

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SERVICE EMPLOYEE )  
INTERNATIONAL UNION, LOCAL )  
660; D2K CONVENTION PLANNING )  
COALITION; L.A. COALITION TO )  
STOP THE EXECUTION OF MUMIA )  
ABU-JAMAL; NATIONAL LAWYERS )  
GUILD, LOS ANGELES CHAPTER; )  
JENNAFER WAGGONER; and TOM )  
HAYDEN, )

Plaintiffs,

v.

CITY OF LOS ANGELES, CHIEF )  
BERNARD PARKS, in his official )  
capacity as chief of the Los Angeles )  
Police Department; COMMANDER )  
THOMAS LORENZEN, in his official )  
capacity as commanding officer of )  
the Los Angeles Police Department's )  
DNC 2000 Planning Group; and the )  
LOS ANGELES POLICE COMMISSION, )

Defendants.

Case No. CV 00-7119-GAF

**MEMORANDUM AND ORDER RE:  
MOTION FOR PRELIMINARY INJUNCTION**

I.

**INTRODUCTION AND SUMMARY**

The 2000 Democratic National Convention is scheduled to take place at  
the Staples Center, 1111 South Figueroa Street, from August 14 through

1 August 17. For a period of time prior to and after the convention, the Los  
2 Angeles Police Department, in conjunction with convention planners, the United  
3 States Secret Service and other agencies, has designated a "secured zone"  
4 around the Staples Center, defined by Olympic Boulevard on the north, Venice  
5 Boulevard on the south, the Harbor Freeway on the west and Flower Street on  
6 the east — an area of more than 8 million square feet encompassing numerous  
7 streets, sidewalks and buildings.

8 North of Olympic Boulevard, some 260 yards from the entrance to the  
9 Staples Center, a small "protest" or "demonstration" site has been designated  
10 for use during the convention. Defendant City of Los Angeles defends the  
11 expansiveness of the "secured zone" and the location of the protest site on the  
12 basis of security concerns.

13 Plaintiffs consist of a number of groups who wish to engage in a variety  
14 of expressive activities during the convention including marches, speeches,  
15 picketing and leafletting. They contend that the "secured zone," and various  
16 permit schemes, deny them their First Amendment rights of speech and  
17 assembly. They move this Court for a preliminary injunction: (1) barring  
18 enforcement of the "secured zone" as presently constituted; (2) ordering the  
19 defendants to issue permits to three different groups who wish to march during  
20 the convention; and (3) precluding enforcement of LAMC §103.111 and the  
21 "Permit Procedure for the Department of Recreation and Parks" during the  
22 pendency of the present action.

23 The Court has now read and fully considered all of the moving and  
24 opposition papers of the parties, the evidence and authorities cited therein, and  
25 the argument of counsel at the hearing on this motion. Based on the foregoing,  
26 the Court GRANTS the motion for the reasons set forth below.

27  
28

1 II.

2 **FACTUAL BACKGROUND**

3 **A. Plaintiffs' Planned Speech Activities**

4 **1. *Service Employees International Union***

5 The Service Employees International Union, Local 660 ("SEIU") is a labor  
6 union planning on holding a march and rally entitled "Fair Share for Los Angeles  
7 County's Working Families" on August 15. (Diener Dec., ¶¶ 5-7.)

8 **2. *D2K Convention Planning Coalition***

9 D2K is a coalition of grassroots community groups who joined to  
10 coordinate a community response to the Democratic National Convention.  
11 (White Dec., ¶ 2.) D2K has applied for a permit to parade from Pershing Square  
12 to the corner of 11<sup>th</sup> and Figueroa Streets, as well as for a permit to use  
13 Pershing Square on August 14. (White Dec., ¶ 4-5.) The City has denied the  
14 request to use Pershing Square due to a previously scheduled event, but has  
15 granted the permit to march to 11<sup>th</sup> and Flower Streets (outside of the "secured  
16 zone"). The permit is conditioned on D2K paying fees to the Department of  
17 Transportation for installing parking restriction signs and traffic control devices,  
18 and informing the police and the Department of Transportation of D2K's  
19 alternative dispersal plan.

