they will be working extended**
11 **tours. So that would be over 11,000 officers.**
12 **We have restricted our annual vacation segment**
13 **for that time frame, so no officers were allowed**
14 **to take vacation during that time as well.**

15 Q. All right. Does this include
16 detectives as well from the Chicago Police
17 Department?

18 **A. It does. It includes all members.**

19 Q. All right. And where are the two main
20 locations in which the DNC are scheduled to
21 occur?

22 **A. The two main locations are the United**
23 **Center and McCormick Place.**

24 Q. Are there additional locations that

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1 CPD is tasked with ensuring the safety of?

2 **A. There are several other locations that**
3 **we will be tasked with ensuring the safety of**
4 **those locations.**

5 Q. Without getting into specifics of
6 where those locations are, what kind of
7 locations are you tasked with?

8 **A. Various hotels, various other venues**
9 **that will host some sort of gatherings related,**
10 **like, to the DNC, in addition to the airports**
11 **and the routes to and from all these locations**
12 **for not just motorcades but for the safe passage**
13 **of all the delegates.**

14 Q. All right. Will CPD officers be
15 tasked with ensuring those routes of those
16 dignitaries and other event attendees?

17 **A. Yes.**

18 Q. All right. And what will CPD's
19 presence be for Chicago Transit Authority
20 services?

21 **A. We will increase our number of**
22 **officers on the CTA as well, both in the Central**
23 **Business District and throughout the --**
24 **throughout the system as well to include both**

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1 **bus and rail.**

2 Q. And when will these assignments go
3 into effect date-wise?

4 **A. The -- it will at the very least be**
5 **the week prior to the DNC. I don't have a**
6 **specific date yet.**

7 Q. All right. Do you have an estimated
8 end time for this enhanced deployment?

9 **A. It would be through the weekend after**
10 **the DNC.**

11 Q. And during what hours will the extra
12 deployment services be required?

13 **A. 24 hours, seven days a week. We still**
14 **have to safeguard the entire city and all of its**
15 **77 neighborhoods, in addition to anything**
16 **related to the DNC. So it's an all hands on**
17 **deck approach, and it's a 24 hour, seven days a**
18 **week operation.**

19 Q. All right. And who else besides
20 Secret Service are you contacting to coordinate
21 all these requirements?

22 **A. All the federal agencies that I**
23 **previously mentioned, in addition to our city**
24 **agencies which I mentioned as well; CDOT, Water,**

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1 **Streets and San, Fire, OEMC and other impacted**
2 **agencies.**

3 Q. Are you also speaking with any
4 representative from any military or other
5 policing agencies?

6 **A. Yes.**

7 Q. Which ones?

8 **A. The -- through the Department of**
9 **Homeland Security we are -- I don't know the**
10 **designation, but we do have a military contact,**
11 **and we are making contact with the US Military.**

12 Q. What about Illinois State Police?

13 **A. Yes, and the Illinois State Police and**
14 **the Cook County Sheriffs Office.**

15 Q. All right. Will they also be deployed
16 as part of this NSSE event within the city of
17 Chicago during this time?

18 **A. Yes, they will.**

19 Q. Are there any events that occur in the
20 city of Chicago that have a similar resource
21 requirement as the Democratic National
22 Convention?

23 **A. We haven't seen an event this big in**
24 **-- the two off the top of my head are the 1996**

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1 **DNC and the 2012 NATO Summit, but this is even**
2 **larger in scale than those two events.**

3 Q. All right. And what was the resource
4 requirement of those previous events in
5 comparison to this one?

6 **A. It was -- for the NATO event, it was**
7 **an all hands on deck approach as well, but we**
8 **did not have to modify our annual vacations at**
9 **that time.**

10 Q. So it's only in this event that you
11 have had to modify time off requests?

12 **A. Yes.**

13 Q. Are you aware of a proposed alternate
14 route that was provided to the applicants in
15 this instance?

16 **A. Yes, I am.**

17 Q. All right. And do you recall what
18 that route is?

19 **A. It's on Columbus Avenue from Roosevelt**
20 **to Jackson.**

21 Q. All right. Did you have any role, or
22 if you know, did CPD have any role in suggesting
23 that alternate route?

24 **A. Yes. That was the suggestion of CPD.**

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1 Q. All right. Do you know who suggested
2 that?

3 **A. I did.**

4 Q. Okay. And why did you suggest that
5 route?

6 **A. I believe it's a reasonable**
7 **alternative to the very impactful routes that**
8 **were proposed earlier. It still gives**
9 **visibility to the requesters. It is in the**
10 **Central Business District, and it will hopefully**
11 **not impact any of the motorcades or hotels,**
12 **which we don't know where they're at yet, or any**
13 **other venues that we have to secure, both the**
14 **venue itself and the routes to and from. And**
15 **it's -- it's easier to secure as it is a**
16 **straight line road with less ancillary streets**
17 **that feed into it.**

18 Q. For this amended route, would CPD have
19 to close any adjacent or adjoining streets?

20 **A. Yes, we would.**

21 Q. All right. And do you have an
22 estimation upon the personnel requirement that
23 would be required to secure the proposed
24 alternate route?

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1 **A. Yes. It would still be several**
2 **hundred officers in addition to -- like I**
3 **mentioned earlier, we would have to anticipate**
4 **people who are not as thoughtful as Mr. Thayer**
5 **who applied for a permit to join any sort of**
6 **parades or marches that occur during that time**
7 **frame, and then we have to anticipate the groups**
8 **that may want to counter-protest, like, those**
9 **parades as well.**

10 Q. All right. And will this resource
11 requirement be less or more than the
12 Petitioner's requested route from CPD? Would
13 the resources be fewer or more than the proposed
14 routes from the Petitioner in this case?

15 **A. It would be more.**

16 Q. For the amended route that you're
17 proposing, that would be more or less?

18 **A. For the route that CPD -- the**
19 **alternate route?**

20 Q. Yes, the alternate route.

21 **A. I'm sorry. The alternate route would**
22 **require less resources than the proposed route.**

23 Q. Now, are you aware of any events or
24 occurrences within the City of Chicago that have

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1 had to have been moved as a result of the DNC
2 coming to Chicago?

3 **A. Yes, the annual and historic Chicago**
4 **Air and Water Show had to be rescheduled from**
5 **August 18th to August 10th and 11th.**

6 Q. All right. And do you know why that
7 had to be rescheduled?

8 **A. We cannot adequately provide the**
9 **resources that are required for that event to**
10 **safely take place.**

11 Q. And when you say we, you mean?

12 **A. The Chicago Police Department.**

13 Q. Okay. And what kind of resources
14 would be required for that event ordinarily by
15 Chicago Police Department?

16 **A. The same resources that we would have**
17 **dedicated to the parade to include officers,**
18 **radios, body worn cameras and transportation and**
19 **other -- like police barricades, and then, like,**
20 **obviously the other City agencies also supply**
21 **their resources as well.**

22 Q. Are there any additional events or
23 occurrences from the City that have had to have
24 been rescheduled as a result of the DNC?

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1 **A. Sure. At the request of the Chicago**
2 **Police Department, the Chicago Public Schools**
3 **have agreed to push back the start date of**
4 **school so that they can de-conflict with the DNC**
5 **and so we could then, like, provide them the**
6 **resources that they, like, request for their**
7 **first week of school.**

8 Q. All right. And what kind of resources
9 are ordinarily required for the first week of
10 school from CPD?

11 **A. We conduct our what's called safe**
12 **passage routes, which we ensure the routes to**
13 **various schools throughout the city, and that**
14 **includes sworn officers, radios, body-worn**
15 **cameras, vehicles and other resources similar to**
16 **what a parade would need.**

17 Q. In your estimation, would CPD be able
18 to provide these services for the start of
19 school while the DNC is in Chicago?

20 **A. No, we would not.**

21 MR. DIONNE: Judge, the City has
22 nothing further at this point. We tender the
23 witness.

24 HEARING OFFICER FLEMING: Ready for

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1 cross?

2 MR. DiCOLA: Thanks, your Honor.

3 CROSS-EXAMINATION

4 BY MR. DiCOLA:

5 Q. Deputy Chief O'Connor, hi. My name is
6 Joe DiCola. I represent Andy Thayer.

7 You testified that it would
8 take several hundred officers from the Chicago
9 Police Department to safely police the amended
10 route as requested by Andy Thayer, right?
11 Several hundred, was that your testimony?

12 **A. Which route are you referring to?**

13 Q. So after Andy Thayer changed the route
14 on January 8th, so the one that goes out to
15 Ontario as opposed to -- to police that route,
16 would that take several hundred officers?

17 **A. It would take at a minimum several
18 hundred officers, but likely more given how it
19 zig-zags through the city streets.**

20 Q. And can you tell me, several hundred,
21 is that greater than 500?

22 **A. For the amended route that Mr. Thayer
23 would propose, it would be over 500, yes.**

24 Q. Is it over 600?

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1 **A. Again, I haven't, like, mapped it out**
2 **street by street but it would be -- I'm**
3 **comfortable saying it would be over 500.**

4 Q. Could it be, give or take, 50
5 officers?

6 **A. 50 officers?**

7 Q. In terms of your estimation for how
8 many would be required. I'm curious about the
9 margin of error in your estimate of 500.

10 MR. DIONNE: Objection, Judge. This
11 calls for speculation.

12 HEARING OFFICER FLEMING: Overruled.
13 You can answer how you came to --

14 THE WITNESS: Sure. I don't have a
15 margin of error. I would have to review it more
16 thoroughly.

17 BY MR. DiCOLA:

18 Q. And there is a cost attached to the
19 time each officer spends on duty, correct? Each
20 officer is paid for their time?

21 **A. They are.**

22 Q. And so a difference of 50 officers is
23 50 officers' pay for that period policing the
24 march --

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1 MR. DIONNE: Objection.

2 BY MR. DiCOLA:

3 Q. -- required to be allocated for this
4 event, correct?

5 HEARING OFFICER FLEMING: First of
6 all, you have to let him finish the question.
7 So rephrase your question so we have it clear on
8 the record.

9 BY MR. DiCOLA:

10 Q. My question is, is there a cost
11 difference for the Chicago Police Department in
12 staffing -- we're now talking about 50
13 additional officers on top of 500 for this
14 event. Does it cost more to send 50 officers?

15 **A. More officers --**

16 MR. DIONNE: Objection as to relevance
17 and improper hypothetical.

18 HEARING OFFICER FLEMING: All right.
19 First of all, what's the relevance. We're all
20 aware of the fact that the police officers are
21 being paid.

22 MR. DiCOLA: I would like to -- I
23 would like to get --

24 HEARING OFFICER FLEMING: Let me

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1 just --

2 MR. DiCOLA: Sorry.

3 HEARING OFFICER FLEMING: -- make my
4 ruling on it because I don't believe at this
5 point that the deputy superintendent mentioned
6 cost as a determination in the factor of the
7 number of officers.

8 MR. DiCOLA: Understood, your Honor.
9 The deputy did testify to radios and police
10 vehicles, and I'm trying to establish between --
11 several hundred is not an exact number.

12 HEARING OFFICER FLEMING: That's not a
13 cost.

14 MR. DiCOLA: It costs in terms of an
15 allocated resource --

16 HEARING OFFICER FLEMING: It's a
17 resource that has to be provided, as with the
18 transportation and matters like that. But your
19 question was directly relative to -- it seemed
20 to be directly relative as to, you know, money
21 costs.

22 MR. DiCOLA: I can rephrase the
23 question so they're not addressing line items.

24 HEARING OFFICER FLEMING: Yes, do it

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1 that way and then we will see where we go.

2 Again, it's clear if you have
3 less officers you have -- if you have ten less,
4 you have ten less cameras that you have to
5 bring, ten less people that you have to
6 transport. But, again, based upon the deputy's
7 testimony, he's indicated 500 minimum, maybe
8 more, so I don't know that it's really relevant
9 until you get him to budge off that figure.

10 MR. DiCOLA: Understood, your Honor.
11 Thank you.

12 BY MR. DiCOLA:

13 Q. Deputy, you testified that the
14 alternative route that you proposed would also
15 take several hundred officers to police,
16 correct?

17 **A. Yes.**

18 Q. You do not have a specific number of
19 police vehicles and radios required to police
20 the alternative route, correct?

21 **A. Not at this time, no.**

22 Q. And you do not have that same number
23 for the amended route as submitted on January
24 8th, correct?

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1 **A. Not at this time, no.**

2 Q. And so without exact numbers, is it
3 fair to say that there are -- strike that.

4 You testified that you were a
5 police officer and worked as an officer at the
6 DNC in 1996; is that correct?

7 **A. I did not say that I worked at a DNC**
8 **in 1996.**

9 Q. You were not -- were you not an
10 officer in '96?

11 **A. I was not.**

12 Q. My mistake. Were you at NATO in 2012?

13 **A. I was.**

14 Q. And NATO was an NSSE, right?

15 **A. I don't specifically recall.**

16 Q. The NATO Summit, it was not a National
17 Special Security Event?

18 MR. DIONNE: Objection, misstates
19 testimony.

20 HEARING OFFICER FLEMING: Well, that
21 assumes he was in a position to know what it was
22 in 2012, so...

23 You can ask him if he knew
24 what it was in 2012.

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1 BY MR. DiCOLA:

2 Q. Deputy, were you aware of what a
3 National Security Special Event -- or National
4 Special Security Event was in 2012?

5 **A. I was not, no.**

6 Q. Were you assigned to police the NATO
7 Summit?

8 **A. No, I was not.**

9 Q. Have you ever policed a protest?

10 **A. Yes.**

11 Q. When the DNC was announced for
12 Chicago, did you anticipate that it would bring
13 protest activity?

14 **A. Yes.**

15 Q. Did you communicate to your -- to the
16 superintendent or anyone higher above you in the
17 chain of command that additional resources would
18 be needed to accommodate inevitable First
19 Amendment activity at the DNC?

20 **A. I believe that that is an**
21 **understanding that the Department had based on**
22 **the convention.**

23 Q. And when you say that understanding,
24 you mean the understanding that CPD would need

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1 to prepare for First Amendment activity at the
2 DNC?

3 **A. In addition to the large scale**
4 **security event, yes.**

5 Q. Part of that large scale security
6 event, however, is that it's a political
7 convention that's likely to draw political
8 demonstrations; is that right?

9 **A. Yes.**

10 Q. Does Chicago have sufficient resources
11 to host an event like the DNC and allow for
12 First Amendment expression in opposition to that
13 event?

14 **A. Can you repeat that?**

15 Q. Does Chicago have the sufficient
16 resources to host the DNC and allow for First
17 Amendment activity?

18 MR. DIONNE: Objection as to vagueness
19 and foundation.

20 HEARING OFFICER FLEMING: And
21 relevancy coming from the deputy. I'm not sure
22 that he's in a position to render such an
23 opinion.

24 MR. DiCOLA: Concerning the Police

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1 Department's resources, your Honor?

2 HEARING OFFICER FLEMING: Yes. I
3 mean, you're asking kind of -- it is speculation
4 in term of that. The fact of the matter is we
5 have the DNC. The fact of the matter is there
6 is going to be First Amendment protests. So
7 that's a given.

8 So whether the deputy feels
9 one way or another, the deputy is going to be
10 working in conjunction with his superiors, as
11 well as the other agencies that he's referred
12 to, to do their best to ensure that Chicago
13 utilizes the resources it has as best it can to
14 allow the DNC and to allow the First Amendment
15 protests to continue. But asking him does he
16 think there is enough or not, I don't see the
17 relevancy to that.

18 MR. DiCOLA: I believe that he's
19 testified that his job was to review this permit
20 -- the deputy testified that it was his job to
21 review the permit application and assess whether
22 the City had adequate resources to preserve --
23 secure safety at this event. And so because
24 this event is First Amendment activity occurring

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1 at the National Security Event of the DNC, I'm
2 asking the deputy if generally the Police
3 Department is prepared to allow people to
4 protest and also have the DNC.

5 HEARING OFFICER FLEMING: Okay. And,
6 again, respectfully, that's not the issue that's
7 in front of me. The issue that's in front of me
8 is this particular permit application.

9 MR. DiCOLA: Okay.

10 HEARING OFFICER FLEMING: And that's
11 what the officer -- the deputy is testifying to.
12 That's the relevant issue.

13 MR. DiCOLA: Thank you, your Honor.
14 BY MR. DiCOLA:

15 Q. Deputy, you testified that there will
16 be over 11,000 sworn Chicago police officers on
17 duty during the DNC; is that correct?

18 **A. That's the anticipated.**

19 Q. And you will have about that number,
20 about 11,000 or more working on August 18th, the
21 date of this parade permit application, correct?
22 Or the requested date of this parade.

23 **A. Yes.**

24 Q. And how did you determine when

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1 reviewing this application that you were unable
2 to spare several hundred, call it 500, officers
3 to safely police this event at that time knowing
4 that you have at least 11,000?

5 **A. As I said, we are tasked with securing**
6 **two main venues for the DNC in addition to**
7 **several undisclosed hotels and other venues, and**
8 **in addition we have to secure the entire city.**
9 **Our operations don't cease for the DNC.**

10 **So those numbers will be used**
11 **to answer over -- you know, 911 gets over 20,000**
12 **calls per day on a -- you know, on a routine**
13 **summer day. So we still would have to respond**
14 **for calls of service throughout the city in**
15 **addition to the enormous resources requested as**
16 **asked for the DNC.**

17 **Q. Thank you.**

18 **Deputy Chief, you testified**
19 **that CPD was contemplating bringing in law**
20 **enforcement officers from other police**
21 **departments within the State; is that correct?**

22 **A. Yes.**

23 **Q. And possibly from outside the state of**
24 **Illinois?**

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1 **A. That's a possibility.**

2 Q. To your knowledge, have Chicago Police
3 Department officers ever performed a similar
4 function for another city's DNC? Have they ever
5 left town to support the police in another city
6 hosting the DNC?

7 MR. DIONNE: Objection, relevance.

8 HEARING OFFICER FLEMING: What's the
9 relevance?

10 MR. DiCOLA: The customariness of this
11 practice, the likelihood that the City can
12 expect that this is going to happen, that they
13 have a familiarity with reassigning officers in
14 this way, and they might have an ability to
15 assess how many they will have through these
16 kind of departmental sharing agreements.

17 HEARING OFFICER FLEMING: I'll
18 overrule it and let you answer it if you know.

19 THE WITNESS: I don't know for what
20 specific events, but CPD officers have gone to
21 other cities to help secure other events.

22 BY MR. DiCOLA:

23 Q. And at this time do you know how many
24 law enforcement officers from other police

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1 departments across the State or the country will
2 be coming to Chicago?

3 **A. At this time, no.**

4 Q. So you don't know whether or not you
5 could find a spare 500 officers to police this
6 parade in another city in Illinois or somewhere
7 else from the country?

8 MR. DIONNE: Objection, argumentative.

9 HEARING OFFICER FLEMING: Sustained.

10 Also, there's no foundation there because what I
11 have been told is that there is contemplation of
12 such an action, there is no testimony in front
13 of me that, in fact, there has been confirmation
14 of some sort of -- some sort of plan. So I
15 think it becomes too speculative at that point
16 in time.

17 MR. DiCOLA: Thank you, your Honor.

18 BY MR. DiCOLA:

19 Q. Deputy Chief, are you familiar with a
20 statute that empowers -- a City of Chicago
21 statute that empowers the Superintendent to --
22 of the police to enter into task force
23 agreements with other law enforcement agencies?

24 **A. I'm aware that CPD does have task**

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1 **force officers.**

2 Q. And so you're aware that the
3 Superintendent is empowered to enter into task
4 forces with federal and state law enforcement
5 agencies?

6 **A. Yes.**

7 Q. Have -- to your knowledge, has the
8 Superintendent entered into any such agreement
9 in anticipation of the DNC?

10 **A. As I said earlier, I don't know.**

11 Q. Would that information be relevant for
12 you determining how much personnel you will have
13 available to police this particular parade
14 permit?

15 MR. DIONNE: Objection, speculation.

16 HEARING OFFICER FLEMING: Again, it's
17 speculation at this point in time. Sustained.

18 BY MR. DiCOLA:

19 Q. Is the number of officers that you
20 have available to police this event relevant to
21 your determination about this permit
22 application?

23 **A. Say that one more time.**

24 Q. Did you deny -- I'll rephrase the

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1 question.

2 Did you deny this permit
3 application or recommend its denial based in
4 part on the lack of available CPD personnel?

5 **A. In part, our personnel and our**
6 **resources.**

7 Q. And so you would agree that the number
8 of personnel is relevant to your determination
9 about this application?

10 **A. The number of the personnel that we**
11 **would have to dedicate to it is a factor, yes.**

12 Q. And so -- and you would also agree
13 that that number may grow if the Superintendent
14 enters into one of these task force agreements
15 and other officers are brought to the city?

16 MR. DIONNE: Objection, calls for
17 speculation.

18 HEARING OFFICER FLEMING: Well, again,
19 it's calling for speculation at this point in
20 time. You can certainly make argument with it,
21 but when we get down to it, at this point in
22 time, the time the decision was made on this
23 particular application, there is no evidence in
24 front of me that there were any task force

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1 agreements with the feds. And therefore, it
2 would be impossible for the witness to speculate
3 as to, number one, whether there will be a task
4 force agreement of some sort, whether there will
5 be an agreement with other police agencies, what
6 is the scope of such an agreement?

7 At this point the issue is
8 based upon the information that was presented to
9 the City, was it appropriate for this permit at
10 this time to be denied?

11 MR. DiCOLA: Thank you, your Honor.

12 BY MR. DiCOLA:

13 Q. Deputy Chief, you testified about
14 counter-protesters. Could you please describe
15 the role of the possible presence of
16 counter-protesters plays in your assessment of
17 whether you can safely police a parade?

18 **A. Sure. For the safety and security of**
19 **all involved, including the permitted and the**
20 **non-permitted and the officers, it's prudent for**
21 **us to anticipate that there may be, like,**
22 **counter-protesters to whatever organizations are**
23 **present.**

24 Q. And so you might deny a route or

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1 request an amendment to a route on that basis?

2 **A. Not on that basis alone, but it would**
3 **go into our resource allocation for any**
4 **requested permit.**

5 Q. And what knowledge do you have about
6 counter-protesters that would come to this
7 particular parade?

8 **A. At this time I don't have specific**
9 **knowledge of anyone looking to protest this**
10 **parade. But in my training and experience, the**
11 **counter-protesters are an issue that we have to**
12 **deal with.**

13 Q. And -- but at this point you're
14 speculating because you don't know -- you're
15 speculating that counter-protesters will arrive
16 at this parade and affect your personnel needs;
17 is that right?

18 Based on your experience
19 you're speculating that?

20 **A. I'm not -- I don't have direct**
21 **knowledge of any of the counter-protesters for**
22 **this event, but in our planning process we have**
23 **to anticipate and we have to arrange for the**
24 **fact that that is a possibility.**

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1 Q. Thank you.

2 MR. DiCOLA: Sorry, just a moment,
3 please.

4 (Brief pause.)

5 BY MR. DiCOLA:

6 Q. Deputy, you testified that this route
7 would be too impactful; is that correct? Did
8 you use that term?

9 **A. Which route?**

10 Q. The amended route as requested on
11 January 8th.

12 **A. Yes.**

13 Q. When you're making that determination,
14 is there a balancing analysis that you perform
15 between the resources required to police the
16 event versus the First Amendment interests of
17 the people requesting the parade?

