

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

**COALITION TO MARCH ON THE RNC,**

Plaintiff,

v.

Civil Action No: 2:24-cv-00704

**CITY OF MILWAUKEE, CAVALIER  
JOHNSON in his official capacity as Mayor of  
the City of Milwaukee, JERREL KRUSCHKE  
in his official capacity as Commissioner of  
Public Works for the City of Milwaukee, and  
KIMBERLY A. CHEATLE in her official  
capacity as Director of the United States Secret  
Service,**

Defendants.

**FIRST AMENDED COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff, Coalition to March on the RNC, by and through its attorneys, files this First Amended Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof states the following:

**INTRODUCTION**

1. The nominating convention of one of our country's two major political parties presents an unparalleled opportunity for individuals and organizations to participate in the democratic process through the exercise of their rights of free speech and assembly. The July 2024 Republican National Convention ("RNC" or "Convention") will draw thousands of delegates, as well as the Republican Party's major campaign contributors, lobbyists, and

members of the media. It will thus provide an opportunity for individuals to voice their opinions directly to the leaders and decision-makers of the Republican Party, to national and international media, and to people across the country and around the world who will watch Convention coverage.

2. This opportunity to express one's views and be heard must be guaranteed not only for the Convention attendees within the security barriers and walls of the Fiserv Forum, but also for those who seek to have their banners seen and their voices heard in the streets of Milwaukee.

3. Over a year ago, the Coalition to March on the RNC (the "Coalition") notified the City of Milwaukee (the "City" or "Milwaukee") that it planned to organize a protest parade outside of the RNC, and proposed a specific route past the Convention venues. The Coalition successfully organized and conducted a parade around the same venues in August 2023 at the time of the first Republican candidates' debate.

4. Despite having ample time to prepare before the RNC begins on July 15, the City was unable or unwilling to tell the Coalition until the evening of Friday, June 17 if it accepted the parade route proposed by the Coalition in its permit application, and, if not, where the City would permit the Coalition to march.

5. For the RNC, the City passed a "Special Event Ordinance" ("Event Ordinance") that (1) creates a ninety-square-block "Security Footprint" around convention venues; (2) requires anyone wanting to demonstrate in a parade in that Security Footprint to apply for a special permit and march only on a designated "Official Parade Route" during a seven-hour window each day; and (3) threatens fines to anyone who parades anywhere else. This is in

contrast to the regular permitting process that has no such uniform limitations.<sup>1</sup> The Convention begins in less than one month and the City only now has disclosed the Official Parade Route and, consequently, the public spaces where it plans to prohibit First Amendment activity.

6. Within that security footprint, the United States Secret Service has designated a “credentialed zone” in which it plans to entirely prohibit First Amendment protected activity of anyone other than individuals who have received credentials from the Republican National Committee, and in which it threatens arrest and potential prosecution of up to 10 years in prison for unauthorized entry pursuant to 18 U.S.C. § 1752.

7. The ordinance also gives City officials the discretion to finally change or designate the parade route only days or weeks before the RNC, which deprives the Coalition the right to seek meaningful judicial review of the parade route designation and the time limits placed on its march.

8. The City also passed an ordinance limiting items that may be carried in a parade or elsewhere in the security footprint, but, again, has not done so in a timely manner, which frustrated the Coalition’s ability to plan and organize a parade so that the Coalition, and others, may effectively enjoy their First Amendment rights. This purposeful delay has frustrated the Coalition’s ability to seek meaningful judicial review of the ordinance until now, making this Amended Complaint necessary.

9. The Coalition brings this suit to vindicate its rights to engage in First Amendment expression activity in the traditional public forum of the streets in a manner where it can be seen and heard by attendees of the Convention.

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<sup>1</sup> See City of Milwaukee Ord. 105-55.5 available at [https://city.milwaukee.gov/ImageLibrary/Groups/cityDPW/divisions/administrative/docs/special events/SpecialEventOrdinance.pdf](https://city.milwaukee.gov/ImageLibrary/Groups/cityDPW/divisions/administrative/docs/special%20events/SpecialEventOrdinance.pdf)

## **JURISDICTION AND VENUE**

10. Plaintiff brings this action under 42 U.S.C. § 1983 in order to vindicate its rights protected by the First and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction over this civil rights action pursuant to 28 U.S.C. § 1331(a) and § 1343(a)(3) and (4).

11. This Court has jurisdiction pursuant to 28 U.S.C. §§ 2201 and 2202 to declare the rights of the parties and to grant all further relief found necessary and proper.

12. 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 District of Wisconsin.

## **THE PARTIES**

### **A. Plaintiff**

13. The Plaintiff in this case is the Coalition to March on the RNC, an unincorporated association of individuals from a broad range of local, national, grassroots, community, and labor organizations who have come together in order to hold a protest parade and march during the RNC. As of the date of this complaint, six dozen organizations, expressing a wide variety of concerns, have joined the Coalition. A list of the subscribing organizations is in Exhibit 6.

### **B. Defendants**

14. The Defendants in this case are the City of Milwaukee, Mr. Cavalier Johnson (in his official capacity as the mayor of Milwaukee), Mr. Jerrell Kruschke (in his official capacity as the Commissioner of Public Works for the city of Milwaukee), and Kimberly A. Cheatle (in her official capacity as Director of the United States Secret Service).

## **FACTUAL ALLEGATIONS**

15. On August 5, 2022, the national Republican party announced that it would hold the Republican National Convention (“RNC” or the “Convention”) in Milwaukee during the week of July 15, 2024.<sup>2</sup> The nominating convention of one of our country’s two major political parties presents a significant opportunity for individuals and organizations to participate in the democratic process through the exercise of their rights of free speech and assembly.