20 **3. *L.A. Coalition to Stop the Execution of Mumia Abu-Jamal***

21 The L.A. Coalition to stop the Execution of Mumia Abu-Jamal ("Mumia  
22 Coalition") is a non-profit organization protesting the death penalty generally  
23 and the scheduled execution of Abu-Jamal specifically. (Antouian Dec., ¶ 5.)  
24 The Mumia Coalition is planning on conducting a rally and march on August 13  
25 from Pershing Square to the corner of 11<sup>th</sup> and Figueroa Streets. (Antouian  
26 Dec., ¶ 9.) The permit has been granted subject to the same conditions  
27 described above.

1           **4.     National Lawyers Guild, Los Angeles Chapter**

2           The National Lawyers Guild is a human rights bar association. (Lafferty  
3 Dec., ¶ 2.) The Guild plans on monitoring the DNC protests and offering legal  
4 services for people who are arrested. (*Id.*) Members of the Guild plan on  
5 participating in planned and spontaneous demonstrations. (Anderson-Barker  
6 Dec., ¶ 3.)

7           **5.     Jennafer Waggoner**

8           Ms. Waggoner is a community activist and editor of a street-newspaper  
9 called *Making Change*. (Waggoner Dec., ¶¶ 3-4.) The current issue of *Making*  
10 *Change* was produced with the specific purpose of distributing it to delegates at  
11 the Convention. (Waggoner Dec., ¶ 5.)

12           **6.     Senator Tom Hayden**

13           Senator Hayden is a delegate to the Convention who is interested in both  
14 seeing the demonstrations and participating in peaceful protests. (Hayden Dec.,  
15 ¶¶ 2, 5-6.)

16       **B.     The "Secured Zone"**

17           Concerned about the safety of the government officials, convention  
18 delegates and employees of the convention, the defendants have set up a  
19 "secured zone" which may only be accessed by people who possess a ticket  
20 issued by the Democratic National Convention Committee or those who possess  
21 a credential issued by the United States Secret Service. (Koerner Dec., ¶ 9.)

22           The boundaries for the zone are: Olympic Boulevard on the north, Flower  
23 Street on the east, Venice Boulevard on the south, and the 110 Freeway on the  
24 west. (Vasta Dec., ¶ 7.) There will be a physical barrier around the zone.  
25 (Lorenzen Dec., ¶ 15.)

26       **C.     The Official Demonstration Site**

27           Defendants have also established an "Official Demonstration Site" on the  
28 north side of Olympic Boulevard, between Georgia and Francisco Streets.

1 (Lorenzen Dec., ¶ 21.) Demonstrators are not required to use this site,  
2 (Lorenzen Dec., ¶ 26), but are precluded from engaging in any expressive  
3 activities within the “secured zone.” The site is offered by defendants and will  
4 include a platform, a sound system and portable toilets. (Lorenzen Dec., ¶ 21.)  
5 The site faces Olympic Boulevard, looks across the “media village” (Parking  
6 Lots 2 and 3) and has a “sight line” to the Staples Center. (Lorenzen Dec.,  
7 ¶ 22.)

### 8 III.

## 9 LEGAL ANALYSIS

### 10 A. Standards

#### 11 1. *Preliminary Injunction Standard*

12 A preliminary injunction should be granted only if (1) there is a  
13 combination of plaintiffs’ probable success on the merits with the possibility of  
14 irreparable injury to them; or (2) there are serious questions and the balance of  
15 hardships tips in plaintiffs’ favor. Bay Area Addition Research and Treatment,  
16 Inc. v. City of Antioch, 179 F.3d 725, 732 (9<sup>th</sup> Cir. 1999).