18 **A. It's -- I always attempt to ensure the**
19 **First Amendment rights of, you know, of all the**
20 **people who request a permit, but in the -- for**
21 **this particular permit, given the streets that**
22 **it was requested to go through and the location**
23 **to several hotels that may or may not be**
24 **utilized for the DNC, and the amount of the**

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1 **personnel that it would require, given all of**
2 **the turns in the route like that it has, that's**
3 **one of the factors that I used to help make that**
4 **determination.**

5 Q. As Deputy Chief of Bureau of Patrol,
6 have you had to respond to spontaneous or
7 unplanned protests?

8 **A. Yes.**

9 Q. And do you feel you're able to safely
10 accommodate -- or safely police those events
11 when they occur?

12 MR. DIONNE: Judge, I'm going to
13 object to the relevance. This has nothing to do
14 with parade permits.

15 HEARING OFFICER FLEMING: What's the
16 relevancy of the spontaneous demonstration as
17 opposed to one in which -- that's not
18 spontaneous but set up according to the City
19 ordinance?

20 MR. DiCOLA: Sure, your Honor. To my
21 knowledge and experience, CPD is able to rise to
22 the occasion and muster personnel in police
23 protests that were not planned and that marched
24 down streets against traffic without any

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1 anticipated route. And I --

2 HEARING OFFICER FLEMING: Well, what's
3 the relevancy again to this situation? Were
4 those spontaneous --

5 MR. DiCOLA: I was just getting there,
6 your Honor.

7 HEARING OFFICER FLEMING: --
8 spontaneous matters done during the midst of the
9 Democratic National Convention, except in 1968.

10 MR. DiCOLA: Well, my point is that
11 where CPD is able to do it without any notice,
12 with eight months' notice I am trying to probe
13 why they're -- why they could not possibly
14 police this event, whereas the same event might
15 happen -- someone might follow the same route
16 spontaneously, the police spring into action and
17 police that event safely.

18 HEARING OFFICER FLEMING: Okay. But,
19 again, I think you're getting too speculative on
20 that question so the objection is sustained.

21 MR. DiCOLA: Okay, your Honor. Thank
22 you.

23 Your Honor, could I take a
24 break for just two minutes, please?

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1 HEARING OFFICER FLEMING: Take
2 whatever you need. Don't just limit yourself to
3 two. If you want to take five then -- how much
4 more do you have going?

5 MR. DiCOLA: Not much.

6 HEARING OFFICER FLEMING: Okay.

7 (WHEREUPON, a brief recess
8 was held.)

9 HEARING OFFICER FLEMING: Okay. We're
10 back on.

11 MR. DiCOLA: Thank you, your Honor.
12 You know, no further questions
13 for this witness, your Honor.

14 HEARING OFFICER FLEMING: Okay.
15 Redirect?

16 MR. DIONNE: No redirect, Judge.

17 HEARING OFFICER FLEMING: All right.
18 Thank you, Deputy.

19 MR. DIONNE: Can we excuse this
20 witness or do you --

21 MR. DiCOLA: Yes.

22 MR. DIONNE: Okay.

23 THE WITNESS: Thank you.

24 HEARING OFFICER FLEMING: City, are

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1 there any additional exhibits?

2 MR. DIONNE: No, Judge. City just has
3 what's been previously marked and admitted as
4 City's Group Exhibit 1, 2, Group Exhibit 3, 4,
5 5 -- Group Exhibit 5, 6 and 7.

6 And with that, Judge, the City
7 has nothing further at this point.

8 HEARING OFFICER FLEMING: City rests?

9 MR. DIONNE: Yes, Judge.

10 MR. DiCOLA: Well, your Honor, just in
11 terms of -- do you mind if we go off the record
12 for just one moment?

13 (WHEREUPON, a brief recess
14 was held.)

15 HEARING OFFICER FLEMING: Are you
16 ready?

17 MR. DIONNE: Judge, before we
18 reconvene, it's come to both counsels attention
19 that we don't believe that the first two
20 witnesses from the City were ever sworn in prior
21 to giving testimony.

22 HEARING OFFICER FLEMING: I realized
23 that myself when I was sitting here.

24 MR. DIONNE: So we have spoken to

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1 Counsel and we have no objection if we want to
2 make a stipulation that they were sworn in, and
3 that all the testimony that you provided was
4 sworn testimony.

5 HEARING OFFICER FLEMING: So
6 stipulated, Counsel?

7 MR. DiCOLA: Yes, your Honor. No
8 objection.

9 HEARING OFFICER FLEMING: That was my
10 bad, you know.

11 MS. HAKE: No, no.

12 HEARING OFFICER FLEMING: I think I
13 got shocked by the witnesses I didn't know. I
14 was trying to think -- (inaudible). So the
15 parties stipulate that the testimony that was
16 given was by my error, not maybe under oath,
17 will be accepted in the record as if it were
18 under oath.

19 MR. DiCOLA: Should we have that on
20 the record? I understand we all agree and
21 understand -- oh, is it recording now, your
22 Honor?

23 HEARING OFFICER FLEMING: Yes, it's
24 recording now.

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1 MR. DiCOLA: Oh, great. Thank you so
2 much.

3 HEARING OFFICER FLEMING: I mean,
4 look, it was my bad. I own up to it. Everyone
5 should have picked up on it, but what I'm saying
6 is we had to do it on the record because --

7 MR. DiCOLA: Of course.

8 HEARING OFFICER FLEMING: -- if it
9 does become an issue somewhere up there, then
10 we're getting into, you know, something there.
11 I prefer to let it go and then if a Judge were
12 to admonish me later because I did something, I
13 take the rap for it. But you guys have agreed
14 to it professionally between yourselves.

15 MR. DiCOLA: Thank you, your Honor.

16 HEARING OFFICER FLEMING: I realized
17 that after I swore the last witness.

18 MR. DIONNE: That's when the City
19 realized as well.

20 HEARING OFFICER FLEMING: So, okay.
21 All right. Anything else we need to address?

22 MR. DIONNE: Not from the City's point
23 of view, no.

24 HEARING OFFICER FLEMING: Okay. You

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1 can call your first witness.

2 MR. DiCOLA: Okay. Your Honor, I
3 would like to reserve argument for after the end
4 of the witness testimony.

5 HEARING OFFICER FLEMING: You can
6 reserve argument. You also have an opening.
7 You reserved opening. If you want to do an
8 opening, you can certainly do that as well.

9 MR. DiCOLA: Well, briefly, your Honor
10 in opening I would say that the City's case in
11 chief I believe failed to show that they
12 performed the adequate investigation as required
13 under Subsection F of the statute, and also
14 failed to show a sound, factual basis for the
15 denial under Sections G1 and G2.

16 Specifically, that we do not
17 have empirical data in the record to show that
18 the proposed parade would substantially and
19 unnecessarily interfere with traffic in the area
20 contiguous to the activity. We do not have the
21 facts or evidence in the record to show that the
22 personnel required to mitigate the disruption
23 are not available.

24 Similarly, based on the -- on

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1 Deputy Chief O'Connor's testimony, we have been
2 told that an approximate several hundred
3 officers required to police the amended route
4 submitted on January 8th, and Deputy Chief
5 O'Connor used the same phrase, several hundred
6 officers will be required to police the
7 alternative route as required by CPD, by those
8 admissions Respondent argues that the police
9 have failed to show, or the City has failed to
10 show that there are not sufficient on-duty
11 police officers or other City employees
12 authorized to regulate traffic, police the
13 public and protect parade participants and
14 non-participants in the route area.

15 I think that the evidence is
16 going to show that the City denied this permit
17 without the necessary review, and that doing so
18 impinges on my client's First Amendment right to
19 protest.

20 HEARING OFFICER FLEMING: Okay.

21 MR. DiCOLA: But with that, I would
22 call Andy Thayer.

23 (Witness duly sworn.)
24

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1 ANDREW THAYER,
2 called as a witness herein, having been first
3 duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. DiCOLA:

7 Q. Mr. Thayer, can you please state and
8 spell your name for the record?

9 **A. Andrew Thayer, A-n-d-r-e-w, Andy, last**
10 **name, T-h-a-y-e-r.**

11 Q. And are you a member of Bodies Outside
12 of Unjust Laws?

13 **A. I am.**

14 Q. And is Bodies Outside of Unjust Laws
15 the same as the -- forgive me, as the Coalition
16 for Reproductive Rights and LGBTQ-plus
17 liberation?

18 **A. It is indeed. It's one organization.**

19 Q. And it has that full name?

20 **A. Yes, it does.**

21 Q. How long have you been a member of
22 Bodies Outside of Unjust Laws?

23 **A. Our coalition, which I helped form,**
24 **formed I believe in November of last year.**

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1 Q. November of 2023?

2 **A. Yes.**

3 Q. Have you ever interacted with the City
4 of Chicago in your official capacity as a member
5 of Bodies Outside of Unjust Laws on matters
6 related to demonstrations during the Democratic
7 National Convention scheduled to occur in August
8 2024?

9 **A. Yes.**

10 Q. And did one such interaction involve
11 the preparation and submission on January 2nd,
12 2024, of a parade permit application for a
13 protest march on August 18th, 2024?

14 **A. Yes.**

15 Q. Mr. Thayer, I am going to show you
16 what was previously entered into evidence as the
17 City's Exhibit 1A, B and C. Do you recognize
18 this document, Mr. Thayer?

19 **A. Yes, I do.**

20 Q. Is that a true and correct copy of the
21 parade permit you submitted to the Department of
22 Transportation on January 2nd on behalf of
23 Bodies Outside of Unjust Laws?

24 **A. Yes, it is.**

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1 Q. And while we have a map in evidence,
2 Respondent also has a map. So, Mr. Thayer, I am
3 going to show you a document. Do you recognize
4 what that is?

5 MS. HAKE: You have to provide it.

6 MR. DiCOLA: Oh.

7 THE WITNESS: Yes, it appears to be
8 the march route that we originally applied for
9 on January 2nd.

10 HEARING OFFICER FLEMING: Is that City
11 Exhibit 2 or is that separate?

12 MR. DiCOLA: Your Honor, this is
13 actually Respondent's Exhibit 1.

14 HEARING OFFICER FLEMING: Okay.
15 BY MR. DiCOLA:

16 Q. And so this is an accurate map
17 rendering of the route you requested on January
18 2nd? You can take a moment to review it.

19 **A. It is indeed.**

20 MR. DiCOLA: Your Honor, at this time
21 Respondent would like to enter into evidence
22 Respondent's Exhibit 1. It's the color map of
23 the parade route.

24 HEARING OFFICER FLEMING: Any

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1 objection?

2 MS. HAKE: No objection, Judge.

3 For the record, Deputy
4 Corporation Counsel Christine Hake, H-a-k-e, on
5 behalf of the City.

6 HEARING OFFICER FLEMING: Okay.

7 (WHEREUPON, Respondent's
8 Exhibit No. 1 was admitted
9 into evidence.)

10 BY MR. DiCOLA:

11 Q. Why did you apply for a parade permit
12 for August 18th along this route?

13 **A. Because we wanted to greet the**
14 **incoming DNC delegates, their entourages and the**
15 **media with our First Amendment messages.**

16 Q. And why did you choose -- what time
17 did you choose for August 18th for -- in your
18 January 2nd application?

19 **A. Assembly at 5:00 p.m. with the march**
20 **kickoff at 6:00 p.m.**

21 Q. And why did you choose that time?

22 **A. We knew that per previous conventions**
23 **in the City, big events like this, that there**
24 **would be formal and informal gatherings of the**

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1 delegates as they went to their hotels, as they
2 attended various functions the evening before
3 the convention itself began the next day and we
4 wanted to send messages to them.

5 Q. So would this route -- would this
6 route for the parade take it within the sight
7 and sound of the delegates arriving for the DNC?

8 A. Yes, that was our assumption based
9 upon previous events of this sort.

10 Q. When you say previous events of this
11 sort, what are you referring to?

12 A. Well, I had marched against the
13 Democratic National Convention back in 1996. I
14 also had experience with the 2012 NATO
15 convention here. I helped organize a march for
16 that latter event.

17 Q. Was the 1996 -- strike that.
18 Was the NATO 2012 summit an
19 NSSE to your knowledge?

20 A. It was, yes.

21 Q. Did you have a permit to march at the
22 NATO 2012 summit?

23 A. We eventually did get a permit roughly
24 along the lines that we applied for, yes.

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1 Q. When you say we, who is we who
2 requested a permit in 2012?

3 **A. It was a coalition with the acronym**
4 **CANG8, Coalition Against NATO G8, G8 latter --**
5 **later was off the agenda and we had a march that**
6 **we got a permit for.**

7 Q. And to the best of your recollection,
8 did that march occur on Michigan Avenue?

9 **A. It did indeed, yes.**

10 Q. Did the march -- did any of the march
11 take place on State Street?

12 **A. No, it did not.**

13 Q. What was the route, to the best of
14 your recollection?

15 MS. HAKE: Judge, I object at this
16 point to the relevance of this with regards to
17 the previous routes. It doesn't have to do with
18 this parade route.

19 HEARING OFFICER FLEMING: Well, what
20 is the relevance of the application in 2024 to a
21 permit that was allowed in 2012?

22 MR. DiCOLA: I can move on, your
23 Honor, but the relevance as I understand it is
24 it was another National Security Special Event.

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1 The City did authorize the group to march on
2 Michigan Avenue, and it also speaks to Mr.
3 Thayer's experience with these events.

4 It's been -- I believe Mr.
5 Gallardo testified that the parade permit
6 requester's experience and ability to organize
7 their own event is relevant and so I am trying
8 to establish Mr. Thayer's experience in that
9 regard.

10 HEARING OFFICER FLEMING: Well, I
11 respectfully sustain the objection.

12 MR. DiCOLA: I will move on, your
13 Honor. Thank you.

14 BY MR. DiCOLA:

15 Q. Do you have experience planning large
16 demonstrations in downtown Chicago, Mr. Thayer?

17 **A. Yes.**

18 Q. And do other members of your group, to
19 your knowledge, have similar experience?

20 **A. Yes, they do.**

21 Q. How did your experience planning and
22 participating in demonstrations in downtown
23 Chicago inform this particular parade permit
24 request?

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1 **A. Well, we knew that this particular**
2 **route would allow us to reach not just the**
3 **delegates but also the major media. I have**
4 **organized dozens of large marches over the years**
5 **in the Central Business District, as well as**
6 **areas contiguous to it. And I have been the**
7 **applicant for any number of parade permits in**
8 **the past years.**

9 Q. How did you submit the application on
10 January 2nd? Was it by email or in person?

11 **A. We went in person to the Department of**
12 **Transportation. It was the first possible day**
13 **we could apply.**

14 Q. And what day of the week was January
15 2nd?

16 **A. It was Tuesday.**

17 Q. After you submitted the January 2nd
18 application, did anyone from the City of Chicago
19 contact you regarding the application?

20 **A. Yes, a person that -- who represented**
21 **themselves as being from the First District**
22 **police gave me a call the next day.**

23 Q. Do you remember their name?

24 **A. Unfortunately, I do not.**

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1 Q. And what did the representative from
2 the First District police -- from the Chicago
3 Police Department First District say on the
4 phone?

5 A. She said that they never give permit
6 -- permits for marches in the street. I knew
7 that that was utterly false, that the permit
8 application and the permit ordinance itself, you
9 know, asks the applicant to request what
10 particular lanes of traffic and/or the sidewalk
11 you were going to occupy. It was not a very
12 fruitful conversation because I felt she was
13 being pretty belligerent, frankly.

14 MS. HAKE: Judge, I would object to
15 the term "belligerent", and I would also object
16 to this all being hearsay. I think the proper
17 foundation has not been laid for it. I
18 understand that hearsay can come in in these
19 hearings; however, Mr. Thayer doesn't even know
20 who he spoke with.

21 HEARING OFFICER FLEMING: Well,
22 again -- (inaudible) -- allow hearsay. It's
23 already in the record, so...

24 MS. HAKE: But I would also object to

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1 the term "belligerent" being included in the
2 record.

3 HEARING OFFICER FLEMING: I look at
4 belligerent as a scale, what some people might
5 consider belligerence other people may consider
6 normal. So overruled.

7 MS. HAKE: Thank you, Judge.

8 HEARING OFFICER FLEMING: Sustained on
9 that still.

10 BY MR. DiCOLA:

11 Q. Did the Chicago Police Department
12 representative suggest an alternative route on
13 that phone call?

14 **A. No, she did not.**

15 Q. Did the Chicago Police Department
16 representative say anything to you to the effect
17 that motorcades for the DNC attendees would
18 create significant traffic impediments that
19 would be exacerbated by your parade?

20 **A. She did not mention motorcades. She**
21 **did mention traffic.**

22 Q. And what did she say specifically
23 about traffic, to the best of your knowledge?

24 **A. Just that it would -- that there was a**

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1 **lot of traffic.**

2 Q. Did you receive any other calls from
3 anyone at the City of Chicago regarding your
4 parade permit application after January 2nd?

5 **A. Yes, I did.**

6 Q. When was the next call?

7 **A. The next call was on the Thursday,**
8 **which would have been the 4th of January.**

9 Q. And who called you on January 4th?

10 **A. That was a person who represented**
11 **themselves from being with the special events**
12 **department, which I gathered later was the**
13 **special events department of the CPD.**

14 Q. And what -- was that person male or
15 female?

16 **A. That was a male.**

17 Q. Do you recall their name?

18 **A. I do not.**

19 Q. What did the person who identified
20 themselves as from the special events department
21 say to you on January 4th?

22 **A. They intimated that without any**
23 **modifications to our permit application it was**
24 **probably going to be denied. It was a more**

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1 **friendly conversation than I would characterize**
2 **the first one.**

3 Q. Did they suggest -- did that person on
4 the phone suggest that you modify your
5 application in any way?

6 **A. They intimated it. They didn't**
7 **directly say you should put in.**

8 Q. Did you receive any other calls from
9 the City of Chicago about the January 2nd
10 application?

11 **A. Yes. On Friday the 5th, I received a**
12 **call from Susan whom I have known over the years**
13 **at the Chicago -- Chicago Department of**
14 **Transportation.**

15 Q. Is that Susan Pawlak?

16 **A. I didn't know her last name at the**
17 **time, but I gather it's the same person. Yes.**

18 Q. And what did Ms. Pawlak say when she
19 called you on Friday the 5th?

20 **A. She said that we should really be**
21 **flexible in our permit application, and she**
22 **suggested that we might want to put in an**
23 **amended version of it.**

24 Q. Were you given a specific -- strike

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1 that.

2 Did Ms. Pawlak give you any
3 concrete idea of what being flexible would mean?

4 **A. She didn't, but I had my ideas along**
5 **those lines.**

6 Q. Did you -- did Ms. Pawlak propose an
7 alternative route on that phone call?

8 **A. She did not.**

9 Q. Did you propose another route? Did
10 you suggest alterations on that call?

11 **A. No.**

12 Q. Following that call did you confer
13 with your group, Bodies Outside of Unjust Laws,
14 about amending your application to suggest a
15 route more amenable to the City?

16 **A. Yes. Our safety logistics**
17 **subcommittee had a meeting at 5:00 p.m. that**
18 **evening via Zoom, and we discussed amending our**
19 **proposal to make it more amenable to the City.**

20 Q. How did you decide on the specific
21 amendments?

22 **A. Well, I know from previous permit**
23 **applications that the City, particularly the**
24 **CPD, really dislikes marches that go in the**

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1 opposite direction of one-way traffic. So, for
2 example, a typical route for the City is to go
3 northbound on Dearborn because that's with
4 traffic; they wouldn't want you going
5 southbound. I also knew that they were
6 sensitive to prolonged presence on Michigan
7 Avenue north of the river, and so I suggested an
8 alternate --

9 MS. HAKE: Judge, I'm sorry to
10 interrupt the witness. I would object based on
11 what CPD knows I think he's speculating and
12 basis of knowledge. And I would ask that his
13 testimony be stricken in regards to this
14 question.

15 HEARING OFFICER FLEMING: Yes. Well,
16 I'll overrule the objection for this.

17 BY MR. DiCOLA:

18 Q. Mr. Thayer, did you submit a letter
19 and modifications to your January 2nd permit?

20 A. I did.

21 Q. And when did you do that?

22 A. We did that on the Monday the 8th of
23 January.

24 Q. Thank you. Just one moment, please.

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1 (Brief pause.)

2 This was previously entered
3 into evidence as the City's Exhibit 3A through
4 D. Mr. Thayer, just quickly, is that a true and
5 correct copy of the letter you submitted on the
6 first page?

7 **A. Yes.**

8 Q. And the letter is addressed to the
9 Chicago Department of Transportation?

10 **A. That is correct.**

11 Q. And on the -- in the letter you sent,
12 did you state per your request, modifications to
13 parade permit application submitted January 2nd,
14 2024?

15 **A. I did.**

16 Q. And so was it your understanding that
17 the City was requesting these modifications from
18 you?

19 **A. Yes, particularly per my phone
20 conversation with Susan.**

21 Q. Did any of the City employees who
22 called you mention the issue of moving with the
23 flow of traffic as opposed to against?

24 **A. No, they did not.**

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1 Q. So special -- so the Chicago Police
2 Department and the Department of
3 Transportation -- excuse me. Strike that.

4 Mr. Thayer, I am going to show
5 you a document. Do you recognize what this is,
6 Mr. Thayer?

7 **A. Yes. This is a map of our alternative**
8 **route that we proposed with the amended**
9 **application on January 8th.**

10 MS. HAKE: And just for the record for
11 marking, I know you're identifying it, is it
12 Respondent's Exhibit No. 2?

13 MR. DiCOLA: Yes.

14 BY MR. DiCOLA:

15 Q. And so, Mr. Thayer, this map
16 accurately reflects the route you requested in
17 your modified application?

18 **A. That is correct, yes.**

19 MR. DiCOLA: Your Honor, at this time
20 I would like to enter Respondent's Exhibit 2
21 into evidence.

22 HEARING OFFICER FLEMING: Any
23 objection?

24 MS. HAKE: No objection, Judge.

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1 HEARING OFFICER FLEMING: Allowed
2 without objection.

3 (WHEREUPON, Respondent's
4 Exhibit No. 2 was admitted
5 into evidence.)

6 BY MR. DiCOLA:

7 Q. After you received -- after you
8 submitted the -- excuse me.

9 How did you deliver the
10 modified application to Department of
11 Transportation?

12 **A. I personally delivered it to the 7th**
13 **Floor Transportation Department office at City**
14 **Hall.**

15 Q. After you delivered it, did you have
16 any conversations with Department of
17 Transportation employees right there in the
18 building?

19 **A. Just friendly chitter chatter with**
20 **Susan.**

21 Q. Did you -- after you delivered it, did
22 you receive any phone calls from anyone at a
23 City agency regarding the January 8th
24 modification?

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1 **A. No, I did not.**

2 Q. What was the next communication you
3 received from the City regarding the
4 application?

5 **A. The next communication received was a**
6 **note from the Post Office indicating that I had**
7 **missed delivery of a certified mail return**
8 **receipt requested signature required envelope**
9 **from the City. I set up with the Post Office to**
10 **get that at the Post Office near my apartment**
11 **the following Monday.**

12 Q. So when did you actually receive the
13 City's denial letter?

14 **A. I received it on -- I don't have a**
15 **calendar in front of me, but I believe it would**
16 **be Monday the 22nd of January.**

17 Q. Thank you.

18 And when you submitted your
19 application, did you include an email address
20 that you could be reached at?

21 **A. I did, as well as my phone number,**
22 **which is a requirement of permits.**

23 Q. Did you receive a copy of the denial
24 letter to your email?

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1 **A. I did not.**

2 Q. Just a moment, please.

3 (Brief pause.)