16. The RNC will host more than 2,400 delegates, and will draw the party’s major campaign contributors, lobbyists, and thousands of credentialed members of the media. In total, the City estimates 50,000 persons will be arriving in Milwaukee for the Convention. The Convention thus provides an opportunity for groups and individuals to voice their opinions directly to the leaders and decision-makers of the Republican Party, to national and international media, and to people across the country and around the world who will watch Convention coverage.

17. The City of Milwaukee has been planning for this Convention since 2022. The City has previous experience hosting a national political convention after hosting the national political convention for the Democratic Party in 2020.

18. The Coalition plans to hold the protest parade at noon on Monday, July 15, 2024, the first day of the Convention, within sight and sound of the Convention venues. The Coalition plans to stop for a period along the parade route to permit speakers to deliver speeches to attendees, and to use amplified sound equipment to do so.

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<sup>2</sup> <https://www.gop.com/press-release/rnc-announces-milwaukee-as-host-city-for-2024-convention/>.

19. Predecessor organizations to the Coalition have organized demonstration marches around prior national political conventions in different parts of the United States. Coalitions to march on Republican national conventions organized protest parades in the 2008, 2012, and 2016 election years.

**A. The Coalition's First, Second, and Third Parade Applications**

20. On April 12, 2023 the Coalition filed an online application for a parade permit pursuant to Milwaukee's general event ordinance [Ord. 105-55.5, supra at n.1] for a demonstration parade to take place on the first day of the RNC (the "4/12/2023 Application"). This general event ordinance permits members of the public to propose their own events and parade routes, subject to approval by the council member in whose district the event takes place, requires approval or denial within no more than 10 business days, and includes an appeal process either to the Common Counsel or to the courts. *Id.*

21. The Coalition's 4/12/2023 Application proposed a route through several blocks of downtown Milwaukee, passing in the vicinity of Fiserv Forum where much of the convention activity will take place.

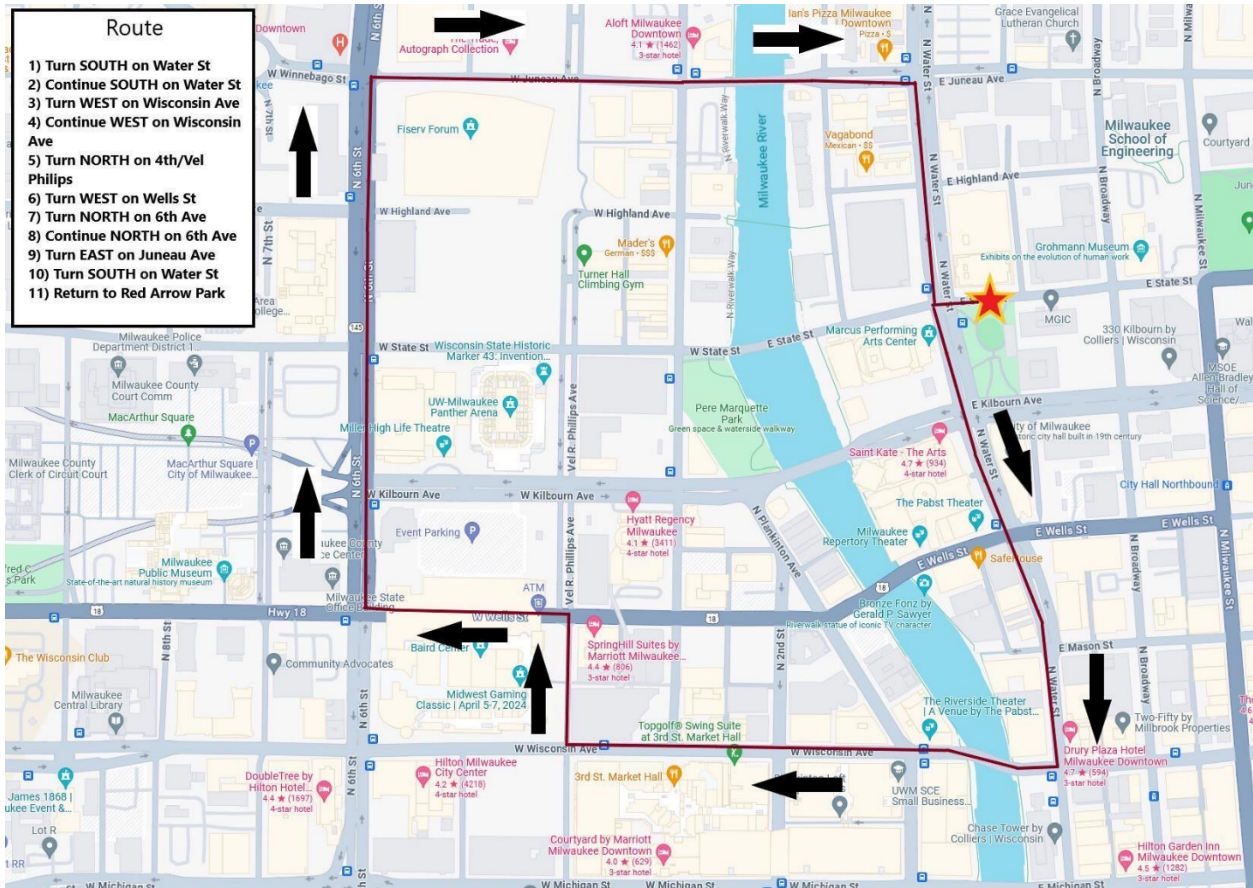


Exhibit 1

22. The Coalition's proposed parade route assured that marchers could be seen and heard by RNC attendees by using 6th Street and Juneau Avenue, which border the various convention venues, including Fiserv Forum. Additionally, it starts and ends at Red Arrow Park, a culturally significant location for the Coalition due to it having been the location of the police shooting of Dontre Hamilton in 2014, which inspired significant protests that culminated in Milwaukee police officers being equipped with body cameras.