17 The issue of probable success on the merits must be viewed in light of  
18 the respective burdens of the parties at trial. Since the issue before the Court  
19 involves the validity of restrictions that impact on First Amendment rights, the  
20 defendants have the ultimate burden of establishing that: (1) restrictions on the  
21 exercise of those rights was “narrowly tailored” to achieve a significant  
22 governmental interest; and (2) ample alternative channels are available for the  
23 exercise of those rights. Bay Area Peace Navy v. United States, 914 F.2d  
24 1224, 1227 (9<sup>th</sup> Cir. 1990)(“The government bears the burden of proving that  
25 the ‘narrowly tailored’ and ‘alternative communication’ prongs are satisfied.”)  
26 Thus, in this case, the plaintiff shows probable success on the merits by  
27 establishing facts that would create a high probability that the government  
28

1 cannot meet its burden on one or both prongs of the applicable test. As  
2 explained below, the Court concludes that plaintiff has made such a showing.

3  
4 **2. First Amendment Standards**

5 There is no dispute that the sidewalks and streets within the “secured  
6 zone” are traditional public fora. See, e.g., Boos v. Barry, 485 U.S. 312, 318,  
7 108 S. Ct. 1157, 1162, 99 L. Ed. 2d 333 (1988). There is also no dispute that  
8 defendants have legitimate public safety concerns for which some security  
9 measures may be taken. See, e.g., Cox v. Louisiana, 379 U.S. 536, 554, 85 S.  
10 Ct. 453, 464, 13 L. Ed. 2d 471 (1965).

11 Government regulation of speech in traditional public fora is subject to  
12 the highest constitutional scrutiny. United States v. Grace, 461 U.S. 171, 177,  
13 103 S. Ct. 1702, 1707, 75 L. Ed. 2d 736 (1983). This is especially true where,  
14 as here, the government seeks to impose a prior restraint on speech. Carroll v.  
15 President and Comm’rs of Princess Anne, 393 U.S. 175, 181, 89 S. Ct. 347,  
16 351, 21 L. Ed. 2d 325 (1968); United States v. Baugh, 187 F.3d 1037, 1042  
17 (9<sup>th</sup> Cir. 1999). The government bears the burden of proving that a prior  
18 restraint on speech is constitutional. N.A.C.C.P., Western Region v. City of  
19 Richmond, 743 F.2d 1346, 1354 (9<sup>th</sup> Cir. 1984).

20 **B. Unconstitutionality of The “Secured Zone”**

21 In order to satisfy the First Amendment, the delineation of the “secured  
22 zone” (1) must be content neutral; (2) must be narrowly tailored to serve a  
23 significant government interest; and (3) must offer ample alternative channels  
24 of communication. Bay Area Peace Navy, 914 F.2d at 1227. The Court  
25 assumes for purposes of its analysis that the “secured zone” is content neutral.<sup>1</sup>

26  
27 

---

<sup>1</sup>While neither side argues that the “secured zone” is a content-based restriction, the  
28 Court has its doubts regarding the zone’s neutrality. The “secured zone” is not a “no  
(continued...)



1           The government cannot infringe on First Amendment rights on the mere  
2 speculation that violence *may* occur. Collins v. Jordan, 110 F.3d 1363, 1373  
3 (9<sup>th</sup> Cir. 1997); Bay Area Peace Navy, 914 F.2d at 1228. As the Collins Court  
4 stated:

5                     [E]njoining or preventing First Amendment activities  
6 before demonstrators have acted illegally or before  
7 the demonstration poses a clear and present danger is  
8 presumptively a First Amendment violation.

9                     [Citations.] The generally accepted way of dealing  
10 with unlawful conduct that may be intertwined with  
11 First Amendment activity is to punish it after it occurs,  
12 rather than to prevent the First Amendment activity  
13 from occurring in order to obviate the possible  
14 unlawful conduct. [Citations.]

15 Id. at 1371. As the Ninth Circuit observed in Bay Area Peace Navy:

16                     Although the government legitimately asserts that it need not show "an  
17 actual terrorist attack or serious accident" to meet its burden, it is not  
18 free to foreclose expressive activity in public areas on mere speculation  
19 about danger. [Citations.] *Otherwise, the government's restriction of first*  
20 *amendment expression in public areas would become essentially*  
21 *unreviewable.*

22 914 F.2d 1228. (Emphasis added.)