4 Mr. Thayer, I am going to show
5 you what has previously been entered into
6 evidence as the City's Exhibit 5A through C. Do
7 you recognize this document?

8 **A. Yes, I do.**

9 Q. Is that Bryan Gallardo's denial letter
10 regarding your parade permit applications?

11 **A. It is indeed.**

12 Q. Does the City's letter state that you
13 should consider it a response to the January 2nd
14 application as well as the January 8th route
15 modification?

16 **A. It references the application on the**
17 **2nd as well as the modified on the 8th, and per**
18 **the requirement of the City ordinance, it gave a**
19 **so-called comparable alternative.**

20 Q. What is the alternative route offered
21 by the City?

22 **A. The alternative route is to begin on**
23 **the corner of Roosevelt Road and Columbus Drive**
24 **and to march north on Columbus to Jackson**

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1 **Boulevard.**

2 Q. All right. Mr. Thayer, I am going to
3 show you a document. Do you recognize what this
4 is?

5 **A. Yes, this is a -- the march route of**
6 **the proposed City's alternative.**

7 MR. DiCOLA: This is -- your Honor,
8 this will be marked as Respondent's Exhibit 3,
9 and I would like to enter it into evidence at
10 this time.

11 HEARING OFFICER FLEMING: Any
12 objections?

13 MS. HAKE: No objection, Judge.

14 HEARING OFFICER FLEMING: Allowed
15 without objection.

16 (WHEREUPON, Respondent's
17 Exhibit No. 3 was admitted
18 into evidence.)

19 BY MR. DiCOLA:

20 Q. And, Mr. Thayer, just to be clear, the
21 map shows the alternate proposed route in
22 yellow, correct?

23 **A. That is correct, yes.**

24 Q. How does this route differ from the

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1 one you requested?

2 **A. It has literally no buildings around**
3 **it. It has zero bus routes that people passing**
4 **by might see the event. It's nowhere near any**
5 **of the hotels or the media outlets that we would**
6 **have been marching past on either of our**
7 **proposed routes.**

8 Q. Does the alternative route proposed by
9 the City, would it achieve the same goals you
10 described earlier in terms of reaching delegates
11 and media arriving for the DNC?

12 **A. Absolutely not.**

13 Q. Did you have any conversations with
14 Bryan Gallardo or any of the City employees you
15 have previously referred to after you received
16 the denial letter?

17 **A. No, I did not except for the denial**
18 **letter itself.**

19 Q. Now, in any of your calls with the
20 First District police, the special events
21 department or the Department of Transportation,
22 did any of those City employees mention that
23 they had been in communication with the US
24 Secret Service about or otherwise knew the

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1 number of motorcades that would be required on
2 August 18th?

3 **A. No, they did not mention that.**

4 Q. Did any of the City employees you
5 spoke with make any representations that they
6 had been in communication with the Secret
7 Service about the times and routes of motorcades
8 on August 18th?

9 **A. No, they did not.**

10 Q. Did any of the City employees you
11 spoke with make any reference to historical
12 studies or records of traffic patterns downtown?

13 **A. No.**

14 Q. Did any of the City employees you
15 spoke with refer to empirical data reflecting
16 the amount of police personnel available on
17 August 18th?

18 **A. No, they did not.**

19 Q. In your conversations did any of those
20 City employees refer to empirical data
21 reflecting the amount of traffic control
22 personnel not authorized to make arrests but
23 able to issue citations that would be available
24 on August 18th?

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1 **A. No, they did not.**

2 Q. In your conversations did any of those
3 City employees cite any contracts or agreements
4 with other law enforcement agencies such as
5 Federal, State, County or Municipal Departments
6 besides the CPD that would increase their
7 personnel available on August 18th?

8 **A. No, they did not.**

9 Q. Did anyone from the City tell you that
10 they had a concern that this route would drain
11 police resources on the eve of the convention of
12 the DNC in those phone calls?

13 MS. HAKE: Judge, I would object to
14 leading. I was being a little lateral, but it's
15 completely leading at this point.

16 MR. DiCOLA: I can withdraw the
17 question, your Honor.

18 HEARING OFFICER FLEMING: All right.
19 Withdrawn.

20 BY MR. DiCOLA:

21 Q. In any of those phone calls, did
22 anyone from the City ask you about resources
23 your group would be able to provide in terms of
24 marshals or other materials required to

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1 facilitate the parade?

2 **A. No, they asked no such questions.**

3 Q. And what is the message and content
4 for your protest at the DNC?

5 **A. Our message is that --**

6 MS. HAKE: Judge, I would object.
7 It's not relevant.

8 HEARING OFFICER FLEMING: What is the
9 relevancy of what the message is?

10 MR. DiCOLA: While I understand, your
11 Honor, that this Court isn't ruling on ultimate
12 First Amendment issues, in the event of an
13 appeal, I would like to preserve the record of
14 what the content of the expression is, if it
15 could be later shown that the City's denial of
16 the permit were based on, for example, viewpoint
17 discrimination or something related to the
18 content of the group.

19 HEARING OFFICER FLEMING: I am not
20 going to -- we're not going to go that far. The
21 objection is sustained.

22 MR. DiCOLA: Thank you, your Honor.

23 Well, at this time I have
24 reached the end of my examination of this

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1 witness, other than the offer of proof we
2 discussed or that your Honor had mentioned
3 related to an exhibit of the denial of another
4 parade permit application.

5 HEARING OFFICER FLEMING: Well, I
6 think we may as well do cross first.

7 MS. HAKE: Okay.

8 HEARING OFFICER FLEMING: And then do
9 you have another witness?

10 MR. DiCOLA: We have --

11 HEARING OFFICER FLEMING: I would
12 prefer if we could do -- I think the City wants
13 to be heard more on that as well if we could get
14 through the witnesses first.

15 MR. DiCOLA: If I could just reserve
16 then, one more minute of direct before --

17 HEARING OFFICER FLEMING: Absolutely.

18 MR. DiCOLA: Thank you.

19 BY MR. DiCOLA:

20 Q. Mr. Thayer, can you tell me, is your
21 group able to provide marshals for this event?

22 MR. DIONNE: Judge, can we have him
23 approach the microphone? I'm not sure if the
24 microphone is going to be able to pick up.

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1 MR. DiCOLA: Sorry. I can repeat the
2 question.

3 BY MR. DiCOLA:

4 Q. It was, is your group able to provide
5 marshals for this event?

6 **A. Yes, based on past organizing**
7 **experience we would. Yes.**

8 Q. Would you be able to provide barriers
9 for the event?

10 MS. HAKE: Judge, I would object to
11 this line of questioning. It's actually moot at
12 this point, so I would argue that it's been
13 denied at this point and it's not relevant.

14 HEARING OFFICER FLEMING: Well, I am
15 going to sustain the objection. At this point
16 in time, the City -- (inaudible). So the
17 objection is sustained.

18 MR. DiCOLA: Thank you, your Honor.
19 No further questions at this time.

20 HEARING OFFICER FLEMING: All right.
21 Do you want -- do you need a minute?

22 MS. HAKE: No, Judge, I'm ready. I'm
23 sorry, I'm going to stand because I'm going to
24 be showing the witness some exhibits.

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1 CROSS-EXAMINATION

2 BY MS. HAKE:

3 Q. Good afternoon, Mr. Thayer.

4 **A. Hello.**

5 Q. You said you have experience with
6 large demonstrations, correct?

7 **A. Yes.**

8 Q. In fact, you have acted with the City
9 of Chicago previously in parade demonstrations;
10 is that right?

11 **A. That is correct, yes.**

12 Q. You have actually provided the City
13 with parade permit applications before?

14 **A. Yes.**

15 Q. So you are familiar what is required
16 with the parade permit and what is required via
17 the ordinance that directs it; isn't that
18 correct?

19 **A. That is correct.**

20 Q. And, in fact, you do know that the
21 ordinance 10-8-330 comes from the Commissioner
22 of CDOT; is that correct?

23 **A. Well, the CDOT Commissioner did not**
24 **author it. It was the City Council that did it.**

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1 Q. And you're familiar though that the
2 Commissioner of CDOT is in charge of granting an
3 application or denying a parade permit
4 application; isn't that correct?

5 **A. That's formally the case, but it's the**
6 **CPD who actually calls the shots, has been my**
7 **experience.**

8 Q. And the ordinance though states that
9 the Commissioner of CDOT shall issue a grant or
10 denial, correct?

11 **A. That's what the ordinance states, yes.**

12 Q. Thank you. Now, in your experience
13 previously you wanted -- strike that.

14 For this parade, in fact, I
15 think it was your testimony that you wanted to
16 greet the delegates; is that right?

17 **A. That is correct.**

18 Q. I am going to approach with
19 Respondent's Exhibit No. 1.

20 Mr. Thayer, Respondent's
21 Exhibit No. 1 was the first parade route that
22 you applied for on January 2nd of 2024; isn't
23 that correct?

24 **A. That is correct.**

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1 Q. And this parade route you felt would
2 be able to greet the delegates; isn't that
3 right?

4 **A. That is correct.**

5 Q. Hotels would be on that route that the
6 delegates would be staying in?

7 **A. Yes.**

8 Q. Motorcades would be traveling down
9 that route?

10 **A. Motorcades, no. I have no knowledge**
11 **about that, and no one does at this point.**

12 Q. But you anticipated that the delegates
13 would use this route; isn't that correct?

14 **A. Delegates, the media, their**
15 **entourages, they've got a place -- they would**
16 **have to stay in hotels someplace.**

17 Q. So many members from the Democratic
18 National Convention, as well as federal
19 authorities, would be needing to use these
20 streets to go back and forth on that route;
21 isn't that correct?

22 **A. I don't know about federal authorities**
23 **but certainly the delegates would need some**
24 **place to say.**

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1 Q. And they would be using and traversing
2 these routes, correct?

3 **A. Yes.**

4 Q. Now, you had a conversation with
5 someone who you don't even know at CPD, correct?
6 You don't know the person's name?

7 **A. I got a call out of the blue from
8 them, yes.**

9 Q. And do you even know if that
10 individual was a Chicago police officer?

11 **A. They identified themselves as being
12 from the First District.**

13 Q. Did they identify themselves as a
14 police officer?

15 **A. Yes, they did.**

16 Q. Did they identify themselves as the
17 authority to make the decision on this parade
18 route?

19 **A. No, they did not.**

20 Q. Now, after speaking with that
21 individual, you then had another conversation
22 with somebody that you said on January 4th,
23 2024, that was a person who is special events
24 from the Chicago Police Department; is that

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1 correct?

2 **A. Again, they called me during the**
3 **workday, caught me unawares. I picked up the**
4 **phone and I talked with them.**

5 Q. Do you know that person's name?

6 **A. I do not.**

7 Q. Do you know if they were a Chicago
8 police officer?

9 **A. They identified themselves as being**
10 **with the special events department, which I**
11 **understand can sometimes mean not CPD and**
12 **sometimes yes CPD, and I found out subsequent**
13 **yes, CPD.**

14 Q. And, in fact, you stated this was a
15 friendly conversation, correct?

16 **A. It was more friendly, yes.**

17 Q. And at this time -- and at that time,
18 did that person say they had the authority to
19 deny your parade permit application?

20 **A. They did not say that they personally**
21 **had that authority.**

22 Q. Thank you.

23 And you spoke with Susan
24 finally from CDOT; is that correct?

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1 **A. Yes.**

2 Q. Susan Pawlak?

3 **A. Yes.**

4 Q. You had experience with Susan Pawlak
5 before?

6 **A. That's correct.**

7 Q. Do you know what Susan Pawlak does for
8 the Chicago Department of Transportation?

9 **A. She's the one who receives the parade
10 permits whenever I go to the 7th Floor
11 Transportation Department, and I just speak with
12 whoever is at the front desk there. They
13 immediately push me over to Susan, and so we
14 have known each other over the years.**

15 Q. So she received the applications,
16 correct?

17 **A. She received it. She time dated it.
18 I paid the 50 bucks.**

19 Q. And you know that Susan then forwards
20 those parade applications on to somebody that
21 makes that authority, correct?

22 **A. Yes, it's part of the permit
23 ordinance.**

24 Q. And it's not Susan's job to authorize

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1 whether or not you get this parade permit denial
2 or approval?

3 **A. That is correct, yes.**

4 Q. But after those conversations with
5 those people you, in fact, wanted to be
6 flexible?

7 **A. Yes.**

8 Q. And you modified your route?

9 **A. Per their suggestions, yeah. We**
10 **modified the route.**

11 Q. Okay. And you submitted the modified
12 application on what date? I'm sorry.

13 **A. It was Monday, January 8th.**

14 Q. I am going to approach with
15 Respondent's Exhibit No. 2.

16 And, in fact, Mr. Thayer, that
17 flexibility you said that you showed was just
18 changing of one street; is that correct?

19 **A. No, that's incorrect.**

20 Q. What did you change?

21 **A. We changed three streets.**

22 Q. Still on Michigan Avenue, correct?

23 **A. Part -- less of the time.**

24 Q. And still on State Street?

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1 **A. You're missing the middle part.**

2 Q. I'm just asking you about those
3 streets. Can you answer my question?

4 **A. On State Street we're on less of State**
5 **Street.**

6 Q. That's not my question.

7 You still were marching on
8 Michigan Avenue, correct?

9 **A. For a lesser portion, yes.**

10 Q. You still were marching on State
11 Street; is that correct?

12 **A. For a lesser portion, yes.**

13 Q. And those are main thoroughfares
14 within the city of Chicago?

15 **A. Yes, they are.**

16 Q. Now, eventually you received, as you
17 spoke of, the January 16, 2024 denial letter; is
18 that right?

19 **A. The letter was dated the 16th. It was**
20 **postmarked the 17th. I received it on the 22nd.**

21 Q. You received the denial, correct,
22 eventually?

23 **A. Yes, I did.**

24 MS. HAKE: And I believe this is

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1 marked Respondent's Exhibit No. -- or City's
2 Exhibit No. 6.

3 MR. DIONNE: That's 5.

4 MS. HAKE: 5, okay.

5 BY MS. HAKE:

6 Q. I am going to approach you, Mr.
7 Thayer, with City's Exhibit No. 5. I would ask
8 you to turn to the back page -- sorry, that's
9 your letter, but second to back page. Thank
10 you.

11 **A. Yes.**

12 Q. Who is the letter actually signed by?

13 **A. It's signed by Bryan Gallardo who**
14 **testified earlier.**

15 Q. Okay. And -- thank you.

16 And that was authored by Bryan
17 Gallardo, correct?

18 **A. I assume it was.**

19 Q. And, in fact, you heard him testify he
20 is actually a deputy at the Chicago Department
21 of Transportation, correct?

22 **A. That's my understanding, yes.**

23 Q. Through all these applications, and
24 even your modification, your several phone calls

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1 with City employees that you said you spoke to,
2 you never spoke to Bryan Gallardo before this
3 denial went out, correct?

4 **A. No, he didn't reach out to me. I**
5 **didn't reach out to him.**

6 Q. You never spoke with Deputy Chief
7 O'Connor; is that correct?

8 **A. No, I did not speak to Deputy Chief**
9 **O'Connor, to my knowledge.**

10 Q. And, in fact, you never spoke with
11 anybody from the Secret Service, correct?

12 **A. Not on this particular occasion.**

13 Q. With regards to this permit.

14 **A. Not regarding this permit.**

15 Q. Okay. The alternate route provided is
16 in the Central Business District?

17 **A. It's in the park contiguous to the**
18 **Central Business District.**

19 Q. And are you aware that it is one
20 street east of Lake Shore Drive, correct?

21 **A. I am aware of that, yes.**

22 Q. And Lake Shore Drive is a major
23 thoroughfare for the city of Chicago?

24 **A. I understand that, yes.**

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1 MS. HAKE: May I have one moment?

2 HEARING OFFICER FLEMING: Take your
3 time.

4 (Brief pause.)

5 MS. HAKE: I have nothing further.

6 HEARING OFFICER FLEMING: Redirect?

7 MR. DiCOLA: Just one moment, your
8 Honor.

9 HEARING OFFICER FLEMING: Take your
10 time.

11 (Brief pause.)

12 MR. DiCOLA: Your Honor, while Mr.
13 Thayer is still sworn and testifying, there are
14 other exhibits I would like to enter into
15 evidence. I understand the City is likely to
16 object, but perhaps we should handle that now.

17 I have no further questions on
18 redirect other than establishing the foundation
19 for these documents.

20 HEARING OFFICER FLEMING: Do you need
21 Mr. Thayer to document --

22 MR. DiCOLA: Yes.

23 HEARING OFFICER FLEMING: -- them or
24 just --

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1 MR. DiCOLA: They are FOIA requests
2 that he sent and responses that he received, and
3 then another is a document that he received.

4 MS. HAKE: Judge, I would just object
5 that it's beyond the scope at this point. I
6 know that he reserved with regards to the other
7 application; however, this FOIA material wasn't
8 brought up within the questioning. So I would
9 object to that being asked upon redirect,
10 entering the exhibits of FOIA. I also don't
11 find them relevant as well. So I renew my -- I
12 would place that objection on those documents as
13 well.

14 HEARING OFFICER FLEMING: As you know,
15 strict rules of evidence don't apply in here,
16 but you are correct on this point that it's
17 beyond the scope of your cross examination.

18 But may I see what they have
19 there before I go any further with it? Have you
20 seen those?

21 MR. DiCOLA: Of course.

22 MS. HAKE: I have seen them prior to
23 the hearing. I just wanted to look at them
24 again.

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1 HEARING OFFICER FLEMING: Take
2 whatever time you need to look at them.

3 MS. HAKE: Thank you, Judge.

4 MR. DiCOLA: Give me one second to
5 mark them, please.

6 (Brief pause.)

7 Your Honor, these are
8 Respondent's Exhibits 4 through 8.

9 MS. HAKE: Once you have them, your
10 Honor, I just want to address them separately,
11 if I could.

12 HEARING OFFICER FLEMING: All right.
13 Okay. City, you wanted to
14 address them?

15 MS. HAKE: Yes, Judge. I will address
16 them in kind.

17 Respondent's Exhibit No. 8,
18 you already ruled that it was not relevant. We
19 are still maintaining that objection. I know
20 that he may make an offer of proof to that, so I
21 will let that one be for now.

22 But as to Respondent's Exhibit
23 4, 5, 6, and 7, this bears no relevance on this
24 hearing whatsoever. We feel that FOIA requests

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1 coming in with regards to -- and responses from
2 local city -- our City departments with regards
3 to these FOIA requests have no bearing on
4 whether or not this parade permit application
5 was denied or approved. So there is no
6 relevance whatsoever as to these exhibits, and
7 we are asking them not be.

8 And I will say my colleague
9 has pointed out the responses as to Respondent's
10 Exhibit No. 4, 5 and Exhibit No., excuse me, 7
11 are not signed.

12 MR. DiCOLA: Counsel, forgive me, the
13 response letters are not signed?

14 MS. HAKE: No.

15 MR. DiCOLA: So Mr. Rubenstein from
16 the Chicago Police Department -- I'm so sorry.
17 Mr. Rubenstein from the CDOT didn't sign that
18 letter or Mr. Ernshaw (phonetic)?

19 MS. HAKE: There is no signature on
20 Mr. Ernshaw's response, and there is no
21 signature on Mr. Rubenstein's response.

22 MR. DiCOLA: I mean, ordinarily when
23 you use the City of Chicago's FOIA submission
24 portal you -- everything happens electronically

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1 and you don't receive an ink signature on FOIA
2 responses.

3 HEARING OFFICER FLEMING: All right.
4 More important than that, what is the relevance,
5 first of all, for 4 and 6 that FOIAs were filed?

6 MR. DiCOLA: Your Honor, the -- so the
7 FOIAs were filed requesting records, emails and
8 communications that would have been generated
9 through the course of what the City's witnesses
10 have testified to, that they held meetings, that
11 there were email communications with CDOT, CPD,
12 the Secret Service. The FOIA requests -- but
13 more importantly, the denial or the City's
14 statement that no such records exist are
15 probative of the fact that the City did not
16 conduct the requisite investigation; otherwise,
17 emails and other records indicating that the
18 City responded to this permit application would
19 have existed.

20 HEARING OFFICER FLEMING: Well, as I
21 understand it, dealing with FOIA, isn't there a
22 procedure that needs to be followed when one
23 feels that a FOIA request was improperly denied?

24 MR. DiCOLA: There is, your Honor, and

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1 admittedly we are not in the Chancery Division.
2 This is not a FOIA lawsuit, but just to whatever
3 extent the FOIA denials and assertions from the
4 City that no such records exist are probative of
5 the fact that the City did not conduct the
6 required investigation, that's why Respondent
7 believes they are relevant.

8 HEARING OFFICER FLEMING: Well, as to
9 -- when I looked at 5, what the response is,
10 that the CPD is just telling you that they're
11 not a keeper of records and go look elsewhere.
12 Again, 6 you're directing to CDOT. CDOT
13 responded, according to this, with whatever
14 information they seem to have there.

15 So that our record is clear, I
16 don't know if we put it in there, but
17 Respondent's 4 is a letter dated January 8th,
18 2024, to the Chicago Police Department seeking
19 freedom of information.

20 Respondent 5 is a notice of
21 response to FOIA request, FOIA Request P910847.

22 Respondent 6 is the FOIA
23 request to the Department of Transportation.

24 And R7 is the response from

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1 CDOT. So they -- I mean, they responded. The
2 response does not, in my mind, give me the
3 opportunity to infer that based upon what's in
4 that response there was any attempt by the City
5 to hide anything.

6 So those are noted for the
7 record. I will return them to you. They are
8 not going to be admitted.

9 MR. DiCOLA: Thank you, your Honor.

10 HEARING OFFICER FLEMING: Now, do we
11 want to address R8 at this point or do we want
12 to do the witnesses?

13 MR. DiCOLA: I would like to address
14 it at this point if possible, your Honor.

15 MS. HAKE: And, Judge, just so the
16 record is clear, this is just for an offer of
17 proof.

18 HEARING OFFICER FLEMING: This is just
19 for an offer of proof.

20 MS. HAKE: And it will not be --

21 HEARING OFFICER FLEMING: It's not
22 considered evidence.

23 MS. HAKE: Thank you.

24 HEARING OFFICER FLEMING: And I will

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1 allow that only because there is the possibility
2 that someone reviewing it might turn around and
3 say they want to see it. But, again, from my
4 perspective we only had to address here is the
5 issuance of this particular permit.

6 One can infer, one might
7 assume that at the hearing for this permit --
8 parade permit or any other parade permit
9 relative to the DNC whoever sitting up here
10 might be listening to the very same witnesses
11 from Secret Service, from CDOT and/or CPD; but I
12 can't guess that. I don't know what they're
13 going to say. By the time those hearings may or
14 may not come around, there might be additional
15 information that's come through. They may have
16 some sort of agreement with different agencies.

17 So each case I have to look at
18 as separate. So that's the basis for my ruling,
19 but, like I say, I will let you make your offer
20 of proof as to what you think the materiality
21 and the relevancy would be.

22 MS. HAKE: Thank you, Judge. And
23 after that offer of proof --

24 HEARING OFFICER FLEMING: And you will

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1 be able to respond also as well saying why you
2 don't think it has any relevancy or materiality.