23. The City responded on the same day the application was submitted and stated that permit applications for special events may not be filed more than six months in advance of the event in question. The City did not comment on the substance of the Coalition's first application

or provide any feedback on whether it viewed the Coalition’s proposed parade route and demonstration as a violation of any City ordinance.

24. Despite this denial, the Coalition persisted. On September 21, 2023, the Coalition filed a *second* parade permit application (the “9/21/2023 Application”). This application substantively made the same requests as the Coalition’s 4/12/2023 Application. Defendants did not respond to or acknowledge the 9/21/2023 Application in any way.

25. On January 18, 2024—within six months of the Convention’s start date—the Coalition filed a *third* parade permit application (the “1/18/2024 Application”). This application substantively made the same requests as the Coalition’s previous two applications.

26. The Coalition continued to announce in public events, to the press and in social media, that it would be marching in July 2024 at the RNC.

#### **B. Milwaukee’s Special Event Ordinance**

27. On March 19, 2024, the City of Milwaukee adopted a Special Event Ordinance “relating to the extraordinary event of the Republican National Convention.” [Milw. Common Council File No. 231740] (“the Event Ordinance”). The Event Ordinance establishes regulations and permitting requirements for the use of streets and public spaces in the City of Milwaukee during the week of the RNC. A copy of the Event Ordinance is attached as Exhibit 2.

28. The Preamble to the Event Ordinance contains a recognition of the right of persons to assemble peacefully and express themselves, including in the areas near to the Convention venues:

Whereas, Persons and groups have a First Amendment right to organize and participate in peaceful assemblies and parades on sidewalks and rights-of-way and in the parks within the city, and to engage in peaceful assemblies and parades near the Convention so they may be seen and heard, subject to reasonable, content-neutral time, place, and manner restrictions designed to protect public safety, persons, and property; and



Whereas, It is expected that crowds of interested persons will stand or walk upon the streets to protest or demonstrate in the security footprint, but that law enforcement may need to order persons to remove themselves from the streets or sidewalks to allow for unimpeded vehicular traffic and access to buildings....

29. The defined terms under the Event Ordinance relevant to this matter include:

“Credentialed zone” means the area in the security footprint to which access is restricted by the United States Secret Service and the Milwaukee Police Department to authorized and credentialed persons consistent with the National Special Security Event designation pursuant to 18 U.S.C. §3056(e)(1)....

“Official parade route” means a route within the preliminary security footprint as close as reasonably practicable to sight and sound distance from the entrance of the convention facilities as determined by the appropriate City officials in consultation with the United States Secret Service. The appropriate City officials may select alternative routes as necessary to accommodate crowds, and to ensure public safety and free movement of pedestrian and vehicular traffic.

“Official speaker’s platform” means the speakers’ area designated by the City in a designated county park or parks or in an alternative location designated by the appropriate City officials.

“Parade” means any formation, march, or procession of any kind traveling in unison for a common purpose upon the streets, excluding sidewalks, within the city that interferes with the normal flow or regulation of vehicular or pedestrian traffic upon the streets within the city....

“Preliminary security footprint” is the area designated by the general impact map attached to Common Council File Number 231740....

“Security footprint” means the area designated by the United States Secret Service as requiring limited pedestrian or vehicle access associated with the convention.

30. Section 4 of the Event Ordinance sets out a permitting scheme for use of an

Official Parade Route and provides:

Official Parade Route and Speaker’s Platform Registration.

a. Requirement. No person shall interfere with, engage in or conduct a parade on the official parade route without first becoming registered as provided in this ordinance. No person shall use an official speaker’s platform without first registering to do so as provided in this ordinance....

Time Restrictions Applicable to Official Parade Route Registrations. Parades within the preliminary security perimeter may take place only during designated parade time slots from Monday, July 15, 2024 through Thursday, July 18, 2024, between the hours of 12:00 p.m. and 7:00 p.m. along an officially defined parade route.

31. The Event Ordinance regulates any other standing or walking within the security footprint:

Streets Reserved for Vehicular Traffic; Exceptions. a. A person or group of pedestrians may stand, loiter or travel upon the streets in the security footprint only if their presence does not interfere with vehicular traffic, consistent with s. 101-1-2 of the Code of Ordinances, which adopts s. 346.29(2), Wis. Stats.

Law enforcement and public works officials may request persons to leave the streets and remain upon sidewalks to allow vehicular traffic associated with convention invitees and guests, delegate buses, or emergency, governmental, utility, residential or commercial vehicles to proceed unimpeded through the security footprint.

Other Parades and Special Events. Because of the potential for large crowds and for convention-related vehicular traffic, including buses and other livery, anticipated in the security footprint during the convention period, the City of Milwaukee cannot accommodate parades or other special events on city streets inside the preliminary security footprint, other than those permitted for the official parade route and official speaker's platform.

32. The City released a map, referred to as the "preliminary security footprint" (a/k/a the "Security Footprint"). The Security Footprint is a ninety-square-block area in downtown Milwaukee, bounded by Cherry Street to the north and Clybourn Street to the south, and from 9th Street on the west to Water Street on the East. *See* Exhibit 3. Within the Security Footprint, vehicular traffic will be limited during the RNC and other regulations will limit what items persons entering the zone may have in their possession. This information was later updated on June 17, 2024 as described below.