23           The ban in issue must be viewed in light of this case law. First, the area  
24 to be cordoned off covers approximately 185 acres of land surrounding the  
25 Convention site. Its configuration prevents anyone with any message, positive  
26 or negative, from getting within several hundred feet of the entrance to the  
27 Staples Center where delegates will arrive and depart. While there is no  
28 dispute that a narrowly tailored no activity zone is constitutionally permissible in



1 order to ensure that delegates can enter and exit the Staples Center safely,<sup>3</sup> the  
2 “secured zone” covers much more area than necessary to serve this interest.  
3 And although it may be more convenient for delegates to have exclusive access  
4 to the immediate area, convenience can never predominate over the First  
5 Amendment.

6 Furthermore, the time restriction is absolute: regardless of activity  
7 occurring at the Staples Center, the “secured zone” will block expressive  
8 activities 24 hours a day. In addition, although the Convention activity at the  
9 Staples Center will not begin until August 14 (Ibarra Dec., Exh. 3b), the  
10 “secured zone” will be erected on August 11. See Opp. p. 1. Thus, there has  
11 been no attempt to provide some reasonable accommodation regarding the  
12 timing of demonstrations.

13 Finally, the “manner” of speech is not addressed by the plan because the  
14 intent is to preclude all speech activities by non-invitees within the secured  
15 zone. Thus, there is again no attempt made to accommodate or balance the  
16 speech interests of the protestors against the need for security at the  
17 Convention site.

18 These extreme limitations are based on and justified by defendants’  
19 concerns that violence may occur at the Convention site, and on the premise  
20 that dealing with a worst case scenario must be given priority in the balancing  
21 of the competing interests. While the concerns are no doubt real, First  
22 Amendment jurisprudence teaches that banning speech is an unacceptable  
23 means of planning for potential misconduct. E.g., Collins, 110 F.3d at 1372-  
24 73. Thus, the extensive ban currently in place does not survive constitutional  
25 scrutiny.

---

26  
27  
28 <sup>3</sup>For example, plaintiffs do not seek an order allowing them on the sidewalk that immediately surrounding the Staples Center. Motion at 2.

1           **2.     The “Official Demonstration” Area Does Not Provide Adequate**  
2           **Alternative Means of Communication**

3           Likewise, defendants’ “Official Demonstration” area is not a sufficient  
4 alternative channel of communication to accommodate First Amendment  
5 interests. An alternative channel is not sufficient if the speakers are not  
6 permitted to reach their intended audience. Bay Area Peace Navy, 914 F.2d at  
7 1229. Recognizing this, the Ninth Circuit has struck down a number of “First  
8 Amendment zones.” See id. (75-yard “safety zone” between demonstrators  
9 and intended audience did not leave open alternative channel of  
10 communication); Baugh, 187 F.3d at 1044 (150-175 foot “safety zone”  
11 inadequate alternative means of communication).

12           The plaintiffs have made clear that their intended audience is the  
13 Convention delegates and attendees. (See, e.g., Diener Dec., ¶ 4; White Dec.,  
14 ¶ 2.) Since they are the ones who will determine the party’s platform,  
15 nominate its candidate for president, and who include in their ranks many  
16 elected officials, one can hardly contend that the desire to reach this audience  
17 is frivolous. On the contrary, the speech activities at issue in the case and the  
18 proposed location of those activities rest at the very core of the First  
19 Amendment. Few events in this country’s national political life are more  
20 significant than the quadrennial conventions of the two major political parties.  
21 Yet defendants’ plan would keep the protestors 260 yards away from those  
22 who are the decision makers in this quintessential political affair. See Bohl  
23 Dec., ¶ 7. While defendants claim that there is a “sight line” from the  
24 Demonstration Area to the Staples Center, the distance ensures that only those  
25 delegates with the sharpest eyesight and most acute hearing have any chance  
26 of getting the message, that is, assuming that the “sight line” is not blocked  
27 during the convention. This is a questionable assumption because it does not  
28 account for the fact that, between the Staples Center entrance and the