3 MS. HAKE: Yes. And just so it's
4 clear, because you have already ruled that it is
5 not coming into evidence, after the offer of
6 proof I ask that the Counsel not use it as any
7 exhibit with any witnesses.

8 MR. DiCOLA: So stipulated.

9 MS. HAKE: Okay.

10 HEARING OFFICER FLEMING: Okay.

11 MR. DiCOLA: Your Honor, Respondent's
12 Exhibit 8 is a letter from the Department of
13 Transportation dated January 24th, 2024, to the
14 Poor People's Economic Human Rights Campaign
15 care of Sherry H-o-n-k-a-l-a is her last name.
16 Mr. Thayer, if he were to be testifying about
17 this document, would establish that he received
18 it from Ms. Honkala's attorney.

19 And this letter denies a
20 permit -- parade permit application for August
21 19th, the day after Mr. Thayer's requested
22 parade. It offers the same route, the straight
23 line down Columbus Drive from Roosevelt to
24 Jackson, and at several instances the -- this

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1 letter refers to a January 8th application;
2 whereas, at the top of the letter it indicates
3 that the Poor People's Campaign -- Poor People's
4 Army's application was submitted January 10th.
5 Mr. Thayer's application was submitted January
6 8th.

7 So to whatever extent this
8 letter shows a copy/paste response, we believe
9 it's relevant to -- I mean, not only on that
10 basis, but we believe that's relevant to showing
11 that the City did not conduct a fulsome
12 investigation of the facts underlying this
13 application, and that they denied it improperly,
14 and that its response to this parade permit
15 application --

16 Furthermore, your Honor, the
17 Monday of the DNC is likely to require
18 differential resources from the Sunday of the
19 DNC, and the inference that the City responded
20 to both parade permits the same way indicates a
21 knee jerk denial of permits to marching through
22 the Loop or marching at all through the DNC.

23 Thank you, your Honor. That's
24 what Respondent's 8 would show.

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1 HEARING OFFICER FLEMING: Okay.
2 Response?

3 MS. HAKE: Judge, I just renew my
4 objection to relevance.

5 HEARING OFFICER FLEMING: Again, I let
6 it in. I don't think it's relevant. I think
7 that one might expect that with the number of
8 permit applications that we could be seeing,
9 we're going to see similar or comparable type
10 denials on a lot of those. So I don't think --
11 one of the other reasons that I don't find it
12 relevant is I would have to make that decision
13 based on just showing me a letter.

14 So it's allowed in -- it's not
15 allowed in evidence. It's allowed in the record
16 solely as an offer of proof.

17 MR. DiCOLA: Thank you, your Honor.

18 HEARING OFFICER FLEMING: Okay.

19 MR. DiCOLA: No further questions for
20 Mr. Thayer on redirect, your Honor.

21 HEARING OFFICER FLEMING: All right.
22 Mr. Thayer -- now whoever is coming up next can
23 probably switch places so they're seated next to
24 the microphone. Let me know --

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1 MR. DiCOLA: Your Honor, I think we're
2 in the home stretch.

3 HEARING OFFICER FLEMING: Have a seat.
4 Try to get as comfortable as you can.

5 THE WITNESS: Thank you.

6 (Witness duly sworn.)

7 LINDA LOEW,
8 called as a witness herein, having been first
9 duly sworn, was examined and testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MR. DiCOLA:

13 Q. Can you please state and spell your
14 name for the record?

15 **A. Linda, L-i-n-d-a, Loew, L-o-e-w.**

16 Q. Ms. Loew, are you a member of Bodies
17 Outside of Unjust Laws?

18 **A. Yes, I am.**

19 Q. And how long have you been a member?

20 **A. Since November when our inception was.**

21 Q. Have you been a part of planning a
22 Bodies Outside of Unjust Laws demonstration for
23 August 18th, 2024, the night before the DNC
24 starts?

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1 **A. Yes.**

2 Q. Have you planned large demonstrations
3 in downtown Chicago in the past?

4 **A. Yes, I have.**

5 Q. How long have you been organizing
6 demonstrations in Chicago?

7 **A. Well, for as long as I have been here,
8 so that's about 40 years and change.**

9 Q. What was the first demonstration you
10 organized?

11 **A. The first substantial one in size was
12 in April of 1978 and it was around the issue of
13 ratification of the Equal Rights Amendment.**

14 Q. Can you give me a recent example of a
15 demonstration that you organized?

16 **A. Well, among the several was on June
17 24th, 2022, on the day the Dobbs decision came
18 down from the US Supreme Court and Roe v. Wade
19 was overturned.**

20 Q. And on June 24th, 2022, you organized
21 a march in Chicago?

22 **A. Yes. It was a rally beginning in
23 federal plaza and followed by a march that
24 returned to federal plaza.**

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1 Q. And did that event proceed safely?

2 **A. It absolutely did.**

3 Q. Were there elected officials in
4 attendance at that event?

5 MS. HAKE: Judge, I'm going to object.
6 I think she's laid a foundation enough to
7 qualify her as putting on demonstrations before;
8 however, I don't find any of this material
9 relevant in this line of questioning at this
10 point.

11 HEARING OFFICER FLEMING: Well, I will
12 give them some length because I think they are
13 going to say that there were elected officials
14 at that march, there's going to be elected
15 officials at this march and there's no problem.

16 MS. HAKE: Thank you.

17 HEARING OFFICER FLEMING: I mean, I
18 understand the distinction, but there is
19 arguably some relevance to that.

20 MS. HAKE: Thank you.

21 THE WITNESS: Can I respond?

22 HEARING OFFICER FLEMING: Yes.

23 THE WITNESS: Governor Pritzker spoke,
24 and at one shortly before that, a similar sized

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1 march, also in federal plaza, Juliana Stratton,
2 the Lieutenant Governor, spoke. So, yes, they
3 were -- had both been in attendance numerous
4 times.

5 BY MR. DiCOLA:

6 Q. Have you ever acted as a marshal at a
7 protest demonstration?

8 **A. Yes, I have.**

9 Q. Can you please explain for the record
10 what the function of a marshal is?

11 **A. A marshal wants the march to proceed**
12 **in a way that it's effective and visible and**
13 **safe for all parties concerned. That includes**
14 **the participants as well as the pedestrians,**
15 **bystanders, anyone within range of watching and**
16 **participating in the march. And to arrive at**
17 **its conclusion in the same orderly, safe and**
18 **effective way.**

19 MR. DIONNE: Judge, I'm going to
20 object to the answer in this line of
21 questioning. These are not relevant. The
22 witness just testified that these were marches
23 and not parades, and parades are at issue today
24 not marches.

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1 HEARING OFFICER FLEMING: Well, I will
2 let them move on -- (inaudible).

3 MR. DiCOLA: Your Honor, to whatever I
4 -- semantically, I don't believe it's -- I think
5 it's a distinction without a difference. I
6 regret for slipping into the word "march";
7 whereas, I intended parade.

8 HEARING OFFICER FLEMING: Proceed.

9 MR. DiCOLA: Thank you.

10 BY MR. DiCOLA:

11 Q. Is Bodies Outside of Unjust Laws
12 planning to have marshals at the August 18th
13 parade?

14 **A. Absolutely.**

15 Q. Ms. Loew, I am going to show you
16 what's previously been entered as Respondent's
17 Exhibit 2. Do you recognize this? Do you know
18 what it is?

19 **A. Yes, I do.**

20 Q. And what is it?

21 **A. It is the route -- it looks like the**
22 **amended route that was submitted by our**
23 **coalition for the parade on August 18th.**

24 Q. Thank you.

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1 Did you help select the
2 modified route?

3 **A. Yes.**

4 Q. Can you explain the rationale for --

5 Well, first of all, what were
6 the modifications made to the route?

7 **A. Well, rather than being on Michigan**
8 **Avenue, all the way down Michigan Avenue, or**
9 **further down Michigan Avenue, it goes down**
10 **Wabash for a portion, over the river, over to**
11 **State Street, and then it goes in the direction**
12 **that traffic would be flowing on Washington,**
13 **back over to Michigan Avenue and down to its**
14 **conclusion.**

15 Q. Thank you.

16 And what was the rationale for
17 the modifications made to the original route?

18 **A. We wanted to cooperate with the City**
19 **and be flexible on being able to do this**
20 **effectively and show a willingness to do that.**

21 Q. Are you familiar with the location of
22 -- are you aware that the City denied the
23 application?

24 **A. Yes, of course.**

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1 Q. And are you familiar with the location
2 of the City's proposed alternative route?

3 **A. Yes, I am.**

4 Q. What is that route?

5 **A. It would begin on Roosevelt Road and**
6 **go up Columbus Drive and conclude at Jackson.**

7 Q. Does that -- does the City's proposed
8 alternative route, does it accommodate your
9 group's needs?

10 **A. It does not.**

11 Q. And why not?

12 **A. The whole purpose of the route is to**
13 **be able to reach, with our voice, the people**
14 **that will be attending as delegates, and guests,**
15 **and the public and the media around this**
16 **Democratic Party National Convention. That**
17 **means people will be coming to the city,**
18 **engaging with the beautiful features that**
19 **Chicago has.**

20 **And we believe that in order**
21 **to have them hear our message they have to see**
22 **us, and we have to see them. And we believe**
23 **there are far -- I believe there are far fewer**
24 **people that will be walking along Columbus Drive**

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1 on the evening before the convention than will
2 be going to the different possible locations and
3 venues and landmarks that are along the route --
4 amended route that we proposed.

5 MR. DiCOLA: Thank you.

6 No further questions for this
7 witness.

8 HEARING OFFICER FLEMING: Cross?

9 MR. DIONNE: No cross based on that,
10 Judge.

11 HEARING OFFICER FLEMING: Okay. Thank
12 you.

13 Please raise your right hand
14 to be sworn.

15 (Witness duly sworn.)

16 KRISTI KEORKUNIAN-RIVERS,
17 called as a witness herein, having been first
18 duly sworn, was examined and testified as
19 follows:

20 DIRECT EXAMINATION

21 BY MR. DiCOLA:

22 Q. Can you please state and spell your
23 name for the record?

24 **A. Yes, my name is Kristi**

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1 **Keorkunian-Rivers, K-r-i-s-t-i,**

2 **K-e-o-r-k-u-n-i-a-n, hyphen, R-i-v-e-r-s.**

3 MS. HAKE: And, Judge, just for the
4 record, we have no objection to Ms. Loew sitting
5 in the gallery at this time.

6 HEARING OFFICER FLEMING: All right.
7 Kristi, give me that spelling again.

8 THE WITNESS: Yes. It's K-r-i-s-t-i,
9 K-e-o-r-k-u-n-i-a-n, hyphen, Rivers,
10 R-i-v-e-r-s.

11 HEARING OFFICER FLEMING: Okay.

12 BY MR. DiCOLA:

13 Q. Are you a member of Bodies Outside of
14 Unjust Laws?

15 **A. I am, yes.**

16 Q. And how long have you been a member?

17 **A. Since November 2023.**

18 Q. Have you been a part of planning a
19 Bodies Outside of Unjust Laws demonstration for
20 August 18th, 2024, the night before the DNC
21 starts?

22 **A. Yes.**

23 Q. And have you planned large
24 demonstrations in downtown Chicago in the past?

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1 **A. I have.**

2 Q. Can you -- how long have you been
3 organizing demonstrations in Chicago?

4 **A. Since early 2003.**

5 Q. What was the first demonstration you
6 organized?

7 **A. In 2003 I was part of the planning
8 process for the March 20th anti-war protests
9 against the invasion of Iraq.**

10 Q. Can you give a recent example of a
11 demonstration you organized?

12 **A. A very recent example would be the
13 March 18th Trans Day of Resistance, which took
14 place at the intersection of Michigan Avenue and
15 Ida B. Wells.**

16 Q. And did those events proceed safely?

17 **A. Yes.**

18 Q. How has your experience organizing
19 demonstrations informed your planning for this
20 particular event that the parade permit was
21 requested for?

22 **A. Yeah. So the previously
23 aforementioned event that I organized in March
24 of last year was -- took place along our**

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1 proposed march route, so I am very familiar with
2 the area and how desirable it is in terms of
3 foot traffic and how many onlookers and
4 potential participants there are. And it
5 also --

6 I organized this under Stop
7 Trans Genocide, which is the group that I
8 cofounded, and we do a lot of deescalation and
9 conflict resolution with groups that promote a
10 lot of anti-trans hateful rhetoric. So I have a
11 lot of experience with any potential points of
12 conflict with any participation.

13 Q. Have you acted as a marshal at protest
14 demonstrations in the past -- at parades in the
15 past?

16 A. Yes.

17 Q. And what is the function of a marshal
18 as you understand it?

19 A. So a marshal is a very essential
20 responsibility that is for communication, acting
21 as a conduit for communication and -- sorry.
22 And -- sorry.

23 Q. It's all right.

24 Can you tell me, is Bodies

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1 Outside of Unjust Laws planning to have marshals
2 at the August 18th parade?

3 **A. Yes.**

4 Q. And so what would -- so based on the
5 answer you just gave, what will they be doing
6 specifically on August 18th?

7 **A. So, essentially, what we will be doing**
8 **would be to ensure all the participants are safe**
9 **and feeling good and having a good time. And if**
10 **there is any potential for conflict escalation,**
11 **that we act as a buffer between any parties that**
12 **might do that and seek to deescalate that.**

13 **Safety is our number one priority.**

14 Q. I am going to show you an exhibit.
15 It's actually right in front of you. This is
16 Respondent's Exhibit 2. Do you recognize this?

17 **A. Yes.**

18 Q. And what does the document show?

19 **A. This is the alternative route.**

20 Q. The alternative route that you
21 proposed?

22 **A. To our original -- yeah, the route**
23 **that we proposed.**

24 Q. And did you help select the

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1 alternative route, the -- this modified route?

2 **A. Uh-huh.**

3 Q. What changed -- what were the
4 modifications?

5 **A. So we wanted to ensure that we had a
6 very similar level of visibility and relevance
7 without sacrificing safety or any of the things
8 that might have been with the City's proposed
9 route.**

10 Q. So what specifically did you change
11 between the two routes?

12 **A. We changed the streets that we were
13 going to be turning down, and we changed -- I
14 think, yeah, as far as I recall that was what we
15 changed. The length I think is still the same.**

16 Q. Would the modified route as submitted
17 on January 8th have satisfied the group's goals
18 for the demonstration?

19 **A. Yes.**

20 Q. Does this route follow along notable
21 landmarks that people who visit Chicago tend to
22 visit?

23 **A. Yes.**

24 Q. Are you familiar with the -- are you

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1 aware that the City has denied the parade permit
2 application here?

3 **A. Yes.**

4 Q. And you are aware that they -- sorry,
5 strike that.

6 Are you familiar with the
7 location of the City's proposed alternative
8 route?

9 **A. Yes.**

10 Q. And what is the alternative route
11 proposed by the City?

12 **A. It was Columbus from Roosevelt to
13 Jackson.**

14 Q. Does the City's proposed route
15 accommodate your group's needs?

16 **A. No.**

17 Q. And why not?

18 **A. It is not even within or adjacent to
19 the commercial or entertainment districts of the
20 Loop. It's essentially park land from what I
21 can tell, and only foot traffic from people who
22 would be visiting the park might happen upon our
23 group to receive our message.**

24 MR. DiCOLA: Thank you, Ms.

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1 Keorkunian-Rivers. Really appreciate it.

2 Nothing further for this
3 witness, your Honor.

4 HEARING OFFICER FLEMING: Any
5 questions?

6 MR. DIONNE: Briefly, Judge.

7 CROSS-EXAMINATION

8 BY MR. DIONNE:

9 Q. Good afternoon.

10 You just mentioned under
11 direct that safety is one of your top concerns
12 for these parades; is that right?

13 **A. Yes.**

14 Q. And there would be marshals?

15 **A. Yes.**

16 Q. All right. But marshals don't have
17 policing power, do they?

18 **A. No.**

19 MR. DIONNE: Nothing further, Judge.

20 HEARING OFFICER FLEMING: Okay.

21 Respondent rest?

22 MR. DiCOLA: Well, by way of closing
23 argument, your Honor?

24 HEARING OFFICER FLEMING: No, resting

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1 your testimony. Do you have any more witnesses
2 or testimony?

3 MR. DiCOLA: No, no more witnesses to
4 call, your Honor.

5 HEARING OFFICER FLEMING: Any
6 rebuttal?

7 MS. HAKE: No, Judge.

8 HEARING OFFICER FLEMING: Okay. You
9 ready to proceed or do you need time to put your
10 thoughts together?

11 MR. DiCOLA: I'm ready to proceed.

12 HEARING OFFICER FLEMING: Okay. You
13 guys?

14 MR. DIONNE: Judge, what this hearing
15 essentially boils down to is facts versus
16 feelings. The City has presented numerous facts
17 as to why this parade and amended parade
18 application were denied.

19 Looking at City's Exhibit No.
20 5, the letter of denial which specifically and
21 explicitly states two bases for denial under
22 Municipal Code of Chicago 10-8-330 G1, as well
23 as 10-8-330 G2. G1 specifying that the proposed
24 route from the applicants would substantially

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1 and unnecessarily interfere with the traffic in
2 the area contiguous to the activity, and there
3 are not available, at the time of the parade,
4 sufficient City resources to mitigate
5 disruption.

6 We have heard from Secret
7 Service Agent Spriggs who has designated -- or
8 who has stated this is a designated National
9 Special Security Event, or NSSE, and due to the
10 DNC coming into town at or around the time of
11 this proposed parade, the entire city is on
12 heightened alert. And part of that is requiring
13 effectively every single officer from patrol
14 person all the way up to detective to be called
15 in to active duty just to accommodate the
16 grandiose in nature and extent.

17 We heard from Deputy O'Connor
18 that this city, in his time of service, never
19 put on an event of this magnitude. It's bigger
20 than NATO. And more of the reasons why is
21 because we have over 50,000 delegates alone with
22 family, with other high political figures.
23 We've got the President of the United States
24 attending, the Vice President of the United

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1 States attending and anticipated over 1,000
2 other just people coming into the city in order
3 to attend and participate in this event.

4 This is a special time. It's
5 a special time that has large amounts of people
6 that all of CPD is being tasked to protect, that
7 all of CPD is not only tasked to protect the
8 people that are attending but the residents and
9 people that we already have here in Chicago.
10 Ordinarily, under normal circumstances, that's a
11 monumental task in a City this large with this
12 many people. Throw on top of that just the
13 sheer volume of people that are coming and the
14 disruption that they're anticipating.

15 This event has been in
16 planning since April of 2023 and continues to be
17 in planning. And they know, the Secret Service,
18 CPD, Transportation and everybody involved in
19 the planning of this event, that just the
20 traffic alone is going to have substantial
21 interference in the normal traffic scheme.

22 We have heard from Director --
23 sorry, Mr. Gallardo who specified that if the
24 City were to grant the routes requested, we

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1 would have at least a dozen bus routes on
2 Michigan Avenue alone to have to be redirected.
3 And where did he say they would have to be
4 redirected to? State Street. However, the
5 application from the parade also specifies they
6 want to march on State Street, so that's not a
7 viable option either.

8 So they're basically asking to
9 redirect traffic from Michigan, its adjoining
10 streets, to the past -- rather the ordinarily
11 accommodating street of State Street even
12 further.

13 With the amount of resources
14 that would be required to reroute that much
15 traffic just for CTA and then all the ordinary
16 and regular flow of just vehicular vehicles on
17 those pathways and foot traffic during this
18 heightened security event time with all the
19 other people in the City of Chicago during this
20 time, it's simply not possible.

21 The Petitioners in this matter
22 have provided no evidence to rebut that
23 testimony. So we've got live testimony here
24 from multiple witnesses that have given larger

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1 context as to Point 1 as denial, and as I
2 stated, that's been completely un rebutted.

3 We go into Subsection 2 now,
4 which states that the Commissioner finds that
5 there are not available at the time of the
6 parade sufficient number of on-duty police
7 officers or other City employees authorized to
8 regulate traffic, to police the public and to
9 protect the parade participants and the
10 non-participants from traffic-related hazards
11 because of the other requirements from police
12 protection during the time of the proposed
13 parade.

14 We have further context from
15 Deputy O'Connor who, once again, like I said,
16 over 11,000 officers are going to be tasked in
17 active deployment duty, and that's going to be
18 24/7 as testified. And it's going to start at
19 least two days prior, likely a week prior to the
20 event, which would be much before the proposed
21 time of this parade permit application.

22 The City simply does not have
23 the resources either in manpower nor in other
24 logistical items such as, as was mentioned, dash

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1 -- sorry, body worn cameras, vehicles, various
2 communication devices, including walkie-talkies,
3 or other modalities of communication that would
4 be needed to accommodate this request. They
5 simply don't have the manpower or the resources
6 available to accommodate the various bends,
7 twists and turns of the applicant's proposed
8 parade route.

9 However, the City is not
10 saying that they can't parade. In fact, the
11 City said you can parade and we will accommodate
12 this route. And the route that was proposed was
13 from Roosevelt to Jackson, a straight route on
14 Columbus Drive.

15 And even though it would still
16 take many police officers and many resources
17 outside of the personnel, the City can make this
18 accommodation. It is right by Grant Park, right
19 by Lake Shore Drive, similarly situated within a
20 business district of downtown Chicago.

21 It's the Petitioners simply
22 feel like this is not enough, but the facts
23 provide that this is a reasonable accommodation
24 given everything that's occurring in the city at

January 30, 2024

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1 this time. This is a unique event within the
2 city of Chicago, a magnitude of which we have
3 not seen in decades, and it is because of those
4 reasons that the City simply does not have the
5 resources to adequately accommodate what the
6 Petitioners in this matter are seeking.

7 Judge, for these reasons the
8 City is asking that you uphold the denial
9 because the City has complied with the ordinance
10 in question here at every step of the way, and
11 we believe that the determination should be
12 affirmed. Thank you.

13 MR. DiCOLA: Your Honor, Counsel just
14 referred to numerous facts that are argued to
15 support the City's position, but from the City's
16 witnesses we didn't hear very many facts.

17 Deputy Chief O'Connor
18 estimated several hundred officers would be
19 required to police the modified route as
20 requested, and he repeated the same phrase that
21 several hundred officers would be required to
22 police the alternative route. We have heard
23 nothing in the form of empirical data reflecting
24 of those 11,000 officers why, which is -- there

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1 is not a sufficient number to police this
2 parade, cannot be deployed.

3 Deputy Chief O'Connor
4 testified that the City does not yet know how
5 many out-of-town law enforcement will be
6 deputized or contracted with and brought into
7 the city. The City simply doesn't know what its
8 personnel requirements are. Without the
9 denominator of the fraction, they can't state
10 that they have insufficient resources to police
11 the traffic to keep -- forgive me, your Honor --
12 to protect the public and to protect the parade
13 participants.

14 Deputy Chief O'Connor did not
15 speak in concrete numerical terms. Both he and
16 Mr. Gallardo repeatedly used the word
17 "impactful", which is an interesting concept
18 because the intent of the march is to have an
19 impact. It's to make a message -- make a
20 message heard and seen. The witnesses from
21 Bodies Outside of Unjust Laws testified that
22 they hope their message would be heard by the
23 delegates and policymakers and very important
24 people, including the President, who will be

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1 coming to the city of Chicago.

2 In fact, the DNC, a critically
3 important political event, coming to the city of
4 Chicago implies that Chicago's residents would
5 have every right and every expectation that they
6 would exercise their First Amendment rights in
7 connection with the DNC.