GENERAL IMPACT MAP - SECURITY PLAN FOR THE 2024 REPUBLICAN NATIONAL CONVENTION

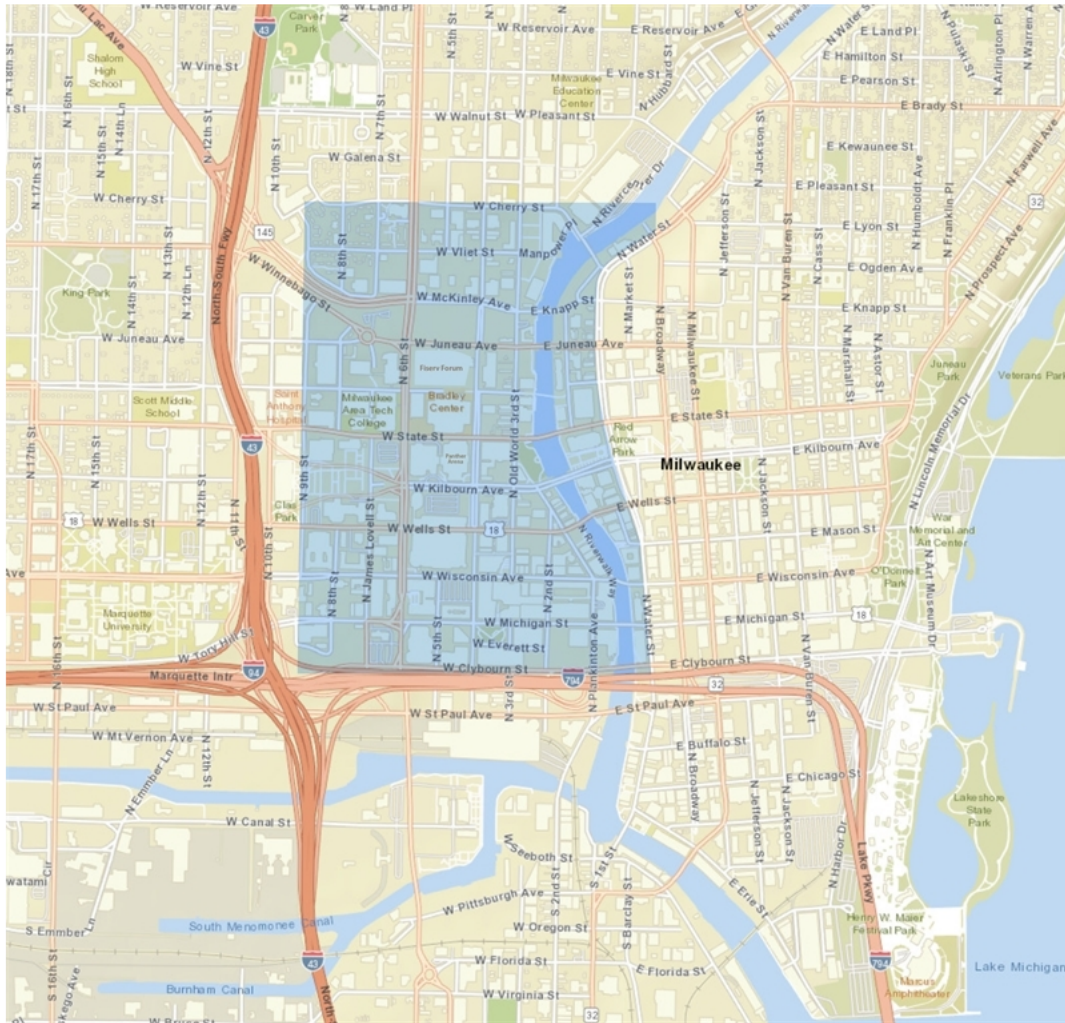


Exhibit 3

33. Within the Security Footprint there is also a higher security “Credentialed Zone” which, on information and belief, will be secured by tall steel fencing, and where only persons holding official credentials will be allowed to enter after passing through security checkpoints. Uncredentialed entry into this zone may carry a penalty of fines and up to 10 years imprisonment pursuant to 18 U.S.C. Sec. 1752.

34. Violations of the Event Ordinance are subject to a fine of up to \$500 and imprisonment if not paid. Event Ordinance, 1.f.

35. Section 12 of the Event Ordinance prohibits granting parade permits during the RNC other than through the process established by this Ordinance.

36. The Ordinance provides for two “Effective Dates:” (1) effective immediately, the City may accept applications to use the Official Parade Route and Speaker’s Platform; and (2) “[a]ll other regulations shall be in effect during the convention period.” Event Ordinance, 1.d.

37. The City stated that it will announce a single Official Parade Route, located somewhere within the Security Footprint. All other parades, which can include as few as two persons walking in unison in the street, are prohibited on all other streets within the Security Footprint during the RNC. As described below, the City announced this route on June 17, 2024. Ex. 23.

### **C. The Coalition’s Fourth Parade Application**

38. On April 17, 2024, the Coalition filed a new parade permit application using the online portal created by the City of Milwaukee to hold a parade on Monday, July 15, 2024 on the first day of the convention which the City acknowledged on April 24, 2024. *See* Ex. 7.

39. In an email to the Milwaukee City Attorney’s office on the day the application was made, the Coalition noted the absence of any official parade route, and reserved its right to march on a route within sight and sound of entrances to Convention venues. The Coalition also objected to the manner for allocating speaker platform slots and reserved the right to hold rallies inside or outside of the security footprint.

40. Indeed, in all of its public statements and planning, the Coalition has stressed that its demonstration must be able to be seen and heard by persons attending the Convention. Those attendees, along with the persons seeing media coverage of the event, are the intended audience

for the public protest which will be expressed in various ways by the seventy or more organizations and thousands of marchers who make up the Coalition.

