



## CITY OF PHILADELPHIA

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June 17, 2016

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Executive Director  
ACLU of Pennsylvania  
P.O. Box 60173  
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**RE: Your Letter to the Mayor Concerning Protests During the DNC**

Dear Ms. Roper and Mr. Shuford:

I write in response to your letter of June 15, 2016, to Mayor Kenney concerning protests during the Democratic National Convention. Because your letter purports to criticize statements made by Law Department attorneys, I am obligated to directly respond to your letter.

We are very disappointed that after several months of conciliatory and cooperative communications and meetings with various City officials and with the Law Department, you never expressed any displeasure with or concerns about Law's statements to you directly to us. Rather, we read about your concerns in the press and in your letter to the Mayor's Office. We would have appreciated the opportunity to address your concerns.

In addition, I would like to correct the misimpression you apparently harbor that our attorneys instructed you to stop communicating directly with City agencies and direct all communications through the Law Department. You asked our attorneys a number of questions, and then you asked them with whom you should communicate in order to obtain the answers. Our attorneys volunteered to obtain the answers you sought and provide them to you. You did not object to this arrangement. You did not suggest that you would rather communicate directly with our clients. It is disappointing, again, that you chose to express your objection to this arrangement to the press, rather than to us.

Frankly, it would have been perfectly appropriate if our attorneys had asked ACLU's attorneys not to communicate directly with our clients outside of the presence of City attorneys. In any event, as you said in your letter, City officials have continued to invite you to participate in – and you have participated in – monthly meetings with them and in conference calls. Your

access to City officials has not been cut off. I can also assure you that the answers our attorneys provided to you are the same answers provided to them by our clients.

I will address the points you raised in your letter in turn.

**1. Protesting without Permits.**

We did not suggest that the City has changed its policies with respect to unpermitted street demonstrations. As we stated, the City's regulation requiring permits for demonstrations remains in effect during the Convention. As you know, permits allow public safety personnel to make sure they have sufficient resources to manage traffic and protect the public and demonstrators. At the same time, the City is committed to ensuring that people can exercise their First Amendment rights, and the City will act accordingly. Nothing has changed. There is no intended "crackdown" on un-permitted protesting.

**2. Marches down Broad Street.**

Pursuant to a request made by several protest groups in a meeting with the City the afternoon of June 15, the City has reconsidered its position that traffic and safety concerns require a blanket prohibition upon demonstration permits for South Broad Street during the Convention. We will evaluate permit applications taking into account competing concerns about potential disruption, traffic and public safety/first responder access to South Broad Street, which, as you are aware, is the main connection between Center City and the main Convention area at the Wells Fargo Center.

**3. Marches in Center City During Rush Hour.**

Pursuant to the standards set forth in our regulations, we will not grant permits during rush hour in Center City. There will already be extra congestion in Center City during the Convention because delegates are staying in Center City, and there are many events scheduled at the Convention Center; at City Hall; and throughout Center City.

We expect that there will be high levels of traffic congestion during the Convention at rush hour. Allowing a protest to tie up City streets during rush hour, particularly during the Convention, is unacceptable and presents traffic and public safety hazards. We seek to minimize disruption to the lives of our residents, commuters and business owners in Center City and South Philadelphia. In addition, during this time of peak traffic congestion, we need to keep streets as clear as we can to allow police, fire and emergency medical services to respond to service calls.

**4. Pennsylvania State Police and other non-City law enforcement.**

The Pennsylvania State Police will be providing security for visiting governors. The PSP will also patrol interstate highways and augment Philadelphia Police Department services during the Convention. The City is also requesting a small contingent of officers from neighboring counties to provide highway patrol escorts, assist with major incident response, and provide additional bomb technicians. These regional assets will all report to the Philadelphia Police Department leadership.

As a general rule, state and federal law enforcement agencies are not legally bound by the PPD's policies and directives, however, given that we are working in coordination with these groups we do not expect them to stray outside the scope.

**5. Enclosure around FDR Park.**

As you know, decisions regarding the fencing around the secure perimeter are within the exclusive control of the United States Secret Service. The Secret Service has not yet confirmed the perimeter of the fence or the type of material that will be used to construct the fence.

**6. Camping/Occupation of FDR Park After Closing**

Regardless of any informal and preliminary conversations that you may have had concerning enforcement, we confirmed with our clients that the prohibition upon camping without a permit will remain in effect during the Convention, and the City does not intend to grant permits at FDR Park during the Convention because of the health and safety issues presented by such a large-scale event.

The closing time of FDR Park has been extended until 10:00pm from July 24th – July 28th to accommodate protestors. The City will respectfully ask those who attempt to camp in FDR Park to relocate. Many demonstration groups have already communicated to the City that they intend to stay at camping grounds in Southern New Jersey.

We are committed to working with you as well as other potential demonstration groups to ensure that the First Amendment rights of all of our citizens are protected during the Convention and that the Convention is a showcase of our historic City for the thousands of attendees and protesters who are going to be visiting. The Philadelphia Police Department, the Managing Director's Office, the Office of Emergency Management, and other City agencies share that commitment and will continue to work with you to achieve those goals. We are confident that you will join us and continue to work collaboratively with the City, even if we have differences.

As a result, if you require clarification or further information, please do not hesitate to contact me or my staff.

Very truly yours,



Sozi Pedro Tulante  
City Solicitor