8 First Amendment activity
9 occurring at this time is not superfluous or
10 extraneous or shouldn't be considered an
11 externality to the City's plans, but should be
12 fully baked in such that they can accommodate a
13 march through downtown that would pass human
14 beings and not -- over the course of about 2.4
15 miles as opposed to a straight shot in Grant
16 Park for less than a mile where there are no
17 businesses located and where people will not
18 hear their message.

19 The City did not meet its
20 burden to show that sufficient facts establish
21 that their denial was proper under Section G1
22 and G2.

23 Agent Spriggs from the Secret
24 Service did not know where the motorcades will

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1 be. It's been established that no one knows
2 exactly where the motorcades will be. He could
3 -- Agent Spriggs testified that the primary
4 venues of the NSSE are at McCormick Place and
5 the United Center, neither of which are near
6 this parade route.

7 Whether the City will expand
8 its notional perimeter somewhere in the Loop has
9 yet to be determined. So at this point, the
10 City doesn't have the data or the information
11 that could satisfy the standard of showing that
12 they don't have enough personnel to handle this
13 parade.

14 The witnesses from Bodies
15 Outside of Unjust Laws have fundamental First
16 Amendment rights to make their message heard.
17 The City is constitutionally obligated, and
18 while that's not the call of this particular
19 hearing, the First Amendment does call for a
20 narrow tailoring between the interest of the
21 applicants --

22 MS. HAKE: Judge, I am going to object
23 to this form of argument. There is nothing in
24 evidence with regards to this.

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1 HEARING OFFICER FLEMING: It's
2 argument. Proceed.

3 MR. DiCOLA: To the extent that the US
4 Constitution and the Illinois Constitution are
5 relevant to this proceeding, the -- we have not
6 seen evidence to narrow tailoring but rather the
7 depositing of these -- the particular parade
8 requesters in Grant Park where people will not
9 see them.

10 The City did not conduct a
11 fulsome investigation as required under
12 Subsection F of the statute, and we would ask
13 that the denial be overturned.

14 HEARING OFFICER FLEMING: Any final
15 word?

16 MS. HAKE: Judge, no rebuttal.

17 HEARING OFFICER FLEMING: Okay. So I
18 -- looking at this, I have, I believe, 48 hours
19 to get something to you guys in writing on that,
20 so...

21 Interestingly on that, my
22 typing class was at St. Ignatius College Prep in
23 1965 before there was even electric typewriters.
24 It could be a long couple nights, but I will do

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1 my best to get everything to you.

2 And I am assuming that the way
3 I will do it is that I will email it to the --
4 Mr. Rizzo, the Deputy Director who was here
5 earlier this morning, and he in turn will email
6 it out to Counsel.

7 MR. DiCOLA: Counsel has my email.

8 HEARING OFFICER FLEMING: Mr. Thayer,
9 I think we have yours, so we'll get that out to
10 you. So maybe at the close of business on
11 Thursday.

12 Do you guys remember when we
13 got the original new White Sox stadium with
14 Madigan and Thompson and what they had to do to
15 get the vote in on time. We had to stop the
16 clock in the General Assembly to keep the vote
17 going before midnight, even though it was about
18 1:00 in the morning. I may be pushing -- you
19 may be working like that clock.

20 (Laughter.)

21 Now, I was just going to go
22 over my notes and my spellings. Mr. Spriggs, is
23 it Spriggs, S-p-r --

24 MR. DIONNE: S-p-r-i-g-g-s.

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1 HEARING OFFICER FLEMING: Okay. And
2 then the deputies were Deputy Stevens and Deputy
3 O'Connor, correct? In the conversations with
4 Gallardo.

5 MR. DIONNE: Yes, Jill Stevens.

6 HEARING OFFICER FLEMING: Jill Stevens
7 and O'Connor.

8 MR. DIONNE: And O'Connor, yes,
9 Daniel.

10 HEARING OFFICER FLEMING: I think I
11 got that, but if I do misspell something, I
12 apologize in advance. Like I said, I'm getting
13 it out in 48 hours, don't expect perfection.

14 All right. Thank you,
15 everyone.

16 MR. DiCOLA: Thank you very much,
17 Judge.

18 MR. THAYER: Your Honor, what is the
19 procedure for getting a transcript of the
20 proceeding?

21 HEARING OFFICER FLEMING: As I
22 understand it, you would be going on the other
23 side to the Sedgwick entrance on the second
24 floor, and I don't know if they have you fill

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1 out a Freedom of Information Act or if it's a
2 separate form. But, you know, it's -- because
3 it's done this way, it's not like a court
4 reporter sitting here. They're not going to
5 have something ready, you know, by the time you
6 get my decision.

7 MR. THAYER: I understand that.

8 HEARING OFFICER FLEMING: That's where
9 you would go. They will direct you there.

10 Thanks, everyone.

11
12 (WHEREUPON, the hearing was
13 concluded.)
14
15
16
17
18
19
20
21
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23
24

Exhibit H

FILED
2024 FEB -1 PM 1:01

**CITY OF CHICAGO DEPARTMENT OF ADMINISTRATIVE HEARINGS
MUNICIPAL DIVISION**

CITY OF CHICAGO
DEPT. OF ADMIN. HEARINGS

In re the denial of Parade Permit Application of)
Bodies Outside of Unjust Laws: Coalition for) 24 PA 00001
Reproductive Justice and LGBTQ+ Liberation)

BACKGROUND -

This matter comes before this Administrative Law Judge on Applicant's appeal from the denial of its application for a parade permit on behalf of Bodies Outside of Unjust Laws: Coalition for Reproductive Justice and LGBTQ+ Liberation.

On January 2, 2024, an application for a Parade Permit was filed by Andy Thayer on behalf of Bodies Outside of Unjust laws: Coalition for reproductive Justice + Liberation. The date for the requested permit was August 18, 2024. The parade would assemble at 5:00pm, start at 6:00pm, end at approximately 8:15pm and disband at 9:00pm. The proposed route would start on Pearson east of Michigan Avenue to Michigan Avenue; south on Michigan Avenue to Wacker Drive; west on Wacker Drive to State Street; south on State street to Adams Street; east on Adams to Michigan Avenue; south on Michigan avenue to 9th street and ending at 901 S. Michigan Avenue.

On January 8, 2024, the applicant voluntarily submitted an amendment to this application with respect to the proposed route. This amended route would lessen the length on Michigan Avenue and State Street that the marchers would walk. This amendment also had the marchers going with the flow of traffic on all portions of the route, including one-way streets.

On January 16, 2024, the commissioner of the Chicago Department of Transportation denied this Parade Permit Application for these two reasons:

1. Under Section 10-8-330(g)(1) of the Code, the Commissioner finds that the proposed parade will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city services to mitigate the disruption.
2. Under Section 10-8-330(g)(2), the Commissioner finds that there are not available at the time of the parade a sufficient number of on-duty police officers or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of the other requirements for police protection during the time of the proposed parade.

Also included in this Denial Letter was a proposed alternate parade route for the same date and start-off time. That proposed route would assemble on Columbus Drive south of Roosevelt Road

and proceed north on Columbus Drive from Roosevelt Road ending at Jackson Drive. The Applicants did not accept this proposed alternate route.

The Applicant file a timely appeal at the Department of Administrative Hearings. This case proceeded to hearing on January 30, 2024.

Summarizing the testimony from this hearing may help one better understand the bases for this Decision.

Secret Service Agent Briggs is a Deputy Coordinator for the Democratic Convention scheduled in Chicago on August 19 through August 22, 2024. He is responsible for the implementation and coordination of security for the convention. In that role he plans and works with eighteen local and federal agencies including the Chicago Police Department. He explained that this Convention and all such Nominating Conventions are designated as a National Special Security Event. This allows the full resources of the Federal Government to be brought to bear in the development of event security and incident management plans to ensure the safety of all participants. At this point this Directive will go into effect 48 hours prior to the Convention.

Agent Briggs stated the Democratic National Convention will bring 6000 delegates, 12-15,000 media personnel and over 50,00 visitors to Chicago. At present, McCormick Place and the United Center are the two principal venues. Additional venues needing updated security such as delegate hotels and motorcade routes will be identified later.

Agent Spriggs is aware of this Parade Permit Application but makes no recommendation on approval of the route. The proposed amended route would be more feasible, but he defers to local authority.

On cross-examination, Agent Spriggs repeated that planning for First Amendment Zones is not done by the Secret Service. The Secret Service establishes perimeters and the locals set up the First Amendment Zones. The exact motorcade routes have not yet been established. He explained that McCormick Place and the United Center are primary sites which will have massive security. Perimeter sites such as Delegate Hotels will not be as secure. They will not have exterior fencing. He does work with the CPD but does not make permit recommendations.

Bryan Gallardo is the Assistant Commissioner of the City of Chicago's Department of Transportation's Public Way Permit Office. His unit processes all public Way Applications including Parade Permit Applications. Since this Parade Permit Application sought to parade in the Central Business District at the time of the Democratic Convention, he responded to it.

Mr. Gallardo identified City Group Exhibit 1, A through C, as the Application For a Parade Using the Public Way submitted by Andy Thayer on January 2, 2024. It stated the parade would assemble at 5:00 pm, start at 6:00pm, end at 8:15pm and disperse at 9:00pm. It listed the requested route and estimated a group of 1000-3000 marchers,

Mr. Gallardo identified City Exhibit 2 as a Google map of the original proposed parade route and City Group Exhibit 3, A through D, as the Amended Application filed by Mr. Thayer with an amended route on January 8, 2024. City Exhibit 4 was identified as a Google Map of the

proposed amended parade route. Mr. Gallardo explained CDOT looks at transportation issues and conflicts with other permits. Copies of the original and amended Applications were sent to other city departments such as the CPD, OEMC, Special Events and Streets and Sanitation.

Mr. Gallardo had an initial phone conversation with Deputy Superintendent Stevens and a later TEAMS meeting with her and Deputy Superintendent O'Connor. In the conversation with Deputy Stevens, she expressed concern that the proposed route contained impactful streets like Michigan Avenue, Wacker Drive and State Street. At the TEAMS meeting the police raised concerns about the resources needed for this Parade due to the Democratic National Convention. Concern about the Parade's impact on multiple bus lines was also discussed.

With the help of the Law Department Mr. Gallardo wrote the denial letter and sent it to Mr. Thayer by e-mail and certified mail. The Application was denied for two reasons. The denial letter contained an Alternate Route for the same date and time.

Mr. Gallardo stated the streets on the proposed routes are heavily trafficked. He used traffic data to determine the businesses and residences that would be affected. The CTA informed him it would need to redirect 13 bus routes using Michigan Avenue, 3 bus routes on Wacker Drive, 8 routes using State Street and 11 bus routes using Washington. Redirecting could be impossible since both Michigan Avenue and State Street would be impacted. Both streets would need to be closed for safety reasons to protect the 1000 to 3000 marchers. CDOT could not provide the resources to handle this proposed parade.

Mr. Gallardo there was an insufficient number of police to handle this parade. The CPD stated there would be traffic in vehicular lanes needing protection and the City needs personnel to protect pedestrians as well as the marchers. That needed police personnel would not be available due to the Democratic National Convention.

Mr. Gallardo explained he did provide a Proposed Alternate Router for the same date and time. This route would start at Roosevelt Road and proceed north to Jackson Boulevard on Columbus Drive. This route would have less impact on traffic and pedestrians but would keep the parade in the Central Business District. Fewer bus routes would be impacted using this route.

On cross-examination, Mr. Gallardo stated he reviewed traffic data from the State of Illinois detailing the number of vehicles on a street. CDOT is striving to minimize impact, not eliminate impact. Acceptable impact is the least amount of impact. He admitted CDOT issues parade permits for Michigan Avenue such as the Festival of Lights Parade which does impact traffic. He pointed out those organizers provide security, jersey walls, marshalls and detour signs. He had no contact with the Secret Service with respect to this application.

On re-direct, Mr. Gallardo testified neither the original application nor the amended application submitted by Mr. Thayer contained any information that his group would provide marshalls, jersey walls or other resources. He repeated that the Democratic National Convention was starting the next day. The city would see up to 50,000 delegates, attendees and visitors. This will affect traffic to hotels and other locations. Traffic will also be impacted by VIP routes.

Daniel O'Connor is the CPD Deputy Chief of Patrol in charge of Large Event Planning which includes Parade Applications. Parade applications are sent to the District Commander and up the chain of command. The date, location, scope and route of each proposed parade are reviewed. CPD then determines how many officers need to be allocated to this parade as well as how many other resources would be needed. These resources include radios, body cameras and means of transportation.

Deputy O'Connor received this Permit Application from CDOT. The parade was scheduled for August 18, 2024, Assembly would start at 5:00 pm, Start at 6:00 pm, end at 8:15 pm and disburse at 9:00 pm. After the original application was reviewed Commander Harris requested an alternate route. An alternate route was provided by the applicant, but the proposed changes were insufficient.

Deputy O'Connor made the decision that the alternate route was too impactful and too great a draw on resources. These resources would include significant manpower next to routes that would be used by people from the Democratic National Convention. It would require several hundred officers to close the streets and to affect traffic from streets feeding into the parade route. With the Convention starting, additional officers may be needed to at the parade if the group increases in size. Other resources needed would include radios, barricades, body cameras and means of transporting the officers.

The CPD is tasked with the safety and security of the entire city during the Convention as well as the exterior security for the venues, hotels and delegate meetings. Security will be needed for VIPs and cabinet members. CPD is responsible for the security of 50,000 expected delegates, media personnel and attendees. Other Federal and local law enforcement agencies are working with the CPD, but the CPD allocates the officers. The 11,000 members of the CPD will be working extended hours with no time off and no vacations. The United Center and McCormick Place are the main locations, but the CPD will secure hotels, venues with events, motorcade routes, the airports and the CTA while doing regular patrol in the Districts.

The Deputy stated the alternative route on Columbus from Roosevelt Road to Jackson Boulevard is a reasonable alternative. It gives the marchers visibility in the Central Business District and would require less resources than the proposed alternate route.

On cross-examination, Deputy O'Connor estimated it would take over 500 officers at a minimum to staff the amended alternate route.

Andy Thayer testified his organization's goal in seeking this Parade Permit was to greet the incoming delegates, media and entourage with their First amendment rights. He testified that the proposed alternate route would not allow the Organization to reach its original goals. This route was not near the hotels or the media markets.

The other two witnesses for the applicant, Ms. Lowe and Ms. Keorkunian-Rivers, also expressed their belief the proposed alternate route did not meet the Organization's needs to reach out to people here for the Democratic National Convention and the media. Fewer people would be on that route as it is not adjacent to the loop and is parkland.

DISCUSSION -

The Applicant contends that its permit application was wrongfully denied because the proposed alternated route was not comparable in public visibility and route to the amended route it submitted. That is not what is required under the Ordinance. Section 10-8-330(i) states, "The alternate route shall to the extent practicable authorize an event that will have comparable public visibility and a similar route, location and date to that of the proposed event." When one examines what options are practicable in this case, it must be examined under the fact that the city is dealing with the fact that the Democratic National Convention will start the day after the proposed parade. With the Convention will come the estimated 50,000 delegates, media personnel and visitors. With the Convention comes the heightened security concerns that the CPD must take into consideration. The original proposed route and the amended proposed route would take this parade through what is possibly the most visible area of the city. It can be argued that no other proposed route could match the amended route for the visibility the applicant seeks. Under these facts allowing a parade to travel at the same date and time from Roosevelt Road to Jackson boulevard down Columbus Drive in the Central Business District is a similar route with comparable visibility to the extent practicable.

The evidence presented from Bryan Gallardo with respect to traffic was credible. It established based on the amount of traffic and the bus disruptions that would flow from the parade that his proposed parade would substantially and unnecessarily interfere with traffic in the area contiguous the activity. His testimony also credibly established there would not be at the time of the proposed parade sufficient city resources to mitigate the disruption.

The evidence presented by Deputy Commissioner O'Connor with respect to the availability of on-duty police officers or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants, from traffic-related hazards because of other requirements for police protection during the time of the proposed parade was credible.

It is necessary to again note that the proposed parade, while not taking place during the Democratic National Convention, is scheduled for the night before the start of the Convention. It is reasonable to assume that most of the 50,000 people descending to Chicago will have arrived. The protocols from this event being a National Special Security Event will have been implemented. The 11,000 members of the CPD will be working extended hours. This is an extraordinary situation.

The testimony from the Applicant's witnesses addressed their experience in running large protest parades over a number of years. Their testimony did not address the factual bases set forth in the Denial Letter. To that end the city's testimony on why the parade permit should be denied was not challenged.

FINDINGS -

Applicant had due and adequate notice of the date, time and location of the requested hearing and of the reasons the Commissioner of Transportation denied this Parade Permit Application.

The City of Chicago met its burden of proof by a preponderance of the evidence that the issuance of this Parade Permit would substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and that there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption pursuant to Section 10-8-330(g)(1) of the Chicago municipal Code.

The City of Chicago met its burden of proof by a preponderance of the evidence that there are not available at the time of this parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of the other requirements for police protection during the time of the proposed parade pursuant to Section 10-8-330(g)(2).

DECISION –

The Findings of the Commissioner of Transportation denying the issuance of this Parade Permit are **AFFIRMED**.

Dennis Michael Fleming

Dated: February 1, 2024

Administrative Law Judge

Exhibit I



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

January 22, 2024

March on the DNC 2024
C/O Kobi Guillory
6227 S Langley
Chicago, IL 60637

Dear Mr. Guillory,

Pursuant to subsection 10-8-330(g) of the Municipal Code of Chicago ("Code"), your application dated January 8, 2024, for a parade on August 19, 2024, is denied for the following reasons:

1. Under section 10-8-330(g)(1) of the Code, the Commissioner finds that the proposed parade will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption.
2. Under section 10-8-330(g)(2) of the Code, the Commissioner finds that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of the other requirements for police protection during the time of the proposed parade.

The Commissioner's decision is based on a number of factors, including, but not limited to the following: on the week in question, Chicago will host the 2024 Democratic National Convention (DNC), a large presidential nominating convention that will involve the attendance of delegates from all 50 states, the District of Columbia, and U.S. territories. Additionally, many high-level protectees, including President Biden, and other political leaders will attend the convention. Motorcades for DNC attendees will create significant traffic impediments and safety issues that will not permit the proposed parade route to occur. Moreover, the proposed parade route winds through the city center on a day many attendees are expected to arrive and would create significant traffic concerns and a drain on existing police resources. Movement of up to 50,000 delegates, staff, public officials, and high-level protectees from various locations, including the city center, to McCormick Place and the United Center (the sites of the event) and the associated entry to the event sites on this date will require heightened security, traffic rerouting, and security checkpoints and will demand large numbers of police and other city resources. In addition to covering the entire downtown area, including the hotel zone and business district, and routing of traffic near and to McCormick Place and the United

Center, police and other city resources will also be required to provide protection and services to the rest of the city. Thus, sufficient city resources are not available to mitigate the traffic disruption that would be caused by the proposed parade, or to police and protect parade participants and non-participants in light of these other demands. Although your application for a parade is denied as to the precise terms of your January 8th, 2024, application, pursuant to Section 10-8-330(k) of the Municipal Code, your group is authorized to conduct a parade under the following conditions:

Date: August 19, 2024

Assembly time: 12:00pm

Step-off time: 2:00pm

Disband time: 4:00pm

Assembly area: Assemble on Columbus Dr. north of Roosevelt Rd.

Disbanding area: Jackson Dr. between Michigan and Columbus.

Route: Proceed north along Columbus Dr. from Roosevelt Rd. ending at Jackson Dr.

Pursuant to Section 10-8-330(o)(2) of the Municipal Code, "Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units and in the event that the number of participants in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodations to increase the portion of the right of way made available in order to preserve public health and safety. Alternatively, where the number or size of parade participants or parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants and parade units present."

This alternate permit only authorizes the use of the public way. To the extent your proposed event may desire to utilize the property of the Chicago Park District, another governmental entity, or a private owner, authorization of such locations must be sought directly from the affected entity.

If you wish to accept this alternate parade permit subject to the above indicated specifications, Section 10-8-330(k) of the Municipal Code requires that you file a written notice of acceptance with the Commissioner of the City of Chicago Department of Transportation, Public Way Permit Office, 121 N. La Salle Street, Room 905, Chicago, Illinois, 60602 or email address CDOTPermitsupport@cityofchicago.org, within 5 business days of the date of this notification. Failure to provide such notice within the time provided will result in the authorization for the alternate parade permit being rescinded.

The Department of Transportation reserves the right to modify or condition any issued parade permit in light of developing circumstances and information surrounding the DNC, including circumstances outside of the City of Chicago's control, such as the logistical or security needs or plans connected with the DNC.

If you believe your application is being wrongfully denied, you may appeal this decision by filing and appeal with the Department of Administrative Hearings. Your appeal should be filed with the Director of the Department of Administrative Hearings, 740 N. Sedgwick Street, 6th Floor, Chicago, Illinois 60654. If no appeal is filed with the

Department of Administrative Hearings within five business days of notice of this decision, this decision shall be deemed final.

If you have any questions regarding this letter, you may contact Bryan Gallardo at 312-744-4652

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Gallardo", with a long horizontal flourish extending to the right.

Bryan Gallardo
Assistant Commissioner
Public Way Permit Office
CDOT Division of Infrastructure Management

CC: Chief Devries
Deputy Chief Stevens
Cmdr. Harris
Cmdr. Barz
J. Kalayil
M. Imparato
T. Carney
A. Owens
J. Tirado
C. Pettineo
M. Peterson
T. Doran
M. Siegel
C. Hake

Exhibit J



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

January 24, 2024

Poor People's Economic Human Rights Campaign
C/O Cheri Honkala
3074 Kensington Ave
Philadelphia, PA 19134

Dear Cheri Honkala,

Pursuant to subsection 10-8-330(g) of the Municipal Code of Chicago ("Code"), your application dated January 10, 2024, for a parade on August 19, 2024, is denied for the following reasons:

1. Under section 10-8-330(g)(1) of the Code, the Commissioner finds that the proposed parade will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption.
2. Under section 10-8-330(g)(2) of the Code, the Commissioner finds that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of the other requirements for police protection during the time of the proposed parade.

The Commissioner's decision is based on a number of factors, including, but not limited to the following: on the week in question, Chicago will host the 2024 Democratic National Convention (DNC), a large presidential nominating convention that will involve the attendance of delegates from all 50 states, the District of Columbia, and U.S. territories. Additionally, many high-level protectees, including President Biden, and other political leaders will attend the convention. Motorcades for DNC attendees will create significant traffic impediments and safety issues that will not permit the proposed parade route to occur. Moreover, the proposed parade route winds through the city center on a day many attendees are expected to arrive and would create significant traffic concerns and a drain on existing police resources. Movement of up to 50,000 delegates, staff, public officials, and high-level protectees from various locations, including the city center, to McCormick Place and the United Center (the sites of the event) and the associated entry to the event sites on this date will require heightened security, traffic rerouting, and security checkpoints and will demand large numbers of police and other city resources. In addition to covering the entire downtown area, including the hotel zone and business district, and routing of traffic near and to McCormick Place and the United Center, police and other city resources will also be required to provide protection and services to the rest of the city. Thus, sufficient city resources are not available to mitigate

the traffic disruption that would be caused by the proposed parade, or to police and protect parade participants and non-participants in light of these other demands. Although your application for a parade is denied as to the precise terms of your January 8th, 2024, application, pursuant to Section 10-8-330(k) of the Municipal Code, your group is authorized to conduct a parade under the following conditions:

Date: August 19, 2024

Assembly time: 4:30pm

Step-off time: 5:00pm

Disband time: 7:00pm

Assembly area: Assemble on Columbus Dr. north of Roosevelt Rd.