#### **D. Safety and Security for the 2024 Convention**

41. In 2020, groups making up part of the current Coalition demonstrated in Milwaukee when the City was hosting the Democratic National Convention. They marched and demonstrated on the streets of Milwaukee under the name “Coalition to March on the DNC” on August 20, 2020 in an event which was peaceful and resulted in no arrests or acts of violence.

42. The Coalition also arranged a protest march on Milwaukee streets during the first Republican presidential debate in August 2023. The debate was held at the Fiserv Forum in Milwaukee, the same site where the primary convention activities of the RNC will be held. Seven thousand people attended the debate. Hundreds of marchers paraded safely and peacefully next to and in the area around Fiserv Forum without incident while the debate was being held, and all without the need for the type of “special” permitting process that has been adopted for the Convention.

43. The City and the United States Secret Service, among other law enforcement agencies, will have overwhelming resources to ensure peaceful activities. In addition to regular Milwaukee police officers, some 4500 officers from outside of Milwaukee are projected to arrive to provide additional security.<sup>3</sup> Congress designated \$75 million for the City of Milwaukee to cover its costs on security measures.

44. The City stated on its website that “RNC events are being planned primarily by the non-partisan MKE Host Committee and the Republican National Committee. The MKE Host

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<sup>3</sup><https://www.jsonline.com/story/news/politics/2023/04/13/milwaukee-rnc-could-include-as-many-as-4500-outside-police-officers/70081387007/>

Committee is a nonprofit organization whose mission is described on their website. RNC security is overseen by the United States Secret Service, the Milwaukee Police Department, the Milwaukee Fire Department, the Milwaukee County Sheriff's Office, and various local, state, and federal law enforcement partners. Other City of Milwaukee functions, including permits, demonstration opportunities and planning logistics are being planned by City of Milwaukee employees.”<sup>4</sup>

45. Alison Prange, the Chief Operating Officer of the Milwaukee 2024 Host Committee, stated, “It’s crucial to emphasize that the Convention security zone will be among the safest places globally. Therefore, individuals should feel confident and unhesitant about participating in the event!”<sup>5</sup>

46. The RNC has been designated as a National Special Security Event pursuant to 18 U.S.C. §3056(e)(1), as have previous presidential nominating conventions. When an event receives this designation, the United States Secret Service becomes the lead federal agency in developing, exercising, and implementing security plans for that event.

47. Despite the lack of any official designation of a parade route, or the speaker’s platform, or how many blocks are covered by the credentialed zone, the Republican Party sponsor of the convention signaled its desire that the City take steps to prevent persons who may be demonstrating, like the Coalition, from coming in proximity to Convention attendees.

48. In a letter dated April 26, 2024, Exhibit 4, counsel for the Republican National Committee wrote the director of the Secret Service, urging an expanded security zone to move protesters farther away. Among other things, counsel wrote that current City proposals which

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<sup>4</sup> <https://city.milwaukee.gov/RNC/FAQ>

<sup>5</sup> <https://www.wisconsinrightnow.com/republican-national-convention>

might permit a speaker's platform in Pere Marquette Park within the soft zone were unacceptable:

This will force thousands of peaceful attendees and demonstrators, who may otherwise choose to avoid or limit direct, proximate engagement with one another, to be in extremely close, consistent, and unavoidable proximity. As recent college and university campus clashes make plain, forced proximity heightens tensions among peaceful attendees and demonstrators of differing ideologies and increases the risk of escalation to verbal, or even physical, clashes and corresponding law enforcement intervention.

49. The City has further trampled First Amendment rights by delaying the processing of applications for permits required to engage in First Amendment activities during the Convention. The Coalition's application under the Event Ordinance has not yet been approved.

50. On June 21, 2024, the US Secret Service revealed publicly during a press conference the dimensions of the credentialed zone. This extensive area surrounds the Fiserv Forum, the Panther Arena, and the Baird Convention Center and several blocks on each side of those venues. In total, more than 25 square blocks of downtown Milwaukee are totally cordoned off. Within this area, only persons credentialed by the Republican Party and the Secret Service will be allowed to enter.

51. A copy of the credentialed zone disclosed by the Secret Service at its press conference is attached as Exhibit 22.

52. The credentialed zone extends across the parade route originally proposed by the Coalition (Exhibit 1) at several points, making it impossible for the Coalition to march along its originally proposed route.

53. The Coalition has prepared another route for its march which does not require entry into any of the credentialled zone except to cross one intersection. The new route proposed by the Coalition is shown in Exhibit 24. (The “Amended Coalition Route.”).

54. While the Coalition does not feel the Amended Coalition Route is as beneficial as its original route in communicating the messaging of the Coalition and its more than 70 member organizations, the route will still accomplish the goal of coming within sight and sound of Fiserv Forum where the main RNC events will take place.

55. On June 21, 2024, the City Defendants disclosed the “Official Parade Route” within the meaning of the Special Event Ordinance. A map of the route is attached as Exhibit 23.

56. The Official Parade Route is much shorter than the parade route proposed by the Coalition.

57. The Official Parade Route does not permit marchers to effectively communicate to their intended audience of Convention attendees, the media, and media audiences.

58. By limiting marchers to the short Official Parade Route and prohibiting any other march or parade of two or more persons in the security footprint during the entire time of the RNC, the City Defendants are violating the First Amendment rights to assemble and speak of the Coalition and all others who may seek to engage in first amendment protected expression in unity with other during the week of the RNC.

59. The Official Parade Route is located 5-6 blocks from Fiserv Forum and confined to the area south of Wisconsin Avenue and bordering an elevated highway (I-794).