1 Demonstration Area, there will be a “media village” housing 10,000 members of  
2 the media with their equipment (such as staging facilities and a large screen  
3 TV). See Lorenzen Dec., ¶¶ 7, 22; see also Vasta Dec., ¶ 12. Thus, it is likely  
4 that the delegates will not be able to see or hear messages conveyed in the  
5 “Official Demonstration” area. In short, at this crucial political event, those  
6 who do not possess a ticket to the convention cannot get close enough to the  
7 facility to be seen or heard. The First Amendment does not permit such a  
8 result.

9 The Court notes that there appears to be no constitutional infirmity in the  
10 southern or western borders of the “secured zone,” or in banning all  
11 unauthorized vehicles from the “secured zone” given the peculiar security  
12 problems posed by vehicles. Likewise, the Court sees no constitutional defect  
13 in the northwest or southeastern borders of the zone. The problem lies in the  
14 blanket preclusion of persons from the area to the north and east of the Staples  
15 Center entrance where delegates enter and leave the facility. Any scheme that  
16 precludes plaintiffs from effectively communicating with those delegates will  
17 not withstand constitutional scrutiny.

18 **C. Unconstitutionality of Permit Laws**

19 In addition to challenging the “secured zone,” plaintiffs challenge the  
20 City’s parade and park use permit procedures as facially unconstitutional.  
21 Plaintiffs have standing to challenge the procedures regardless of whether or  
22 not they applied for a permit. See S.O.C., Inc. v. County of Clark, 152 F.3d  
23 1136 (9th Cir.), amended 160 F.3d 541 (9<sup>th</sup> Cir. 1998) (general rules regarding  
24 standing are disregarded in First Amendment cases because unconstitutional  
25 laws may have universal chilling effect).

1           **1.     *The Parade and Park Use Procedures***

2           **a.     *Municipal Code § 103.111***

3           Los Angeles Municipal Code § 103.111 governs parades. A “parade” is  
4 defined as a gathering “which does not comply with normal and usual traffic  
5 regulations or controls.” § 103.111(a)(1). The Code requires all parade  
6 applications to be made no less than 40 days before the parade, although the  
7 Board has the “authority, in its discretion, to consider any application for a  
8 permit to conduct a parade which is filed less than 40 days before the date” of  
9 the parade. § 103.111(d) and (o). Obtaining a permit requires a rather  
10 elaborate process for which the applicant must appear for a hearing before the  
11 Board. § 103.111(f). The permit will be denied if the applicant does not appear  
12 at the hearing or if the applicant refuses to abide by all the conditions set by the  
13 Board. § 103.111(i)(2) and (4). The Board is permitted to condition the permit  
14 on compliance with requirements that “are found by the Board to be reasonably  
15 necessary for the protection of persons or property and control of other traffic.”  
16 § 103.111(g). Finally, the Board may revoke the permit “when by reason of  
17 disaster, public calamity or other emergency, such Board determines that the  
18 safety of persons or property demands such revocation.” § 103.111(r).

19           **b.     *Park Permit Procedure***

20           A person or group of people who engage in conduct “which has the  
21 effect, purpose or propensity to draw a crowd of onlookers” is required to  
22 obtain a park permit. Permit Procedure II and III(k). The permit application must  
23 be made at least five days in advance. Permit Procedure IV. Upon submitting  
24 an application, the permit is presumed granted. Id. However, it may be denied  
25 or revoked if there appears to be “a clear and present danger to the public’s  
26 safety, welfare, or health.” Permit Procedure VII and XVI.

27           **2.     *The Municipal Code is Unconstitutionally Overbroad***

28           **a.     *The 40-day Advance Notification***

1 Procedures requiring advance notification have the potential to reduce  
2 speech drastically because they impose both a procedural hurdle of submitting  
3 an application and a temporal hurdle of waiting for a response. Grossman v.  
4 City of Portland, 33 F.3d 1200, 1206 (9<sup>th</sup> Cir. 1994). While certain  
5 demonstrations require notification so that the City may ensure peace and  
6 safety, a delicate balance must be reached to ensure that free speech is not  
7 unduly limited.