Disbanding area: Jackson Dr. between Michigan and Columbus.

Route: Proceed north along Columbus Dr. from Roosevelt Rd. ending at Jackson Dr.

Pursuant to Section 10-8-330(o)(2) of the Municipal Code, "Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units and in the event that the number of participants in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodations to increase the portion of the right of way made available in order to preserve public health and safety. Alternatively, where the number or size of parade participants or parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants and parade units present."

This alternate permit only authorizes the use of the public way. To the extent your proposed event may desire to utilize the property of the Chicago Park District, another governmental entity, or a private owner, authorization of such locations must be sought directly from the affected entity.

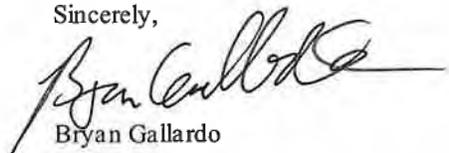
If you wish to accept this alternate parade permit subject to the above indicated specifications, Section 10-8-330(k) of the Municipal Code requires that you file a written notice of acceptance with the Commissioner of the City of Chicago Department of Transportation, Public Way Permit Office, 121 N. La Salle Street, Room 905, Chicago, Illinois, 60602 or email address CDOTPermitsupport@cityofchicago.org, within 5 business days of the date of this notification. Failure to provide such notice within the time provided will result in the authorization for the alternate parade permit being rescinded.

The Department of Transportation reserves the right to modify or condition any issued parade permit in light of developing circumstances and information surrounding the DNC, including circumstances outside of the City of Chicago's control, such as the logistical or security needs or plans connected with the DNC.

If you believe your application is being wrongfully denied, you may appeal this decision by filing and appeal with the Department of Administrative Hearings. Your appeal should be filed with the Director of the Department of Administrative Hearings, 740 N. Sedgwick Street, 6th Floor, Chicago, Illinois 60654. If no appeal is filed with the Department of Administrative Hearings within five business days of notice of this decision, this decision shall be deemed final.

If you have any questions regarding this letter, you may contact Bryan Gallardo at 312-744-4652

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Gallardo", with a long horizontal flourish extending to the right.

Bryan Gallardo
Assistant Commissioner
Public Way Permit Office
CDOT Division of Infrastructure Management

CC: Chief Devries
Deputy Chief Stevens
Cmdr. Harris
Cmdr. Barz
J. Kalayil
M. Imparato
T. Carney
A. Owens
J. Tirado
C. Pettineo
M. Peterson
T. Doran
M. Siegel
C. Hake

Exhibit K



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

March 7, 2024

March for the People's Agenda
C/O John W. Metz
600 S Dearborn St apt 412
Chicago, IL 60605

Dear Mr. Metz,

Pursuant to Section 10-8-330 (g) of the Municipal Code of Chicago ("Code"), your application dated February 29, 2024, for a parade on August 22, 2024, is denied for the following reasons:

1. Under Subsection 10-8-330(g)(1) of the Code, the Commissioner finds that the proposed parade will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption.
2. Under Subsection 10-8-330(g)(2) of the Code, the Commissioner finds that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of the other requirements for police protection during the time of the proposed parade.

The Commissioner's decision is based on several factors, including, but not limited to the following: on the week in question, Chicago will host the 2024 Democratic National Convention (DNC), a large presidential nominating convention that will involve the attendance of delegates from all 50 states, the District of Columbia, and U.S. territories. Additionally, many high-level protectees, including President Biden, and other political and governmental leaders will attend the convention. Motorcades and other transportation for DNC attendees will create significant traffic impediments and safety issues that will not permit the proposed parade route to occur. Moreover, the proposed parade route winds through the city center on a day many attendees are expected to arrive and would create significant traffic concerns and a depletion of existing police resources needed because of the DNC. Movement of up to 50,000 delegates, staff, public officials, and high-level protectees from various locations, including the city center, to McCormick Place and the United Center (the sites of the event) and the associated entry to the event sites on this date will require heightened security, traffic rerouting, and security checkpoints and will demand large numbers of police and other city resources. In addition to covering the entire downtown area, including the hotel zone and business

district, and routing of traffic near and to McCormick Place and the United Center, police and other city resources will also be required to provide protection and services to the rest of the city. Thus, sufficient city resources are not available to mitigate the traffic disruption that would be caused by the proposed parade, or to police and protect parade participants and non-participants in light of these other demands. Although your application for a parade is denied as to the precise terms of your February 29, 2024, application, pursuant to Section 10-8-330(k) of the Municipal Code, your group is authorized to conduct a parade under the following conditions:

Date: August 22, 2024

Assembly time: 5:00pm

Step-off time: 6:00pm

Disband time: 8:00pm

Assembly area: Assemble on Columbus DR north of Roosevelt Rd.

Disbanding area: Jackson Dr between Michigan and Columbus.

Route: Proceed north along Columbus Drive from Roosevelt Rd ending at Jackson Dr

Pursuant to Subsection 10-8-330(o)(2) of the Municipal Code, "Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units and in the event that the number of participants in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodations to increase the portion of the right of way made available in order to preserve public health and safety. Alternatively, where the number or size of parade participants or parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants and parade units present."

This alternate permit only authorizes the use of the public way. To the extent your proposed event may desire to utilize the property of the Chicago Park District, another governmental entity, or a private owner, authorization of such locations must be sought directly from the affected entity.

If you wish to accept this alternate parade permit subject to the above indicated specifications, Section 10-8-330(k) of the Municipal Code requires that you file a written notice of acceptance with the Commissioner of the City of Chicago Department of Transportation, Public Way Permit Office, 121 N. La Salle Street, Room 905, Chicago, Illinois, 60602 or email address CDOTPermitsupport@cityofchicago.org, within 5 business days of the date of this notification. Failure to provide such notice within the time provided will result in the authorization for the alternate parade permit being rescinded.

The Department of Transportation reserves the right to modify or condition any issued parade permit in light of developing circumstances and information surrounding the DNC, including circumstances outside of the City of Chicago's control, such as the logistical or security needs or plans connected with the DNC.

If you believe your application is being wrongfully denied, you may appeal this decision by filing an appeal with the Department of Administrative Hearings. Your appeal should be filed with the Director of the Department of Administrative Hearings, 740 N. Sedgwick Street, 6th Floor, Chicago, Illinois 60654. If no appeal is filed with the

Department of Administrative Hearings within five business days of notice of this decision, this decision shall be deemed final.

If you have any questions regarding this letter, you may contact Bryan Gallardo at 312-744-4652

Sincerely,

A handwritten signature in black ink that reads "Bryan Gallardo". The signature is written in a cursive style with a long horizontal line extending to the right.

Bryan Gallardo
Assistant Commissioner
Public Way Permit Office
CDOT Division of Infrastructure Management

CC: Chief Devries
Deputy Chief Stevens
Cmdr. Harris
Cmdr. Barz
Cmdr. Giltmier
J. Kalayil
M. Imparato
T. Carney
A. Owens
J. Tirado
C. Pettineo
M. Peterson
T. Doran
M. Siegel
C. Hake

Exhibit L



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

March 7, 2024

Students for a Democratic Society at UIC
C/O Henry Rathburn
6324 S Kimbark Ave apt 401
Chicago, IL 60637

Dear Mr. Rathburn,

Pursuant to Section 10-8-330 (g) of the Municipal Code of Chicago (“Code”), your application dated February 29, 2024, for a parade on August 19, 2024, is denied for the following reasons:

1. Under Subsection 10-8-330(g)(1) of the Code, the Commissioner finds that the proposed parade will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption.
2. Under Subsection 10-8-330(g)(2) of the Code, the Commissioner finds that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of the other requirements for police protection during the time of the proposed parade.

The Commissioner’s decision is based on several factors, including, but not limited to the following: on the week in question, Chicago will host the 2024 Democratic National Convention (DNC), a large presidential nominating convention that will involve the attendance of delegates from all 50 states, the District of Columbia, and U.S. territories. Additionally, many high-level protectees, including President Biden, and other political and governmental leaders will attend the convention. Motorcades and other transportation for DNC attendees will create significant traffic impediments and safety issues that will not permit the proposed parade route to occur. Moreover, the proposed parade route winds through the city center on a day many attendees are expected to arrive and would create significant traffic concerns and a depletion on existing police resources needed for the DNC. Movement of up to 50,000 delegates, staff, public officials, and high-level protectees from various locations, including the city center, to McCormick Place and the United Center (the sites of the event) and the associated entry to the event sites on this date will require heightened security, traffic rerouting, and security checkpoints and will demand large numbers of police and other city resources. In addition to covering the entire downtown area, including the hotel zone and business

district, and routing of traffic near and to McCormick Place and the United Center, police and other city resources will also be required to provide protection and services to the rest of the city. Thus, sufficient city resources are not available to mitigate the traffic disruption that would be caused by the proposed parade, or to police and protect parade participants and non-participants in light of these other demands. Although your application for a parade is denied as to the precise terms of your February 29, 2024, application, pursuant to Section 10-8-330(k) of the Municipal Code, your group is authorized to conduct a parade under the following conditions:

Date: August 19, 2024

Assembly time: 4:30pm

Step-off time: 5:00pm

Disband time: 7:00pm

Assembly area: Assemble on Columbus DR north of Roosevelt Rd.

Disbanding area: Jackson Dr between Michigan and Columbus.

Route: Proceed north along Columbus Drive from Roosevelt Rd ending at Jackson Dr

Pursuant to Subsection 10-8-330(o)(2) of the Municipal Code, "Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units and in the event that the number of participants in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodations to increase the portion of the right of way made available in order to preserve public health and safety. Alternatively, where the number or size of parade participants or parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants and parade units present."

This alternate permit only authorizes the use of the public way. To the extent your proposed event may desire to utilize the property of the Chicago Park District, another governmental entity, or a private owner, authorization of such locations must be sought directly from the affected entity.

If you wish to accept this alternate parade permit subject to the above indicated specifications, Section 10-8-330(k) of the Municipal Code requires that you file a written notice of acceptance with the Commissioner of the City of Chicago Department of Transportation, Public Way Permit Office, 121 N. La Salle Street, Room 905, Chicago, Illinois, 60602 or email address CDOTPermitsupport@cityofchicago.org, within 5 business days of the date of this notification. Failure to provide such notice within the time provided will result in the authorization for the alternate parade permit being rescinded.

The Department of Transportation reserves the right to modify or condition any issued parade permit in light of developing circumstances and information surrounding the DNC, including circumstances outside of the City of Chicago's control, such as the logistical or security needs or plans connected with the DNC.

If you believe your application is being wrongfully denied, you may appeal this decision by filing an appeal with the Department of Administrative Hearings. Your appeal should be filed with the Director of the Department of Administrative Hearings, 740 N. Sedgwick Street, 6th Floor, Chicago, Illinois 60654. If no appeal is filed with the

Department of Administrative Hearings within five business days of notice of this decision, this decision shall be deemed final.

If you have any questions regarding this letter, you may contact Bryan Gallardo at 312-744-4652

Sincerely,

A handwritten signature in black ink that reads "Bryan Gallardo". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Bryan Gallardo
Assistant Commissioner
Public Way Permit Office
CDOT Division of Infrastructure Management

CC: Chief Devries
Deputy Chief Stevens
Cmdr. Harris
Cmdr. Barz
Cmdr. Giltmier
J. Kalayil
M. Imparato
T. Carney
A. Owens
J. Tirado
C. Pettineo
M. Peterson
T. Doran
M. Siegel
C. Hake

Exhibit M

The proposed parade route is described as: "At 2:30 we will exit Union Park on the Ashland side and walk down Ashland to Adams. We will then turn right (west) on Adams and walk to Damen, turning right (north) onto Damen we will walk to Washington and turn right (east) onto Washington, entering Park #578, arriving around 3:00pm. At 3:30 pm, we will exit Park #578 onto Wolcott, walk south to Washington, turn left (east) on Washington, and walk east on Washington to 1412 W Washington Blvd., Chicago, IL 60607. After a brief stop, we will turn around and head west down Washington back to Union Park. We will Disperse from Union Park at 4:30 pm."

The estimated participants are 1,000+ and the number of units in the parade for Floats is "0", for Vehicles "0", and for Marching Groups is "0".

This application for permit was Denied by letter to the applicant dated February 1, 2024. (City Ex 4) The February 1, 2024, letter to the applicant states that "Pursuant to subsections 10-8-330(d)(1), 10-8-330(d)(3) and 10-8-330(d)(4) of the Municipal Code of Chicago, your application dated January 30, 2024, for a parade on August 22, 2024, is disregarded and denied for the following reasons:"

The letter then lists the above code sections and provides a word for word copy of the language for each code section.

The Denial of this application was appealed to the Department of Administrative Hearings and is the subject of this hearing.

Authority:

The Department of Administrative Hearings has the authority to hear this matter pursuant to Municipal Code Section 10-8-330(l)(1). An application for a parade permit was filed with the Department of Transportation on January 30, 2024. (City Ex 3) The Department of Transportation denied the application and provided notice of that action to the applicant on February 1, 2024. (City Ex 4) An appeal of the denial was timely filed with the Department of Administrative Hearings on February 7, 2024 and therefore authority to hear the matter is properly established.

Hearing:

The hearing on this matter was conducted on February 14, 2024.

At the beginning of the hearing counsels for each party identified themselves for the record. Assistant Corporation Counsel Matthew Spahr and Assistant Corporation Counsel Christopher Dionne for the City and Daniel Massoglia, Madelin Townsend, and Jacqueline Spreadbury for the applicant.

Preliminary matters:

Counsel for the applicant indicated that the City served a Notice of Motion and Motion to Limit the Scope of the Hearing late in the afternoon on February 13, 2024, and that because of that they would move for a continuance to respond and prepare in a different manner. The City's Motion was not presented at the hearing, rather as the Procedural Rules for the Conduct of Administrative Hearings limits prehearing motions to motions for Discovery, Subpoenas, and Continuances, the City was asked to give a summary of the Motion and the applicant provided a response. The City indicated that it wanted clarification that the hearing was only going to address the denial of the January 30, 2024, application and not the basis of the denial of the January 10, 2024, application because in the request for hearing the applicant attached both

applications and both denial letters. The applicant was asked to clarify which denial was being appealed and the applicant answered that it knew that the date to appeal the January 22, 2024, denial was passed and acknowledged that the appeal was for the February 1, 2024, denial. However, the applicant expressed concern that it had to alter its strategy based on the City's Motion and that it would need a continuance if the City's motion was Granted.

Based on the clarification the City's Motion was not considered.

The Applicant then moved for a continuance based on Good Cause. Applicant provided oral reasons to establish Good Cause. The City responded. The reasons were considered, and it was determined that good cause was not established and the Motion to Continue was Denied.

The Applicant made an oral motion for subpoenas for certain individuals to testify and ruling on that motion was reserved pending testimony of present witnesses.

Opening Statements presented.

Testimony:

The City's only witness in this matter was Bryan Gallardo. Mr. Gallardo is the Assistant Commissioner of the City of Chicago Department of Transportation Public Way Permitting Office and has held that office since October 2017. His job duties include reviewing parade applications. He identified applications received from the applicant and the notice letters sent in response. The applications and letters were admitted into evidence without objection from applicant.

Mr. Gallardo testified that he compared the applications dated January 10, 2024, and January 30, 2024 and noticed that other than the date and a slight change to the name everything appeared to be the same on both applications.

Under cross examination Mr. Gallardo testified that the January 30, 2024, application was denied because it was duplicative of a prior application. Counsel inquired whether Mr. Gallardo did an analysis of traffic data for the two dates in his determination of the duplicative nature of the applications. The City objected to the question based on it not being within the scope of direct examination and relevance and the objection was sustained. Mr. Gallardo testified that the second application was denied because it was duplicative of the first application.

Questions were asked concerning the three listed grounds for denial contained in the denial letter. Mr. Gallardo testified that the reasons listed are what is provided for in the code and that he is required to apply the code. Mr. Gallardo was questioned about his interpretation of the terms "similar in theme or units" in determining whether an application is duplicative. He provided a description of different parade "themes" and examples of "units". Mr. Gallardo stated that he did not reach out to the applicant to ask whether the second application was for a different theme.

Several questions were asked concerning the basis of the denial of the first application that were objected to and sustained. For reasons of judicial efficiency, it was agreed that all questions concerning the denial of the first application would have a standing objection and would have a standing ruling of sustained. Counsel for the applicant was given an opportunity to make a record concerning the basis for constitutional violations for void for vagueness, as applied, and criminal penalties.

Counsel for applicant renewed his motion for subpoenas and was asked to establish the relevance of the anticipated testimony. Motion for subpoenas denied as testimony would not be relevant.

After several additional questions concerning the review process for hypothetical applications or past applications, cross examination was concluded. The witness was dismissed subject to recall.

The City rested.

Applicant called its first witness Kobi Guillory.

Mr. Guillory stated that he is a member of the "Alliance". He is also involved with the coalition for the March on the DNC. Mr. Guillory testified about the issues supported by the coalition and the "Alliance". He testified that he submitted the application for the parade permit for a parade on August 19, 2024. He also submitted the application for the August 22, 2024 parade. Mr. Guillory stated that he wanted the parade on August 19, 2024, so that his coalition could make their seven demands known to the DNC. The witness answered additional questions concerning the application dated January 10, 2024 and discussions with the Department of Transportation about that application. The police did not contact him about that application. The application for the August 22, 2024 parade was presented to the witness and he stated that the decision to march during the week of the Convention was made around November 19, 2024, and that the decision was made to march on both dates as two separate protests. Mr. Guillory testified that he did not know that the permit to march on August 19, 2024 was denied when the application for the August 22, 2024 permit was filed and that he intended to March on both dates. When asked if the intended message to be conveyed at both parades was to be the same, Mr. Guillory testified that they were assuming, based on the way the Democratic Party has responded to marches that have occurred before, that the demands would not have been met between the 19th and the 22nd so they would be refreshing those demands and also it would be after four days of discussion so they would have some updates.

Two additional questions concerning the penalty provisions in section (s) were objected to and the objections were sustained.

Counsel then offered an affidavit from a witness that was not present. The City objected. The affidavit was allowed into the record but not admitted into evidence and not considered in this decision.

Additional questions concerning the application to the Park District for permits were asked and answered and then the direct examination was concluded.

Cross examination was conducted concerning the date of the denial of the January 10, 2024 application and the filing of the January 30, 2024 application. The witness testified that he did not know of the denial of the January 10, 2024, application at the time of the January 30, 2024, application. Cross examination was concluded.

Mr. Guillory was recalled by applicant.

On recall Mr. Guillory was asked about a permit application in 2023. He was shown City's Ex 1 and verified that the date on the application was August 7, 2023. He was then asked about applications filed in January. He testified that applications for parades in the next year can not be filed in the current year unless they are for a parade in January. Applications for dates later than January must be filed in the current year. Applications are considered on a first come first served basis. Examination was concluded.

Applicant next called Joe Iosbaker.

He stated that he is a member of "Alliance". He has been a member for ten years. Mr. Iosbake is a member of the decision-making process for the coalition. He testified that the coalition did not intend to only march on one day. They intended to march on multiple days but initially they intended to march on only one day but as the events developed in Gaza they decided to march on a second day. He believes that the August 22, 2024, parade was not permitted because it was duplicative, but he doesn't really understand what that means. He states that the coalition intended to also march on August 22, 2024 and that the August 22, 2024 march was not a repeat of the August 19, 2024 march.

He stated that he has experience with marches and parades. He stated that he wanted a parade permit to ensure safety and to make the event family friendly.

Direct examination concluded. No cross examination.

Counsel for applicant stated that they want to introduce evidence that the Police did not talk to their client and that the Police have talked to other applicants. City objected. Objection sustained.

Closing arguments presented.

Discussion:

The City asserts that the denial of the application dated January 30, 2024 was proper pursuant to section 10-8-330(d)(4).

Section 10-8-330(d)(1) establishes the behavior or conduct that is prohibited.

No person or organization may submit more than one application for the same parade date and route, or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether using the same name, different names, or different affiliations that the person or organization may control or be a member of.

Section 10-8-330(d)(3) describes the consequences to a person or organization that violates section 10-8-330(d)(1).

Where a person or organization submits multiple applications for the same parade date and route or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether by using one name or multiple names, that person or organization shall not be eligible for such a permit and shall be in violation of this ordinance.

Section 10-8-330(d)(4) authorizes the commissioner to take certain actions to enforce section 10-8-330(d) and establishes the applicant's right to appeal the commissioner's actions thereunder.

The commissioner is authorized to disregard any such multiple applications and to deny any permit on the basis of a violation of this subsection (d). Any applicant who disagrees with the commissioner's actions hereunder may appeal, in the manner set forth in subsection (l).

The City's argument is that if a side-by-side comparison of applications submitted by the same person or organization shows that the parades are substantially similar in theme or units described even if requesting different dates or routes or using different names the commissioner is authorized the disregard the application and deny the permit.

The City's Assistant Commissioner for the Department of Transportation Public Way Permitting office testified that he conducted such a comparison of applications and determined that they were for parades that were substantially similar in theme and units because they were both protest parades; they had very similar names with only a slight change by adding the date 08/22/24 on the second application; that the sponsoring organization was the same; that the parade routes were identical; and that the estimated participants was also identical. A review of City exhibits 1 and 3 discloses that the parade organizer / applicant on both is Kobi Guillory; that the parade assembly, disbandment, start, and end times are identical; that the assembly and disband location is identical; and that the participating units are described in each as "0".

The applicant contends that the City violated its Constitutional rights by denying the parade permit because the ordinance is unenforceable due to vagueness; that the denial was based on content rather than objective standards; that its due process rights were violated because the City did not follow its own procedures; and for other reasons that were presented. The applicant was provided wide latitude to establish a record of the grounds for its constitutional arguments, however, as the Administrative Law Judge does not have the authority to declare an ordinance unconstitutional either on its face or as applied, the determination here is not based on those grounds.

Constitutional issues aside, the applicant contends that the denial was not proper because the City failed to conduct an investigation as required in section 10-8-330(f) or provide the reasons for the denial as contained in section 10-8-330(g) after conducting such an investigation. The applicant contends that its intention was to conduct two marches on separate dates with different themes and that the applications for each parade should have been investigated individually.

Section 10-8-330(f) requires the commissioner to investigate the facts in an application.

The Commissioner shall investigate the facts set out in the application in consultation with the police department, which shall be sent copies of the application immediately upon receipt. Where the commissioner determines that additional information the factors set forth in subsection (g)(1) – (5) is required, copies of the application and a request for such information also shall be sent to any appropriate city department...

Section 10-8-330(g) requires the commissioner to issue a permit when the investigation establishes certain conditions.

After such investigation, the commissioner shall issue a permit when the commissioner finds that:

1. The parade will not substantially or unnecessarily interfere with traffic in the area...
2. There are available at the time of the parade a sufficient number of on-duty police officers to police and protect participants and non-participants...
3. The concentration of persons, animals, vehicles or other things at the assembly and disbanding areas and along the parade route will not prevent proper fire and police protection or ambulance service
4. The parade will not interfere with the use of the requested area by another party to whom a valid permit has been issued...

5. The parade will not be conducted for any purpose or in any manner made unlawful elsewhere in the code or by any other local, state, or federal law
6. The application contains sufficient information about the person or organization applying for the permit, the parade organizer, and the proposed date, time, location, route and number of participants

The facts in this matter are not at issue.