60. Between State and Kilbourne Streets, the Credentialled Zone now extends east all the way to the Milwaukee River. (The River in that area is itself a zone prohibited to all persons



and boat traffic). This extension of the Credentialed Zone includes a Milwaukee County park, Pere Marquette Park.

61. The extension of the Credentialed Zone was done for the express purpose of frustrating the First Amendment rights of the Coalition and other potential persons opposing views different from those of the Republican party.

62. The correspondence from counsel for the Republican National Committee to the Director of the Secret Service, Exhibits 4 and 21, made it clear that it sought the extension of the zone not because the RNC was going to have a convention event in that area, but because it wanted to move protesters farther away from their audience.

63. The extension of the Credentialed Zone to include Pere Marquette Park came after weeks of intense pressure from Republican Party officials on the Secret Service and the City.

64. The extension of the Credentialed Zone was not created for any legitimate government security interest, but only for purposes of limiting where and how the Coalition and others could speak and protest.

65. The extension of the Credentialed Zone is not narrowly tailored and is a violation of the First Amendment rights of the Coalition and other protesters.

66. The City's continuing refusal to approve or deny these applications leaves the organizers of these activities in limbo. As the Convention rapidly approaches, the City's delay makes it increasingly likely that applicants like the Coalition that are planning marches or rallies involving as many as thousands of participants will lack sufficient time to complete critical logistical arrangements. The City's inaction is a constructive denial of the permits and a prior restraint of this First Amendment activity.

67. On May 30, 2024, counsel for the Coalition wrote to the Defendants setting out again the Coalition's original proposed parade route, and identifying locations within sight and sound of Fiserv Forum which would enable persons protesting to speak and be heard by Convention attendees. The letter again insisted that the City act promptly on approving the Coalition's application to march on its proposed route or a closely similar route.

68. Because the Official Parade Route is so short and limited, and so far from sight and sound of Fiserv Forum, participants from the Coalition may also seek to speak, protest, walk, assemble and otherwise engage in protected First Amendment activity during the RNC within the security footprint during the Convention.

69. The vague definition of "parade" under the Event Ordinance creates a chilling effect on such activity by making anyone engaging in a parade, on or off of the Official Parade Route, subject to arrest and fines.

70. Under the event Ordinance, "Parade" means "any formation, march, or procession of any kind traveling in unison for a common purpose upon the streets, excluding sidewalks, within the city that interferes with the normal flow or regulation of vehicular or pedestrian traffic upon the streets within the city...."

71. The City also adopted a Prohibited Items Ordinance which prohibits anyone in the security footprint from possessing a broad range of common items including tennis balls, six inch or longer lengths of tape or string, coolers, thermos, aluminum cans and squirt guns. The Ordinance does not prohibit anyone from carrying a firearm, including an AR-15 rifle, in the security footprint.

72. The sweeping nature of the Prohibited Items Ordinance, together with the prohibition of persons acting in unison in the street, would literally criminalize two persons acting in unison to throw and catch a tennis ball in the street.

73. The Prohibited Items Ordinance has exclusions for items in possession of people in their residences or places of employment in the security footprint. This exclusion means that the Ordinance is aimed specifically at those who are coming into the public spaces, streets and sidewalks of the security footprint in connection with the RNC.

74. With time rapidly running out before the start of the RNC, the Coalition has filed this suit to protect its First Amendment rights of assembly and expression during the Convention.

## **CAUSES OF ACTION**

### **COUNT I**

#### **42 U.S.C. § 1983**

#### **Failure to Grant the Coalition's Permit Applications on its Requested Route Violates The Coalition's Rights Under the First and Fourteenth Amendments**

75. The allegations set forth above are re-alleged and incorporated by reference as if fully set forth in this paragraph.

76. The proposed parade route that the Coalition proposed to the City is part of and along a traditional public forum.

77. Defendants denied the Coalition's first permit application for reasons not supported by evidence and not narrowly tailored to serve a significant government interest.

78. Defendants' failure to respond to the Coalition's 9/21/2023, 1/18/2024, and 4/17/2024 Applications amounts to constructive denial of these Applications. This failure to grant the Coalition's parade permit applications is not supported by the evidence and not narrowly tailored to serve a compelling government interest.

79. By failing to grant any of the Coalition's parade applications, Defendants have effectively foreclosed the Coalition's opportunity to engage in protected First Amendment activity within sight and sound of the Convention venues.

80. Adoption of a mandatory parade route, effectively denying Plaintiffs' request for a specific route or providing ample alternatives that do not needlessly suppress Plaintiffs ability to achieve its aims in speech and expression violated the Plaintiff's First Amendment rights.

81. Defendants' actions have put the choice on the Coalition of forgoing the opportunity to march in view of the Republican delegates or risk citation, arrest, or conviction.

82. Defendants' failure to grant any of the Coalition's applications, adoption of restrictions that are not narrowly tailored to serve a legitimate government purpose, and failing to provide ample alternatives for expression violated and continues to violate the Coalition's right to the freedom of speech and assembly under the First Amendment as incorporated by the Fourteenth Amendment.

## COUNT II

### 42 U.S.C. § 1983

#### **The Special Event Ordinance Is Unconstitutional on Its Face Under the First and Fourteenth Amendments**

83. The allegations set forth above are re-alleged and incorporated by reference as if fully set forth in this paragraph.

84. The Special Event Ordinance limits the time, place, and manner of protected First Amendment activity and is a prior restraint.

85. These limitations are (1) not narrowly tailored to any significant governmental interest, (2) do not leave open ample alternative channels for expression, and (3) provide

unlimited discretion for City officials to grant, deny, or simply not respond to any individual or group seeking to apply for a parade permit application.

86. On its face and as applied to the Coalition, the Special Event Ordinance violates the First Amendment as incorporated by the Fourteenth Amendment.

