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January 11, 2012

Via Messenger

Rahm Emanuel, Mayor
City of Chicago
City Hall
127 N. LaSalle, Suite 507
Chicago, Illinois 60602

Via Messenger

Gary F. McCarthy, Superintendent
Chicago Police Department
3510 S. Michigan Avenue
5th Floor
Chicago, Illinois 60653

Re: Speech and associational activities during upcoming G8/NATO Summit

Dear Mayor Emanuel and Superintendent McCarthy:

We write on behalf of the ACLU of Illinois and its 23,000 members in Illinois, including the more than 9,000 members who are residents of Chicago. We also write on behalf of the American Friends Service Committee which is one of the premier peace and social justice organizations in our country, and which maintains a regional office in Chicago. Both organizations and our members and supporters intend to engage in free speech and associational activities during the coming G8/NATO Summit in May.

We respectfully request that the City convene a meeting in the immediate future with representatives of our organizations as well as other groups that intend to exercise their rights to freedom of expression during the summit, to discuss the formulation of plans which the City will utilize in facilitating and regulating free speech in our city during the Summit. While we are aware that the City has prescribed time frames in which to respond to individual applications for permits for certain sites (e.g., Daley Plaza) and specific activities (e.g., parades), and that permits have been filed for the period in issue, we seek to discuss the City's plans for the regulation of protected speech activities of all kinds and in all forums.

As you know many types of expressive activities in public forums, particularly by small groups and individuals, may not be conditioned on seeking the permission of government and thus require no application for permits. Additionally, spontaneous exercises of free speech do and will occur during the summit and also will be best facilitated by an informed public. For example, we anticipate that the City and involved federal agencies plan to regulate the area surrounding the McCormick Convention Center. Since an objective of many persons and groups will be to communicate with the Summit attendees, to be within "sight and sound" of these individuals, it is imperative that the City inform us of its concerns and intentions regarding the areas surrounding this facility. In brief, it is essential that we are informed of any proposed restrictions on speech in all public forums during the Summit.

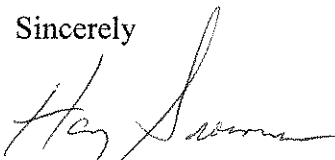
We stress that proper planning of first amendment activity requires us to know now what the City intends to allow in terms of expressive activities. However, we further note that to the extent organizations have objections to the City plans, it is essential they be afforded ample opportunity to seek redress through negotiation with the City and federal agencies and, if necessary, through the courts. As such, time is of the essence and we must know the City's intentions now.

This problem of sufficient advance notice of the City's plans is illustrated by the events that unfolded at the 2004 Democratic National Convention in Boston. Ruling in a case filed only two weeks before the convention, the trial court and the court of appeals said there was not enough time for full evaluation and to carry out any orders the courts might issue regarding the barriers and physical limitations of a demonstration zone, and therefore no time to remedy First Amendment violations. The courts said that in future cases, arguments that security arrangements infringe on First Amendment rights should be brought to court much earlier, to give the courts and the parties adequate time to analyze the challenged plans and the possible alternatives, and order changes if necessary.

Based on the experience of the 2004 Convention, four months prior to the 2008 DNC a suit was filed to compel the City of Denver and the federal government to release their plans regulating speech activity. The response of the federal court in that case was to strongly suggest the release of plans and the engagement in good faith negotiation over disputes while retaining the suit for final resolution of remaining controversies following negotiations. We believe the position of the Denver federal court is one to be reasonably expected by any court faced with a similar controversy.

Please contact us as soon as possible, so that we may arrange a meeting with your staff to be held in the next 10 days. Thank you for your consideration in this matter.

Sincerely



Harvey Grossman
Legal Director

cc: Steve Patton, Corporation Counsel