The applicant filed an application on January 10, 2024, and a second application on January 30, 2024. The City denied the first application on January 22, 2024, and the second application on February 1, 2024. The second application was denied as being substantially similar in theme or units described as in the first application in violation of 10-8-330(d).

A determination of this matter depends on the interpretation of section 10-8-330.

A review of section 10-8-330 discloses that definitions are provided in subsection (a); that a permit is required for a parade on any portion of the public way in subsection (b); and that when such applications shall be filed is established in subsections (c). The next subsection (d) establishes restrictions on the number of applications that can be filed by a person or organization for the same parade date and route or for parades that are substantially similar in theme or units described. Subsection (e) concerns the contents of the application. Subsections (f) and (g) establish that the commissioner shall investigate the facts of an application and that a permit shall be issued when certain conditions are determined. Subsection (h) describes when applications shall be processed. Subsection (i) deals with “traditional parades”. Subsection (j) provides noticing requirements; subsection (k) requires that when an application is denied an alternate permit shall be authorized; and subsection (l) establishes an appeal process for applicants when their application is denied. Subsections (m), (n), (o), (p), (q), and (r) deal with technical issues of an issued permit. Finally, subsection (s) establishes penalties for violations of any provision of the section.

Based on a review 10-8-330, it is my interpretation of the law that if the Department of Transportation, after a review of applications for parade permits determines that on their face they are for the same date and route or are substantially similar in theme or units described, then that is a violation of subsection (d)(1) and therefore under subsection (d)(4) the commissioner is authorized to disregard the applications and deny any permit.

It is also my interpretation of the law in subsection (d)(4) that to “disregard” the application and to “deny” any permit means that the investigation pursuant to subsection (f) and the issuance of a permit pursuant to subsection (g) are not required for applications that are in violation subsection (d)(1).

Findings:

It is my finding that the City of Chicago Department of Transportation reviewed the applications filed on January 10, 2024, and on January 30, 2024, and properly determined that they were substantially similar in theme or units described. Therefore, based on my interpretation of the law, the denial of the application filed on January 30, 2024, was proper.

Further, the applicant's contention that the parades were for two separate marches with different themes is contradicted by its own witness. When asked if the intended message to be conveyed at both parades was to be the same, Mr. Guillory testified that they were assuming, based on the way the Democratic Party has responded to marches that have occurred before, that the demands would not have been met between the 19th and the 22nd so they would be refreshing those demands and also it would be after four days of discussion so they would have some updates. This clearly establishes similar themes for both parades. Also, City's exhibits 1 and 3, the applications that were filed, clearly indicate that the units participating in the parade were not only similar but were identical.

I find that the City of Chicago has established by a preponderance of the evidence that the application for a parade permit filed January 30, 2024, was properly denied.

Decision:

The Denial of the application for a parade permit by the Department of Transportation is AFFIRMED.

Entered: *Frank Lombardo*
Administrative Law Judge
Frank Lombardo

February 16, 2024
Judge #49

Exhibit N

**CITY OF CHICAGO DEPARTMENT OF ADMINISTRATIVE HEARINGS
MUNICIPAL DIVISION**

In Re the Denial of the Parade Permit Application of
the March for the People's Agenda.

24 PA 000004

BACKGROUND –

On February 29, 2024, John Metz from the Sponsoring Organization, the Anti-War Committee Chicago, filed an application for a parade permit for the March for the People's Agenda Parade. The requested date for this parade was August 22, 2024. The parade would begin to assemble at 5:00pm at Adams Medill park at 1403 E. 14th Street. The parade would start at 6:00pm and would begin to disband at Adams Merrill Park at 9:00pm. The parade would travel northbound on Ashland, head west on Adams, turn south on Damen, head east on Roosevelt Road back to Adams Merrill park. It was estimated that there would be 1000 marchers.

On March 7, 2024, the Commissioner of the Chicago Department of Transportation denied this parade permit application for these reasons:

1. Under Section 10-8-330 (g)(1) of the Chicago Municipal Code, the Commissioner found that the proposed parade will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption,
2. Under Section 10-8-330(g)(2) of the Chicago Municipal Code, the Commissioner found that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to protect the public, and to protect parade participants and non-participants from traffic-related hazards because of other requirements for police protection during the time of the proposed parade.

Also included in this denial letter was a proposed alternate route for the same date and start off time. The alternate route would have an assembly time of 5:00pm at on Columbus Drive north of Roosevelt Road. The parade would step-off at 6:00pm and proceed north on Columbus Dr. from Roosevelt Road ending at Jackson Drive. The parade would disband at 8:00pm on Jackson drive between Michigan Avenue and Columbus Drive. The Applicant did not accept this alternate route.

The Applicant filed a timely appeal on March 11, 2024. The Hearing was held on March 18, 2024.

SUMMARY OF THE PROCEEDING –

Bryon Gallardo is the Assistant Commissioner in charge of the Public Way Permit office for the Chicago Department of Transportation. Part of his duties include reviewing Parade Permit Applications. Once a parade permit is filed in his office it is e-mailed to the CPD, OEMC, Streets and Sanitation and Special Events. This is to ascertain if these Departments felt there might be a conflict or a problem with resources with respect to the application. He personally reviewed this Application as it was a high-profile application due to the Democratic National Convention

The Democratic National Convention will proceed this August 19 through 22. The main sites are the United Center and McCormick Place. It is estimated 50,000 delegates and others will be in attendance. The proposed date for this parade is August 22, 2024, which is during the convention. He reviewed this Application for traffic conflicts.

The first traffic conflict is that the parade would proceed during the Democratic National Convention. The Convention in itself will present traffic problems which would be exacerbated by this parade.

This parade route would require the closing of Ashland Avenue. Ashland Avenue is the emergency access to the three hospitals located in the Illinois Medical District. Closing Ashland Avenue will impact the ability of emergency vehicles to transport patients to these hospitals. Other cross-streets would also need to be closed, which will push traffic onto other routes. These were the factors for the denial of the permit under Section 10-8-330(g)(1).

He reviewed the response from the Chicago police Department which stated the Chicago Police department had insufficient resources to handle this event. This was the basis for the denial for the permit under Section 10-8-030(g)(2)

The Proposed Alternate Route was scheduled for the same day and time as on the application. It was chosen because it would have a manageable traffic impact.

On cross-examination Mr. Gallardo stated the proposed alternate route was a highly visible route in the Central Business District. It would have less of a traffic impact and the Chicago Police Department could provide the needed support at this location. He received communication from the 12th District Commander objecting to the issuance of this permit. He did consider other locations close to the United Center. The problem with these locations is that the Secret Service will be setting a security footprint outside of the United Center. That footprint has not been announced yet, but it is believed it will be at least a couple of blocks from the United Center. The locations he considered would have been in that security footprint.

Gabriella Shemash is the Area 3 Deputy Chief of Patrol for the Chicago Police Department. She is responsible for patrol operations in Area 3 which includes the 12th district which includes the United Center. While she has overseen large events like the Pride Parade and the Puerto Rican Day Parade, the Democratic National Convention will be larger than anything she has previously managed. The CPD will be responsible for all security outside the security perimeter of the United Center and McCormick Place. This will start about one week prior to the start of the convention.

Thousands of Chicago Police Officers will be assigned to the convention security detail. There are no furloughs and all days off and training sessions have been cancelled during the convention. The CPD is working with the Illinois State Police, the Sheriff's Police and some suburban police departments to coordinate their security efforts. It is anticipated the convention will bring one million people to Chicago. There will be thousands of delegates and their staff, heads of state and the President and Vice-President in attendance.

She received a copy of this Parade Application from the CPD's Special Events Office. Her job was to review and assess what resources would be needed from the CPD. That would include police personnel as well as equipment such as vehicles, radios, cameras and barricades. This would be discussed with the District Commander. She is familiar with the proposed route since she was previously the Commander of the 12th District. The route is within a couple of blocks from the United Center at its closest point. The Illinois Medical district is within the proposed route. It would require hundreds of police officers as well as accompanying resources to close the route. She recommended denial of this application. With the DNC, there was already police personnel and resources assigned. The security perimeter will likely extend to the route. It would require closing three main streets, Ashland, Damen and Roosevelt, that lead to the hospital. The time of the parade is a rush hour on a Thursday afternoon that has heavy traffic. This information was discussed with the 12th District Commander who sent the Department of Transportation. The CPD cannot accommodate this route.

On cross, the witness testified there are between 11,000 to 13,000 police officers. She had no input into the alternate proposed route. The alternate route would require less police officers.

The City rested its case.

John Metz is the Co-Chair of the Anti-War Committee, Chicago, who applied for this Parade permit in the name of the March for the People Agenda. It was entitled a march because the people will be moving as they present their political message. Their goal is to present a message against Biden and his policies within the sights and sounds of the Democratic Convention to ensure the federal officers who will be present at the convention to hear their message of opposition to the war in Gaza. He has no previous experience with this type of march but his Co-Chair, Joe Iosbaker, has that experience.

Mr. Metz testified the proposed alternate route is not acceptable since it does not allow the group to convey its political message. It is three miles from the United Center. The President, delegates and federal officers are not in sight or sound. The demonstration will not be seen by the people they want to see it.

DISCUSSION -

The testimony of Bryan Gallardo with respect to the traffic problems was credible. The inherent traffic problems that will arise from the operation of the convention would be exacerbated by issuing this parade permit. Ashland Avenue is the emergency access route for emergency vehicles transporting patients to three different hospitals in the Illinois Medical District. Access to non-emergency hospital patients would also be impacted.

Mr. Gallardo's testimony concerning his investigation of this parade permit was also credible. He followed his usual investigative procedure by notifying the CPD, OEMC, Streets and Sanitation and other city agencies of this parade permit application and sought out their opinion on the issuance of this permit. It was through this investigation that Mr. Gallardo received the email from the 12th District Commander objecting to the issuance of this permit.

The testimony of Gabriella Shemash was also credible. She has a unique perspective on the issuance of this parade permit based on her experience in managing previously the Pride parade and the Puerto Rican Day Parade as well as her being the Commander of the 12th District. She explained the duties of the Chicago Police Department with respect to providing security for the convention while continuing to patrol the city's police districts. She explained that the required resources for this parade would include several hundred police officers as well as the equipment these officers would need. She also reiterated the impact on traffic to the Medical District and the area in general should this route be approved. Her opinion that the CPD would not have the resources to handle this route was uncontradicted.

Both city witnesses testified the proposed alternate route, to the extent practicable, had comparable visibility and had a similar route, location and date to the proposed parade. This route is in the Central Business District and is a route that the CPD could provide the needed resources.

John Metz is the Co-Chair of the Anti-War Committee and is the person who filed this Parade Permit Application. His organization wants to march against President Biden's policies within the sights and sounds of the Democratic National Convention. The federal officials and elected officials that designed these policies will be present at the United Center and his group wants these officials to hear their message. He rejected the alternative route because it is three miles from the United Center on a tree-lined street. The President and the other officials will not be present in this area. They will not be seen, and their message will not be heard by the President and the other officials and delegates.

The reality of this situation is that the Secret Service will be establishing a security perimeter that will not allow this group or any group to be within the sight and sound of the United Centers that the delegates, the elected officials, other federal officials and the President will see and hear them. It is also unlikely that if this route was approved, those federal officials, delegates, elected officials and the President would be in a location where they could see and hear this group. The ordinance does not require that the alternative route be one that the applicant will accept. The proposed alternate route in this case meets the requirements of the ordinance.

FINDINGS OF FACT –

The applicant had due and adequate notice of the date, time and location of the requested hearing and of the reasons stated by the Commissioner of the Department for the denial of this parade permit application.

The Department of Transportation investigated the facts of this application, in consultation with the police department, as required by Municipal Code 10-8-330 (5)(f).

The City of Chicago proved by a preponderance of the evidence that the issuance of this Parade Permit would substantially and unnecessarily interfere traffic in the area contiguous to the activity, and that there are not available at the time of the proposed parade sufficient city services to mitigate the disruption pursuant to Chicago Municipal Code 10-8-330(g)(1).

The City of Chicago proved by a preponderance of the evidence that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards in light of the other demands for police protection at the time of the proposed parade pursuant to Chicago Municipal Code 10-8-330(g)(2).

The City of Chicago proved by a preponderance of the evidence that the proposed alternate route offered to the Applicant did, to the extent practicable, authorize the conduct of a parade that would have had comparable public visibility and a similar route, location and date to that of the proposed parade.

DECISION –

The Finding of the City of Chicago’s Commissioner of Transportation denying the issuance of this Parade Permit is **AFFIRMED**.

Dennis Michael Fleming
Administrative Law Judge

Dated: March 20, 2024.

Exhibit O

CITY OF CHICAGO DEPARTMENT OF ADMINISTRATIVE HEARINGS
MUNICIPAL DIVISION

In re the Denial of the Parade Permit Application of
the Students for a Democratic Society for the “March 24 PA 000005
Against US funded Gaza genocide”

BACKGROUND –

On February 29, 2024, Henry Rathburn, President of the SDS at UIC, filed an application for a Parade Permit on behalf of that organization for a parade entitled the March against US funded Gaza genocide. The date for the requested permit was August 19, 2024. The parade would assemble at 11:00am at the Union Park Football/Soccer Combo Field within Union Park at 1501 W. Randolph St. The parade would start at 12:00 pm. The proposed parade route would exit Union Park and enter the street via Washington Blvd. On Washington Blvd. the crowd will march west occupying both lanes and marching past Paulina St, Wolcott Ave, Hoyne Ave., Leavitt St., and Oakley Blvd. before turning left on Western Ave. On Western Ave. the crowd will march south occupying the southbound lane and marching past Warren Blvd, Madison St, Wilcox St, and Adams St. before turning left onto Jackson. On Jackson the crowd will march East occupying all of Jackson Blvd. and marching past Oakley Blvd, Bell Ave, Leavitt St, Seeley Ave, Damen Ave, Wood St. Old Rt. 66, Paulina St before turning left onto Ashland Ave. On Ashland the crowd will march north occupying the northbound lane and marching past Adams St, Monroe St, Madison St, Ogden Ave, Warren Blvd, and Washington Blvd before reentering Union Park. The parade would last an estimated two hours and fifteen minutes and would begin to disband at 3:00pm. The estimated number of participants was listed as 5,000 based on this organization’s experience with past marches and verbal commitments from endorsing organizations.

On March 7, 2024, the Commissioner of the City of Chicago’s Department of Transportation denied this Parade Permit Application for these two reasons:

1. Under Subsection 10-8-330(g)(1) of the Municipal Code of Chicago, the Commissioner found that the proposed parade route will substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption.
2. Under Subsection 10-8-330(g)(2) of the Municipal Code of Chicago, the Commissioner found that there are not available at the time of the parade a sufficient number of on-duty police officer, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of other requirements for police protection during the time of the proposed parade.

Also included in this denial letter was a proposed alternate route for this parade. The parade would be held on August 19, 2024. It would assemble at 4:30 pm on Columbus Drive north of Roosevelt Road. It would step-off at 5:00pm and proceed north along Columbus Drive from Roosevelt Road ending at Jackson Drive. The parade would disband at 7:00pm at Jackson Drive between Michigan and Columbus. The applicant did not accept this proposed alternate route.

The Applicant filed a timely appeal of the denial. The Hearing was held on March 18, 2024.

SUMMARY OF THE PROCEEDING –

Prior to the start of the evidence, the parties stipulated to the introduction of the following city exhibits:

- Exhibit 1 – Homeland Security Memorandum dated March 24, 2018, designating the Republican and Democratic National Conventions as National Special Security Events,
- Group Exhibit 3 a-c – Application for a Parade Using the Public Way filed by the Students for a Democratic Society on February 29, 2024.
- Exhibit 4 – Google Map for proposed parade route.
- Group Exhibit 5 a-c – Denial Letter dated March 7, 2024.
- Exhibit 6 – Google Map for proposed alternate route.

City Group Exhibit 2 a-c, the affidavit of Secret Service Agent Rashad Spriggs, was allowed in evidence over objection.

Bryan Gallardo is the Assistant Commissioner in charge of the Public Way Permit office for the Chicago department of Transportation. He explained that after a Parade Permit Application is filed in his office, it is sent to other city departments including the CPD, the CFD, OEMC, Special Events, and the Ward offices to obtain their input as to any conflicts and the availability of resources. He identified City Group Exhibit 3 a-c as the Parade Permit Application at issue in this case. It was filed on February 29, 2024, by Henry Rathburn from the sponsoring organization, Students for a Democratic Society for the parade entitled” March against US funded Gaza genocide.” This application was brought to his attention because it was related to the Democratic National Convention. The route would encircle the United Center with an estimated 5000 marchers on August 19, 2024. This application was circulated to the previously listed city departments.

The Department of Transportation reviewed this application for any traffic conflicts. The first traffic conflict was the existing traffic closings due to the convention itself. Streets were scheduled to be closed for the convention. To accommodate this route would require the closing of three main arterial streets: Ashland, Damen and Western. All three streets have multiple north/south bus routes which would need to be rerouted. This route would also impact emergency vehicles traveling to the hospitals in the Illinois Medical District. These were the reasons the Commissioner denied this permit under Section 10-8-330 (g)(1).

Mr. Gallardo stated the CPD responded to this application saying it had insufficient resources to hold this event. He explained the alternate route on Columbus Drive was chosen because it would have a less significant impact on traffic and would require less police resources.

On cross-examination Mr. Gallardo testified the CPD responded to this application by sending him a Commander Review Letter from the 12th District Commander stating they had inadequate resources for this event. The alternate route has high visibility but would require less city resources and less traffic concerns. This route has been used for past events and the city departments agreed it could accommodate this event. He did look at locations closer to the United Center.

On re-direct examination the witness stated the Columbus Drive location is close to Lake Shore Drive and is visible to the buildings on Michigan Avenue.

Gabriella Shemash is the Area 3 Deputy Chief of Patrol. She is responsible for patrol operations in Area 4 which includes the 12th District which includes the United Center. She also has experience managing large parades such as the Pride Parade and the Puerto Rican Day Parade, but the Democratic National Convention will be much larger than those events. The CPD will be responsible for security for everything outside the security zones which will be set up around the United Center and McCormick Place. Other events have been rescheduled due to the convention. The Air and Water Show has been moved up one week and the Chicago Public Schools will open one week later.

Thousands of Chicago police officers will be assigned to the convention security detail. There are no furloughs and all days off and training sessions have been cancelled during the convention. The CPD is working with the Illinois State Police, the Cook County Sheriff and some suburban police departments to coordinate their security efforts. It is anticipated the convention will bring one million visitors to Chicago. There will be thousands of delegates, heads of state and the President and Vice-President in attendance.

She received a copy of this parade application from the CPD's Special Events Unit. She reviewed it to determine if it was feasible to handle with respect to police resources. Those resources include police personnel as well as the equipment for the police personnel. That equipment would include vehicles, radios and barriers. She is familiar with the area from her previous position as the Commander of the 12th District. She recommended the denial of this permit application. She estimated she would need to close 30 major intersections to secure the route, and the closure of minor streets. On the requested date and time, the police resources will already be deployed. It would take hundreds of police officers and resources to secure this route. It is likely that portions of the proposed route will be within the security perimeter. Ashland Avenue cannot be shut down as it is the major access street for the emergency rooms in the three hospitals in the Illinois Medical District. The same for Western and Damen as these roads are also used by emergency vehicles transporting patients to hospital within the Illinois Medical District. The proposed time for this parade would be at rush hour when traffic in this area is heavy. She reviewed this information with the 12th District Commander who sent the Commander Review Letter to the Department of Transportation requesting this application be

denied. The proposed alternate route is downtown and highly visible. It would require less manpower and resources as it is a straighter, shorter route that is not near any hospitals.

Henry Rathburn is the President of the SDS at UIC. He submitted City Group Exhibit a-c for this parade. The purpose of the march is to focus on the Garza War by expressing their view that this war is unjustifiable. This protest will be directed at the Democratic Senators, Congressmen, Ambassadors and the President. The protest will be conveyed through chants, banners and speech within sight and sound of the United Center.

The proposed alternate route was rejected because it is three miles from the United Center. The delegates and other officials cannot hear or see the protest. The alternate route is across from a public park where not that many people will be present.

DISCUSSION –

The testimony of Bryan Gallardo with respect to the traffic problems was credible. He documented the traffic problems faced by the city just because of the convention and that those problems would be exacerbated by this event. This event would require the closing of Ashland avenue, Damen avenue and Western Avenue. These streets are all major thoroughfares that have north/south bus routes that would need to be re-routed. Closing these streets would also impact the flow of emergency vehicles taking patients to the three hospitals in the Illinois Medical District. This testimony was not contradicted..

Mr. Gallardo's testimony concerning his investigation of this parade permit application was also credible. He followed his usual investigative procedure by notifying the CPD and other city agencies about this permit application and their input on the issuance of this permit. It was through this investigation that Mr. Gallardo received the email from the 12th District Commander objecting to the issuance of this permit.

The testimony of Gabriella Shemash was also credible. Her perspective and opinion on the issuance of this permit is unique because she has managed large scale parades in the past and, as a past Commander of the 12th district, she is aware of the route proposed in the permit application. She detailed the duties of the CPD with relation to security during the convention while continuing to patrol the entire city. She explained the required resources that would be needed for this parade would be hundreds of police officers and the equipment each officer would need. This would include barricades, radios, cameras and vehicles. She reiterated the impact on emergency traffic to the Medical District that would occur if Ashland Avenue was closed. Her opinion that the CPD does not have the resources to handle this event was uncontradicted.

Henry Rathburn is the President of the Students for a Democratic Society UIC and is the applicant for this parade permit under the name "March against US funded genocide." He and his organization want to march to express their views that the Gaza war is unjustifiable. They wish to protest within sight and sound of the Federal Officials, Senators, Congressmen and the President through chants, banners, and speech. His organization rejected the proposed alternate

route because it is three miles from the United Center and the delegates and other officials will not hear their message or see their protest if they march on Columbus Drive.

The Secret Service will be establishing a security perimeter that will probably extend at least a couple of blocks around the United Center. That security perimeter will likely make it impossible for this group or any group of protestors to protest within sight and sound of the United Center. The ordinance does not require the alternate suggested route to be one that would allow the applicant group to march in a position where they could protest within sight and sound of the United Center. The ordinance does not require the applicant approve an alternate route. Under the facts specific to this case, the proposed alternative route meets the requirements of the ordinance.

FINDINGS OF FACT –

The applicant had due and adequate notice of the date, time and location of the requested hearing and of the reasons why the Commissioner of Transportation denied this Parade Permit Application.

The Department of Transportation investigated the facts of this application, in consultation with the police department, as required by Chicago municipal code 10-8-330(5)(f).

The City of Chicago proved by a preponderance of the evidence that the issuance of this Parade Permit would substantially and unnecessarily interfere with traffic in the area contiguous to the activity, and that there are not available at the time of the proposed parade sufficient city resources to mitigate the disruption pursuant to Section 10-8-330(g)(10) of the Chicago Municipal Code.

The City of Chicago proved by a preponderance of the evidence that there are not available at the time of the parade a sufficient number of on-duty police officers, or other city employees, authorized to regulate traffic, to police the public, and to protect parade participants and non-participants from traffic-related hazards because of other requirements for police protection during the time of the proposed parade.

The City of Chicago proved by a preponderance of the evidence that the alternate parade route proposed by the City had, to the extent practicable, comparable public visibility and a similar route, location and date to the proposed parade.