### **COUNT III**

#### **42 U.S.C. § 1983**

#### **Imposing the Restrictions of the RNC Special Event Ordinance Violates the Coalition's Rights Under the Due Process Clause of the Fourteenth Amendment**

87. The allegations set forth above are re-alleged and incorporated by reference as if fully set forth in this paragraph.

88. The right to movement and liberty are due process rights protected by the United States Constitution.

89. The Event Ordinance does not give the Coalition, its individual members, and others sufficient notice of what conduct will be deemed prohibited, which is necessary to allow the Coalition to conform their conduct to the law. Further, the Event Ordinance permits arbitrary or discriminatory enforcement of its restrictions, including providing City officials with unlimited discretion to grant, deny, or simply refuse to respond to a permit application in violation of the Coalition's Due Process rights.

90. Additionally, for the reasons stated above, the Event Ordinance is unconstitutionally vague on its face in violation of the Due Process Clause of the Fourteenth Amendment.

#### **REQUEST FOR RELIEF**

Plaintiff respectfully requests that this Court grant the following relief:

A. Declaratory relief, including the following:

1. A declaration that Defendants unconstitutionally failed to grant the Coalition's application for a parade permit and/or enacted prohibitions preventing them from using their preferred parade route;

2. A declaration that the Event Ordinance and the Secret Service’s “credentialed zone” violates the First and Fourteenth Amendments to the United States Constitution on their face and as applied to Plaintiff;
- B. Preliminary relief against Defendants, including a preliminary injunction that:
3. Enjoins Defendants from enforcing unconstitutional provisions of the Special Event Ordinance as described in this Complaint; and
  4. Orders Defendants to grant the Coalition a parade permit allowing the Coalition to assemble and march on July 15, 2024 at a time and along a route that allows them to communicate their message to their intended audience of RNC delegates;
- C. A permanent injunction prohibiting Defendants from enforcing unconstitutional provisions of the Event Ordinance;
- D. Costs and Expenses, including reasonable attorneys’ fees pursuant to 42 U.S.C. § 1988; and
- E. Any other relief this Court deems just and proper.

Dated: June 5, 2024

Respectfully submitted,

By: /s R. Timothy Muth\_\_\_\_\_

R. TIMOTHY MUTH  
Bar No. 1010710  
[tmuth@aclu-wi.org](mailto:tmuth@aclu-wi.org)  
RYAN V. COX  
Bar No. 24074087  
[rcox@aclu-wi.org](mailto:rcox@aclu-wi.org)  
HAYLEY I. ARCHER  
Bar No. 1101459  
[harcher@aclu-wi.org](mailto:harcher@aclu-wi.org)

ACLU OF WISCONSIN FOUNDATION  
207 E. Buffalo Street, Suite 325  
Milwaukee, WI 53202

Phone: 414-272-4032

*Attorneys for the Coalition to March on the RNC*





McGuireWoods LLP  
 Black Lives Matter Plaza  
 888 16th Street N.W.  
 Suite 500  
 Washington, DC 20006  
 Phone: 202.857.1700  
 www.mcguirewoods.com

Todd R. Steggerda  
 Direct: 202.857.2477  
 tsteggerda@mcguirewoods.com

May 23, 2024

**HAND DELIVERY VIA USSS S.A.I.C. GIBSON-CICCHINO, USSS 2024 RNC COORDINATOR**

The Honorable Kimberly A. Cheatle  
 Director, United States Secret Service  
 245 Murray Ln SW - BLDG T-5  
 Washington, DC 20223

**Re: Unresolved Critical Flaw in the USSS’s Proposed Operational Security Plan for the July 2024 Republican National Convention in Milwaukee, Wisconsin**

Dear Director Cheatle,

Despite the Republican National Committee’s good faith efforts over the last four weeks to work with your United States Secret Service (“USSS”) subordinates to resolve the critical flaw with the Security Perimeter in the USSS’s Operational Security Plan (“Plan”), which was the subject of my April 26 letter, the RNC’s grave concerns about the unacceptable risk to public safety remain unaddressed. Rather than dissipating, the overall security climate has worsened significantly over the past month of the USSS’s inaction, as evidenced by the public statements of the anticipated demonstrators, as detailed below. Your failure to act now to prevent these unnecessary and certain risks will imperil tens of thousands of Convention attendees, inexcusably forcing them into close proximity to the currently planned First Amendment Zone (as depicted in red in the schematic below). Inevitably, this Plan will heighten—rather than obviate or diffuse—tensions and confrontation, creating an increased and untenable risk of violence. This rapidly deteriorating security environment and the severe consequences to the public underscore the exigency of your personal leadership and action to solve this problem, as the RNC requested in my April 26 letter.



"General Impact Map," as published by the City of Milwaukee, <https://city.milwaukee.gov/RNCFAQ>

To date, the local USSS team has been unresponsive to the RNC’s reasonable proposal, as set out in my April 26 letter, to alleviate these safety risks through a very modest alteration of the Perimeter – namely, to expand a small portion of the Security Perimeter approximately one block to the East to encapsulate the Park. As we informed you and your team previously, expanding the Security Perimeter to encompass the Park would lead the City to simply designate a previously-selected and permitted First Amendment Zone (Zeidler Union Square, highlighted in red below), a location that the City has already determined would meet all of its criteria. The schematic below depicts the mitigated risk to the attending public (with arrows reflecting their direction of travel from lodging to the Convention) should the USSS adjust the Security Perimeter to encapsulate the Park (highlighted in green).