8 Municipal Code § 103.111 places a hefty burden on potential speakers,  
9 requiring them to apply for a permit over one month before their planned  
10 expressive activity. Such a lengthy requirement is patently unconstitutional.  
11 Cf. Grossman, 33 F.3d at 1206 (seven-day advance notification  
12 unconstitutional); cf. also City of Richmond, 743 F.2d at 1353-56 (noting that,  
13 empirically, many cities (including New York and San Francisco) can protect  
14 their interests in less than 36 hours).

15 This facial defect is not cured by the Board's discretion to waive the 40-  
16 day requirement, because there are no rules governing the exercise of the  
17 Board's discretion. Permitting the Board to have unfettered discretion to grant  
18 or deny a permit is an unconstitutional exercise of prior restraint. Shuttlesworth  
19 v. City of Birmingham, 394 U.S. 147, 151, 89 S. Ct. 935, 939, 22 L. Ed. 2d 162  
20 (1969).<sup>4</sup>

21 ***b. The "Conditions" Provisions***

22 Plaintiffs also challenges the Municipal Code's provisions permitting the  
23 Board to condition a permit on requirements the Board finds to be "reasonably  
24

---

25 <sup>4</sup>Defendants assert that the Board has exercised its discretion in good faith and has  
26 always considered late petitions. While this may be true, it is not sufficient to save the  
27 statute. City of Lakewood v. Plain Dealer Publishing Co., 486 U.S. 750, 769-70, 108  
28 S. Ct. 2138, 2150-51, 100 L. Ed. 2d 771 (1988) (statute permitting unbridled discretion  
cannot be saved by mere presumption that government actor will act in good faith;  
court cannot write nonbinding limitations in silent statutes).

1 necessary for the protection of persons or property and control of other  
2 traffic[.]” The Court finds nothing facially unconstitutional regarding that  
3 provision. However, it appears that this provision has been applied here to  
4 condition the issuance of plaintiffs’ permits on payments to the Department of  
5 Transportation for installing parking restriction signs and traffic control devices.

6 The Municipal Code does not specify how or when Department of  
7 Transportation fees are to be assessed or what guidelines are to be used to  
8 determine whether to condition a permit on payment of such fees. In essence,  
9 the Department and the Board have total discretion to determine who must pay  
10 these fees. Such unfettered discretion is facially unconstitutional because it  
11 creates a substantial risk that fees will be charged based upon the context of  
12 the intended expressive activity, which violates the First Amendment. Forsyth  
13 County, Georgia v. Nationalist Movement, 505 U.S. 123, 112 S. Ct. 2395, 120  
14 L. Ed. 2d 101 (1992).<sup>5</sup>

15 **3. The Park Procedures Are Unconstitutionally Vague and Overbroad**

16 In addition, the procedures for obtaining a park permit are  
17 unconstitutional. The procedures require a permit for activity  
18 engaged in by one or more persons, the conduct of  
19 which has the effect purpose or propensity to draw a  
20 crowd of onlookers.

21 Permit Procedure III(k). First, the language is overbroad and permits content-  
22 based decision making. By tying the permit requirement to the reaction of other  
23 park users, rather than the need for City services, the procedures necessarily  
24 discriminate against expressive speech generally and against certain types of  
25 speech specifically. See Grossman, 33 F.3d at 1207; see also Forsyth County,

---

26  
27 <sup>5</sup> Indeed, it appears that while the protestors here, who wish to engage in  
28 constitutionally protected core speech activities, are being required to pay costs that  
were not imposed on the sponsors of the Los Angeles Lakers victory celebrations or on  
the celebrants who attended.

1 Georgia, 505 U.S. at 134, 112 S. Ct. at 2403 (“Listeners’ reaction to speech is  
2 not a content-neutral basis for regulation.”).