DECISION –

The Finding of the Commissioner of the City of Chicago's Department of Transportation denying the issuance of this Parade Permit is **AFFIRMED**.

Dennis Michael Fleming

Administrative Law Judge

Dated: March 20, 2024

Exhibit P

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois (the "State") and, as such, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, the City was selected to host the 2024 Democratic National Convention (the "Convention"), which is currently scheduled to take place from August 19, 2024 to August 24, 2024; and

WHEREAS, historical data from previous host cities indicates that the Convention is expected to attract approximately 50,000 visitors to the City, including delegates, media, and interested persons; and

WHEREAS, the City recognizes the compelling need to facilitate safety and order during the Convention to accommodate both Convention-related activities and the interests of persons not participating in the Convention-related activities; and

WHEREAS, it is appropriate for the City to prepare, plan, and coordinate in advance with local, State, and federal law enforcement agencies and other public and private entities to successfully host the Convention; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION I. *Definitions.*

The following definitions shall apply for purposes of this ordinance:

"City" means the City of Chicago.

"Convention" means the 2024 Presidential Nomination Convention of the Democratic National Party scheduled to be held on August 19, 2024 through August 24, 2024.

"Convention Period" means the time period commencing at 12:01 a.m. Central Daylight Time on Saturday, August 17, 2024 and extending until 12:01 a.m. Central Daylight Time on Monday, August 26, 2024.

"Designee" means a City official or employee designated by the Mayor in writing to negotiate and execute agreements with public or private entities as specified in subsection (1) of SECTION III of this ordinance.

"Municipal Code" means the Municipal Code of Chicago.

"Security Footprint" means the boundaries of the area designated by the Chicago Superintendent of Police, in consultation with the United States Secret Service and the Chicago Office of Emergency Management and Communications, for the Convention and Convention-related activities.

SECTION II. Security Footprint regulations.

(1) The Chicago Superintendent of Police, in consultation with the United States Secret Service and the Chicago Office of Emergency Management and Communications, is authorized to designate, and mark as necessary, the boundaries of the Security Footprint. The boundaries of the Security Footprint shall be publicized on the Chicago Police Department's website to the extent feasible.

(2) During the Convention Period, it shall be unlawful for any person, other than governmental employees in the performance of their duties, or persons duly issued a permit that specifically authorizes the activities specified in this subsection, to do any of the following in the Security Footprint:

(i) push, pull or transport any vehicle, cart, or float;

(ii) throw any item;

(iii) possess, carry, control, or have immediate access to any item that poses potential safety hazards, as determined by Chicago Superintendent of Police, in consultation with the United States Secret Service and the Chicago Office of Emergency Management and Communications, including, but not limited to, any item listed in Exhibit A to this Ordinance, which is incorporated into and made an integral part of this Ordinance.

(iv) except as otherwise provided in subsection (c) of Section 10-36-400 of the Municipal Code, operate any small unmanned aircraft. For purposes of this subsection (2)(iv) of SECTION II, the terms "operate" and "small unmanned aircraft" have the meanings ascribed to these terms in Section 10-36-400 of the Municipal Code. Any person who violates this subsection (2)(iv) of SECTION II shall be subject to the penalty set forth in subsection (d) of Section 10-36-400 of the Municipal Code.

(3) Except as otherwise provided in this ordinance, any person who violates subsection 2 of Section II of this ordinance shall be fined not less than \$100 nor more than \$500 or imprisoned for a period of not less than ten days nor more than six months, or both, for each offense.

SECTION III. Transaction authority.

(1) The Mayor or his designees are authorized to negotiate and execute agreements with public and private entities for goods, work, services or interests in real property, or for providing grants of duly appropriated funds, personal property or services, regarding the planning, security, logistics, and other aspects of hosting the Convention, on such terms and conditions as the Mayor or such designees deem appropriate and which terms may provide for indemnification by the City, and to provide such assurances, execute such other documents and take such other actions, on behalf of the City, as may be necessary or desirable to host the Convention. All such agreements shall be subject to the approval of the Corporation Counsel as to form and legality.

(2) Notwithstanding anything to the contrary contained in the Municipal Code or any other ordinance or mayoral executive order, no parties to agreements entered into with the City pursuant to this Section III shall be required to provide to the City the document commonly

known as the "Economic Disclosure Statement and Affidavit" (or any successor to such document) in connection with such agreements.

(3) Except as otherwise provided in subsection (1) of this section, notwithstanding anything to the contrary contained in the Municipal Code or any other ordinance or mayoral executive order, agreements entered into with the City pursuant to this Section III may contain such terms as the Corporation Counsel determines to be necessary for entering into such agreements but need not contain provisions imposed by City ordinances or State law, unless such provisions are mandated by State law and preempt the City's home rule authority, or mandated by federal law.

(4) The Mayor or his designees may enter into an agreement as provided in subsection (1) of this Section only after making a determination that: (i) there is no existing contract awarded by the City to a vendor that can be used to procure the needed goods, work, services or interests in real property; or (ii) an existing contract awarded by the City to a vendor is not sufficient to procure the needed goods, work, services or interests in real property.

(5) Except when the minimum commercially available term for any agreement entered into pursuant to this Section III extends beyond September 30, 2024, no agreement entered into pursuant to this Section III may contemplate the provision of goods, work, services or interests in real property beyond September 30, 2024, unless there is separate authority for the agreement.

SECTION IV. This ordinance shall take effect 10 days after its passage and publication. This ordinance shall expire of its own accord, without further action of the City Council, on September 30, 2024.

Exhibit A

Items prohibited in the Security Footprint during the Convention:

- Laptops, Tripods, Monopods, and Selfie Sticks
*If an invited guest arrives with a tablet, they will be redirected to the X-ray line for screening and then permitted entry with the tablet.
- Large Bags and Suitcases exceeding size restrictions (18" x 13" x 7")
- Sealed packages
- Drones and other Unmanned Aircraft Systems
- Animals other than service/guide dogs
- Bicycles, Scooters, Folding Chairs, Balloons, Coolers
- Glass, Thermal, or Metal Containers
- Umbrellas with metal tips
- Any pointed object(s), including knives of any kind
- Aerosols, Tobacco Products, e-Cigarettes, Lighters, Matches
- Firearms, Ammunition, Fireworks, Laser Pointers, Stun Guns, Tasers, Mace/Pepper Spray, Toy Weapons
- Tents and Structures
- Any Other Items Determined by Chicago Superintendent of Police, in consultation with the United States Secret Service and the Chicago Office of Emergency Management and Communications, to be Potential Safety Hazards.

Exhibit Q

10-8-330 Parade.

(a) The following terms are defined for the purposes of this chapter, as follows:

"Business day" means those days in which municipal offices are open for conducting city business. A "business day" does not include Saturday, Sunday or the holidays listed in Section 2-152-090.

"Commissioner" means the commissioner of transportation.

"Large parade" means any parade that is held in the central business district, as that term is defined in Section 9-4-010, or any parade that is anticipated to require city services exceeding \$20,000.00 in value, to be adjusted beginning in 2013 for inflation.

"On-duty" means any city employee, including a police officer, who is scheduled to work on a specific day or shift as part of the employee's normal working hours. A city employee is not "on-duty" if the employee was not normally scheduled to work on that specific day or shift as part of the employee's normal working hours, but was called in or scheduled to work on that specific day or shift due to the demand for additional city personnel or resources.

The term "organization" shall include any voluntary association entered into for the purpose of organizing a parade.

"Parade" means any march, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, upon any public street, sidewalk, alley or other public place, which requires a street closing or otherwise requires authorized city employees to stop or reroute vehicular traffic because the parade will not or cannot comply with normal and usual traffic regulations or controls.

"Parade organizer" means the person listed on the permit application who is designated as the responsible planner and on-site manager for the parade.

"Parade unit" or "unit" means one vehicle, one float or one marching group.

"Person" has the same meaning ascribed to that term in Section 1-4-090.

"Traditional parade" means a parade that has been conducted on or about a certain date, on a substantially similar route, and in connection with a specific holiday or consistent theme, for at least the prior five years. Not having a parade in 2020 or 2021 shall not be included as part of the counting of the five years.

(b) No parade is permitted on any portion of the public way unless a permit allowing such activity has been obtained from the department of transportation.

(c) Except as provided in subsection (i), any person or organization seeking to obtain a parade permit shall file an application with the commissioner in the same calendar year as, and not less than 15 business days before, the date for which the parade is proposed; provided that if the requested permit is for a parade to be held in January, the application must be filed not less than 15 business days before, and not more than one year before, the date for which the parade is proposed. The commissioner shall consider an application for a parade which is filed less than 15 business days before the proposed event, where the purpose of such event is a spontaneous response to a current event, or where other good and compelling causes are shown.

(d) (1) No person or organization may submit more than one application for the same parade date and route, or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether using the same name, different names, or different affiliations that the person or organization may control or be a member of.

(2) No person or organization may submit an application on behalf of another person or entity that is also filing a parade application.

(3) Where a person or organization submits multiple applications for the same parade date and route, or for a parade substantially similar in theme or units described but requesting an alternate date or route, whether by using one name or multiple names, that person or organization shall not be eligible for such a permit and shall be in violation of this ordinance.

(4) The commissioner is authorized to disregard any such multiple applications and to deny any permit on the basis of a violation of this subsection (d). Any applicant who disagrees with the commissioner's actions hereunder may appeal, in the manner set forth in subsection (l).

(e) (1) An application for a parade permit shall contain the following information:

(i) the name, address, 24-hour contact telephone number, and, if available the fax number and e-mail address, of the person signing the application, and the organization with which that person is affiliated or on whose behalf the person is applying, if applicable. If the person is signing the application on behalf of an organization, evidence that the person is authorized to sign the application on behalf of such organization;

(ii) where an organization is involved in requesting a permit, the name, address, 24-hour contact telephone number, and, if available, the fax number and e-mail address, of the leaders of the organization conducting the parade. If the applicant at a later date becomes affiliated with an organization for purposes of producing a parade, this information shall be submitted at such time;

(iii) the name, address, 24-hour contact telephone number, and, if available, the fax number and e-mail address of the parade organizer;

(iv) the date of the proposed parade and the hours that it will begin and end;

(v) the location and exact street address of the assembly and disbanding area, the time when the parade will begin to assemble and disband and whether a permit has been obtained from the property owner to use the assembly or disbanding area;

(vi) the approximate number of persons and vehicles, floats or other units to participate in the parade and the basis on which this estimate is made;

(vii) the route along which the parade will proceed and the sidewalks or lanes of traffic it will occupy;

(viii) a list identifying the type and number of all animals that applicant intends to have at the parade; and

(ix) a description of any sound amplification or other equipment that is on wheels or too large to be carried by one person, and a description of the size and dimension of any sign, banner or other attention-getting device that is too large to be carried by one person, to be used in connection with the parade.

(2) As a condition of the permit, the permit holder shall keep all information current. Any change in required information shall be reported to the commissioner immediately.

(3) The application for a parade permit shall be accompanied by a non-refundable processing fee of \$50.00.

(4) No permit shall be issued until the parade organizer provides proof of the insurance required in subsection (m), if applicable.

(5) The application shall be in a form and format as prescribed by the commissioner in rules and regulations. The commissioner is authorized to disregard any application filed not in compliance with such rules and regulations and the application shall be returned to the applicant.

(f) The commissioner shall investigate the facts set out in the application, in consultation with the police department, which shall be sent copies of the application immediately upon receipt. Where the commissioner determines that additional information on the factors set forth in subsection (g)(1) – (5) is required, copies of

the application and a request for such information also shall be sent to any appropriate city department or other governmental agency, including any sister agency. Where the commissioner determines that any such entities may need to make advance preparations for the parade, or may have information useful to planning for city services supporting the event, a copy of the permit or an alternative form of notice shall be sent to the appropriate city department, and any governmental agency, including any sister agency, which may be affected by the parade.

The commissioner shall send a copy of each parade permit application to the alderman of the ward or wards in which the parade is to be held, with a request for any information on the factors set forth in subsection (g)(1) – (3), and a copy of the grant or denial of a parade permit.

Every February 1st and August 1st, the commissioner shall send to the police department and the city council committees on special events, cultural affairs and recreation and transportation and public way a list of all parade permits granted which have not previously been reported.

(g) After such investigation, the commissioner shall issue a permit when the commissioner finds that:

(1) The parade will not substantially or unnecessarily interfere with traffic in the area contiguous to the activity, or that, if the parade will substantially interfere with such traffic, that there are available at the time of the proposed parade sufficient city resources to mitigate the disruption;

(2) There are available at the time of the parade a sufficient number of on-duty police officers, or other city employees authorized to regulate traffic, to police and protect lawful participants in the parade and non-participants from traffic-related hazards in light of the other demands for police protection at the time of the proposed parade;

(3) The concentration of persons, animals, vehicles or things at the assembly and disbanding areas and along the parade route will not prevent proper fire and police protection or ambulance service;

(4) The parade will not interfere with the use of the requested area by another party to whom a valid permit has been issued for the same area or route, or does not conflict with another application, or with a traditional parade;

(5) The parade will not be conducted for any purpose or in any manner made unlawful elsewhere in this code or by any other local, state or federal law; and

(6) The application contains sufficient information about the person or organization applying for the permit, the parade organizer, and the proposed date, time, location, route and number of participants.

(h) Subject to subsection (i), all applications for any parade permit shall be processed on a first-in-time basis; provided that if there is a conflict between two or more applications filed, the conflict shall be resolved as follows:

(1) During the first five business days of each calendar year, the commissioner shall accept all applications for a parade permit filed without giving priority to applications filed first in time; provided however that for purposes of calculating the number of days required to take action or provide notice pursuant to subsection (j), all applications filed within the first five business days of the calendar year shall be deemed as filed on the fifth business day of the year.

(2) Where there is a conflict between two or more applications filed during the first five business days, or with an application for a traditional parade, the commissioner shall first evaluate whether the conflict could be resolved by assigning the applicants consecutive times on the same day and route, giving consideration to the criteria set forth in subsection (g)(1) – (4). If the commissioner finds that consecutive times are appropriate, the commissioner shall notify each applicant that the permit shall be granted for the specified alternative time. For those applicants who are not assigned their requested time period, such notice shall be treated as a denial and offer of alternative under subsection (k) for purposes of the five-business day time period in which to file an

acceptance or appeal.

Where consecutive times are not deemed appropriate and the conflict is with an application for a traditional parade, the traditional parade shall receive the permit in compliance with subsection (i).

(3) With respect to any remaining conflicts among permit applications, the commissioner shall notify the applicants that the conflict shall be resolved by lottery, and of the date, time and place of the lottery. Within seven days after the lottery, the applicants not chosen may submit alternative preferences to the commissioner. Any requests for alternative preferences submitted by applicants under this subsection shall be treated as a new application, for purposes of all time limitations under this section, and any conflicts arising among the alternative preferences shall be resolved in accordance with the procedures set forth herein,

(4) Applications for a parade permit received during the first five business days of the calendar year shall be given priority over applications received thereafter.

(i) For purposes of protecting the expectations and enjoyment of the public, a traditional parade shall be given a preference to continue on the traditional date and route of the parade. An application for a permit for a traditional parade shall be filed between the 1st and 15th day of December in the year prior to which the parade is to be held. Any application for a permit for a traditional parade filed after such time shall lose the traditional parade preference and shall be considered as an application for a non-traditional parade permit and subject to subsection (h).

In addition to any other information required, the commissioner may request an applicant for a traditional parade permit to provide information or documentation that the parade for which the permit is requested meets the criteria for a traditional parade.

Where the prior organizer of a traditional parade has been consistent and is ascertainable, that person or organization shall be given the preference.

Where there is a dispute regarding which person or organization shall receive the traditional parade preference for a certain date or route, the traditional parade which has been in existence longer shall receive the permit.

Where two or more applications are filed purporting to represent the prior organizer of a traditional parade, or where there have been different organizers over the past five years, the commissioner may request those involved to submit documentation to resolve such conflict. Where the commissioner finds no clear resolution of the conflict, the commissioner shall conduct a lottery to select the permittee, and shall notify each applicant in writing by mail, fax or e-mail of the existence of the conflict and of the date, time and place of the lottery.

Any applicant who disagrees with the commissioner's actions hereunder may appeal, in the manner as set forth in subsection (i).

(j) (1) The commissioner shall take action upon the application for a parade permit, and provide notice thereof, for applications filed in January within 10 business days after filing of an application, for all other applications within seven business days after the filing thereof or, if any lottery is held, within seven business days of the lottery, except that where the purpose of such event is a spontaneous response to a current event, or where other good and compelling cause is shown, the commissioner shall act within two business days.

(2) Notice shall be made in writing by mail, fax, or e-mail directed to the applicant, stating the facts and conclusions which are the basis for any denial of the permit and, if the action taken is setting a lottery date or offering a consecutive time, then describing the conflict among application requests. If the commissioner denies an application for failure to provide sufficient information about the proposed route or the estimated number of participants, he shall specify what additional information must be provided in a new or amended application.

(3) In the event that the commissioner fails to take action within the time prescribed in subsection (j)(1) after the date upon which the application was filed, the application shall be deemed approved and the permit deemed granted as to the time, date, location and route as set forth in the application.

(k) When the commissioner denies an application for a parade permit, the commissioner shall authorize the conduct of a parade on a date, at a time, at a location, or over a route different from that named by the applicant. This alternate permit shall, to the extent practicable, authorize an event that will have comparable public visibility and a similar route, location and date to that of the proposed parade. An applicant desiring to accept an alternate parade permit shall, within five business days after notice of the action by the commissioner, file a written notice of acceptance with the commissioner. Where the denial and alternate are based on a conflict between applications for a parade permit, however, the procedures set forth in subsection (h) shall apply.

The commissioner is empowered to limit the parade to the sidewalk or to one or more traffic lanes of the street if it is determined that such limited area is capable of accommodating the number of parade participants or parade units anticipated, based upon the information submitted by the applicant and the experience of previous comparable events, and such limitation shall not be considered a denial.

(l) (1) Any applicant who believes that his application for a permit is wrongfully denied may file an appeal with the department of administrative hearings within five business days of the date of notice of the commissioner's decision. If no appeal is filed within five business days of the date of notice of the commissioner's decision, that decision shall be deemed final.

Upon the filing of such appeal, the department of administrative hearings shall cause a hearing to be held within five business days and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the commissioner.

Any final decision of the department of administrative hearings shall be subject to judicial review in accordance with applicable law.

In the event that the department of administrative hearings fails to act within two business days of the conclusion of a hearing held under this section, the application for a permit shall be deemed approved and the permit deemed granted as to the date, time, location and route as set forth in the application.

(2) If there is not sufficient time to file the appeal in accordance with the procedure set forth in this subsection, the decision by the commissioner shall be deemed a final decision subject to judicial review in accordance with applicable law.

(m) For large parades, the commissioner shall require, as a condition of the permit, that the parade organizer obtain a commercial general liability insurance policy with limits of not less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage, naming the city as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the permittee's operations. In addition to the requirements stated above, and apart from and separate from any insurance requirement under this section, the permittee shall indemnify, defend and hold harmless the City of Chicago and its assignees and employees against any additional or uncovered third party claims against the city arising out of or caused by the parade; and shall agree to reimburse the city for any damage to the public way or to city property arising out of or caused by the parade.

(n) (1) At least one week prior to the scheduled parade, the parade organizer shall submit to the department of cultural affairs and special events a line of march, which shall list all parade units in numerical order, with a description and an estimate of the size or length of each unit. For any new parade, and for any parade for which in the prior year the estimate of the number or size of units was substantially inaccurate, the parade coordinator also shall be required to submit documentation demonstrating the planned participation of the parade units. At least one week prior to the scheduled parade, the parade organizer shall furnish to the commissioner documents demonstrating compliance with the insurance requirement set forth in this section, if required.

(2) Where animals will participate or be involved in the parade, the parade coordinator must provide: a veterinarian's certificate of good health for each animal to be used; the name of the attending local veterinarian who shall provide care for any sick or injured animals; a copy of the handler's Federal Exhibitor's license for any animal identified in the Illinois Dangerous Animal Act; and access to an animal ambulance.

In order to protect the health and safety of the public, employees of the commission on animal care and control are authorized to inspect animals prior to their use in the parade and to prohibit the use of any animal found to be diseased or unhealthy, or which poses a danger to public health and safety.

(3) The commissioner may establish in rules and regulations provisions for the orderly conduct of the parade, including requiring the parade units to proceed at a reasonable pace.

(o) (1) The parade shall last no longer than two hours and 15 minutes, except that where a traditional parade consistently has lasted longer and the commissioner determines that there is no traffic safety or undue congestion problem in continuing to allow the longer time period, the permit may provide for additional hours. The parade permit time may be reduced by the department of cultural affairs and special events after receipt of the parade lineup, where the number and size of the planned parade units are not sufficient to fill the permit time while proceeding at a reasonable pace, or may be reduced by the police department on location, for the same reason, where the actual size and number of parade units at the lineup are insufficient to require a two-hour and 15 minute street closing. Once the last unit has started on the parade route, the department of streets and sanitation will begin cleaning the street, and the police department will reopen the street to traffic as street cleaning is completed. Once the last parade unit has completed the parade route, all parade participants must disperse from the street so that it may be safely cleaned and reopened to traffic.

(2) Where the parade permit was limited to the sidewalk or one lane of traffic based on the estimated number of parade participants and parade units, and in the event that the number of participants in attendance exceeds anticipated levels, members of the police department are authorized to make reasonable accommodation to increase the portion of the public way made available in order to preserve public health and safety.

Alternatively, where the number or size of parade participants or parade units participating are substantially less than expected, members of the police department are authorized to limit the available portion of the public way, where one lane of traffic or the sidewalk is capable of accommodating the number of participants and parade units present.

(p) The commissioner, in consultation with other city departments and agencies, including the department of cultural affairs and special events, is authorized to promulgate rules and regulations to implement this section.

(q) It shall be unlawful for any person to knowingly interfere with any person or organization lawfully conducting a parade.

(r) Any requirement for an application fee or obtaining insurance provided for in this section shall be waived by the commissioner if the application is for an activity protected by the 1st Amendment to the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from applying for a parade permit for the proposed activity. An application for a waiver of the application fee or insurance requirement shall be made on a form prescribed by and contain reasonable proof acceptable to, the commissioner.

(s) Any person violating any of the provisions of this section, or any of the provisions of the regulations promulgated hereunder, shall be fined not less than \$200.00 nor more than \$1,000.00, or may be subject to incarceration for up to ten days, or both. In addition to any other penalty or fine provided, any person who sells or transfers a permit granted under this section shall be barred from applying for another such permit for a period of three years.

(Prior code § 36-31; Amend Coun. J. 7-29-87, p. 2888; Amend Coun. J. 12-20-89, p. 10127; Amend Coun. J. 12-11-91, p. 10832; Amend Coun. J. 11-30-94, p. 62771; Amend Coun. J. 12-21-94, p. 64115; Amend Coun. J. 11-18-98, p. 84402, § 1; Amend Coun. J. 12-12-01, p. 76493, § 1; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 12-7-05, p. 64870, § 1.9; Amend Coun. J. 11-19-08, p. 47220, Art. IX, § 1; Amend Coun. J. 11-17-10, p. 106597, Art. VII, § 3; Amend Coun. J. 1-18-12, p. 19230, § 5; Amend Coun. J. 10-28-15, p. 11951, Art. VI, § 27; Amend Coun. J. 11-16-16, p. 37901, Art. II, § 28; Amend Coun. J. 4-21-21, p. 29736, § 1)