3 Second the procedures are vague as there are no concrete criteria for  
4 determining whether a permit is required. For example, how many people  
5 constitute a “crowd”? Two? Ten? One hundred? The language is insufficient to  
6 give any guidance to those who wish to exercise their First Amendment rights  
7 or those who seek to enforce the permit requirements. Such language will not  
8 withstand constitutional scrutiny.

9 IV.

10 **FINDINGS AND ORDER**

11 The Court finds that plaintiffs have shown a strong likelihood of prevailing  
12 on the merits and that, if defendants are not enjoined pending a final  
13 determination on the merits of this action, plaintiffs will suffer irreparable injury  
14 from loss of their First Amendment rights.

15 The Court finds that the sidewalks and streets contained within the  
16 designated “secured zone” (bounded by Olympic Boulevard on the north, Flower  
17 Street on the east, Venice Boulevard on the south, and the 110 Freeway on the  
18 west) are traditional public fora for the exercise of First Amendment rights.  
19 While defendants have a significant government interest in providing security to  
20 those attending the convention, the Court finds that the proposed “secured  
21 zone” surrounding the Staples Center is not narrowly tailored to serve that  
22 interest because it burdens more speech than is necessary. The Court further  
23 finds that defendants’ proposed “Demonstration Site” is not an adequate  
24 alternative for communication to the delegates and Democratic Party officials  
25 at the Staples Center.

26 The Court further finds that LAMC §103.111, regulating parades,  
27 marches and processions, is unconstitutional on its face because it imposes an  
28 unjustified prior restraint in the form of a lengthy pre-filing requirement and

1 because it vests public officials with unbridled discretion to implement terms  
2 and conditions on the permit in an impermissible content-oriented basis.

3 The Court further finds that the City's "Permit Procedure for the  
4 Department of Recreation and Parks" is unconstitutional on its face because the  
5 regulations impose a prior restraint on all expressive activity in public parks  
6 based on the intent of speakers to communicate their views on an unlimited  
7 range of issues. The Court further finds that the park permit scheme is  
8 unconstitutional because it vests public officials with unbridled discretion to  
9 implement the terms and conditions of the permit scheme.

10 THEREFORE, IT IS ORDERED as follows:

11 (1) That Defendants, their officers, agents, employees, successors, and  
12 those in active concert with them are hereby enjoined from enforcing the  
13 "secured zone" as presently constituted and are hereby directed to  
14 reconfigure that area to comply with the terms of this Court's  
15 Memorandum and Order;

16 (2) That Defendants, their officers, agents, employees, successors, and  
17 those in active concert with them are to issue forthwith the march and  
18 rally permits applied for by Plaintiffs D2K CONVENTION PLANNING  
19 COALITION, L.A. COALITION TO STOP THE EXECUTION OF MUMIA  
20 ABU-JAMAL, and SERVICE EMPLOYEE INTERNATIONAL UNION, LOCAL  
21 660, for a route starting in downtown Los Angeles, proceeding to an area  
22 near the Staples Center within the present "secured zone" as  
23 reconfigured in accordance with Paragraph (1) above. Consistent with  
24 the requirements of this order, reasonable time, place and manner  
25 restrictions may be placed on the marchers;

26 (3) That Defendants, their officers, agents, employees, successors, and  
27 those in active concert with them are enjoined from enforcing the LAMC  
28 §103.111 during the pendency of this action; and



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(4) That Defendants, their officers, agents, employees, successors and those in active concert with them are preliminarily enjoined from enforcing the City's "Permit Procedure for the Department of Recreation and Parks" during the pendency of this action, including enforcement of this procedure as to Pershing Square Park.

IT IS FURTHER ORDERED THAT the requirements of Fed.R.Civ.P. 65(c) are waived as the Court finds that the Defendants are unlikely to suffer any monetary damages as a result of the issuance of the injunction. Plaintiffs are excused from the requirement to post a bond or undertaking as a condition for the issuance of the preliminary injunction.

IT IS SO ORDERED.

DATED: July 20, 2000

---

Judge Gary Allen Feess  
United States District Court