This one-block adjustment is narrowly tailored to balance the multiple concrete, specific, and well-founded national security and public safety risks to the Convention, attendees, journalists, and community members (by ensuring their reasonable, safe, and efficient passage to the Convention and providing them with an essential—but modest—protective physical separation from the anticipated demonstrators) with the need to ensure the rights of peaceful protest and assembly within sight and sound of the Convention. In short, this minor extension of a small portion of the eastern side of the Security Perimeter would remedy this critical flaw while also protecting the public’s freedom to peaceably assemble and demonstrate within sight and sound of the Convention, a mere three to four blocks away.

Just as the USSS recognized the unique “nature of this event” and the need to “anticipate[] the kinds of protests/demonstrators who may be present” at the planned 2020 DNC Convention in Milwaukee, here too the USSS should operationalize that understanding by “employing an appropriate, but not excessive, security perimeter” “to make sure the event will be safe and secure for those we protect and the residents of/visitors to the city of Milwaukee.” Secs. 8.2, 8.4 & 9, USSS 2020 DNC Convention Press Guidance (emphasis added). Your decision on whether to adjust the Security Perimeter to account for and mitigate this threat will also ease the burden—and lessen the risk to—the FBI, the Milwaukee Police Department, the City, and the State.

Instead of facilitating an in-person meeting with the RNC leadership team to solve this problem as we requested on multiple occasions, your USSS designee asserted on your behalf, during a May 2 staff-level meeting, that it was “legally” not possible to expand the Security Perimeter. Yet, we are aware of no legal authority that would prohibit the USSS from expanding the Security Perimeter, as the RNC has requested, in order to alleviate these clear and inexcusable risks. Indeed, there is nothing in the relevant statute, Presidential Policy Directive 22 (“PPD-22”), or USSS appropriations that constrain the USSS’s ability to adjust the Security Perimeter. *See* 18 U.S.C. § 3056(a)(7), (e)(1); PPD-22 (Mar. 28, 2013); Further Consol. Appropriations Act, Pub. L. No. 118-47, tit. II (2024). To the contrary, these legal provisions are broad grants of authority, vesting the USSS with latitude to

act to enhance security at presidential nominating conventions, including by adjusting the Security Perimeter to improve the safety of the surrounding area. And your USSS designee admitted as much in a recent meeting with the RNC and Convention leadership team, stating that you had the authority and discretion to adjust the Security Perimeter. Despite nearly a month's passage since my April 26 letter, your subordinates' sole response—modifying the location of the two primary pedestrian checkpoints and adding indoor checkpoints in two local hotels—does not suffice to remedy the fundamental defect with the Security Perimeter.

The RNC is also very troubled by the USSS's May 10 claim to the Washington Post that “[w]e have no information that there will be unrest related to the RNC Convention,” which is directly refuted by publicly reported statements from the “Coalition to March on the RNC 2024” (“Coalition”), which is a self-described “national” cohort of “groups and unions” that has been mobilizing a “mass march and rally on the first day of the RNC in Milwaukee on July 15.” Among the disturbing public statements from those whom the press is reporting as the co-chair or spokesperson of the Coalition are vows to mount a “resistance,” to flout the City's regulations and directives from law enforcement, and to foment turmoil at the Convention:

- “we will not let [Republicans] visit without resistance” (KRDO, Aug. 6, 2022)
- “obviously nobody can make a statement like that [referring to the City's requirement they certify no participant engaged in violent or disruptive behavior during any prior parade or public demonstration]” (Wisconsin Examiner, Apr. 15, 2024)
- “[i]f [the City is] not willing to give us a permit to march where we need to, we're just going to march there anyway. Really, it's up to the [C]ity if they want to create an intense situation or not” (WISN, May 13, 2024)
- “[w]e don't feel that the police department should be in control of who gets to speak, and how these routes are going” (Wisconsin Examiner, Apr. 15, 2024)
- “we could be sharing the stage with a bunch of right-wingers, extremists, basically creating a huge conflict zone if you want to use that [terminology]” (Wisconsin Examiner, Apr. 15, 2024).

The escalating public statements of the reported leaders and spokespeople for the Coalition make it irresponsible and unrealistic for the USSS to expect this national Coalition, which has been mobilizing forces for nearly two years, and which has vowed to “tak[e] the streets . . . with thousands on July 15” (Coalition Press Release, Aug. 18, 2023), will remain peacefully in the City's designated First Amendment Zone. And it would be equally naïve to assume that their promised “resistance” and foreshadowed potential violence will not spill into and occupy the surrounding blocks and community-at-large on the East side of the Perimeter, directly in the path of the pedestrian traffic flow of the thousands of attendees making their way from the primary lodging locations on the East side of the River to the Convention.

**With less than two months before the Convention and even less time before the USSS finalizes the Plan, it is imperative you take personal and immediate steps to fix this unacceptable flaw in the design of the Security Perimeter. With your decades of operational experience and leadership roles, including your previous position as the USSS's Assistant Director of the Office of Protective Operations, we know you appreciate the severity of the significant elevated risks presented and the urgency to act to prevent them. Given the unresponsiveness of your subordinates to this pressing security risk over the past few months, the criticality of the situation demands that you immediately provide the appropriate mandate and delegated authority to your team to adjust the Security Perimeter to alleviate these risks.**

In closing, let me reiterate that the RNC, its members, and attendees are committed to ensuring that all attendees, demonstrators, journalists, and community members—irrespective of viewpoint—are safe, treated with respect and dignity, and have their vital Constitutional rights protected.

On behalf of the RNC leadership team, we look forward to your expeditious resolution of this critical flaw in the Security Perimeter, which will advance the USSS's "zero-fail" mission.

Respectfully,

A handwritten signature in black ink, appearing to read 'T. Steggerda', with a long horizontal flourish extending to the right.

Todd R. Steggerda  
*Counsel to the Republican National Committee*

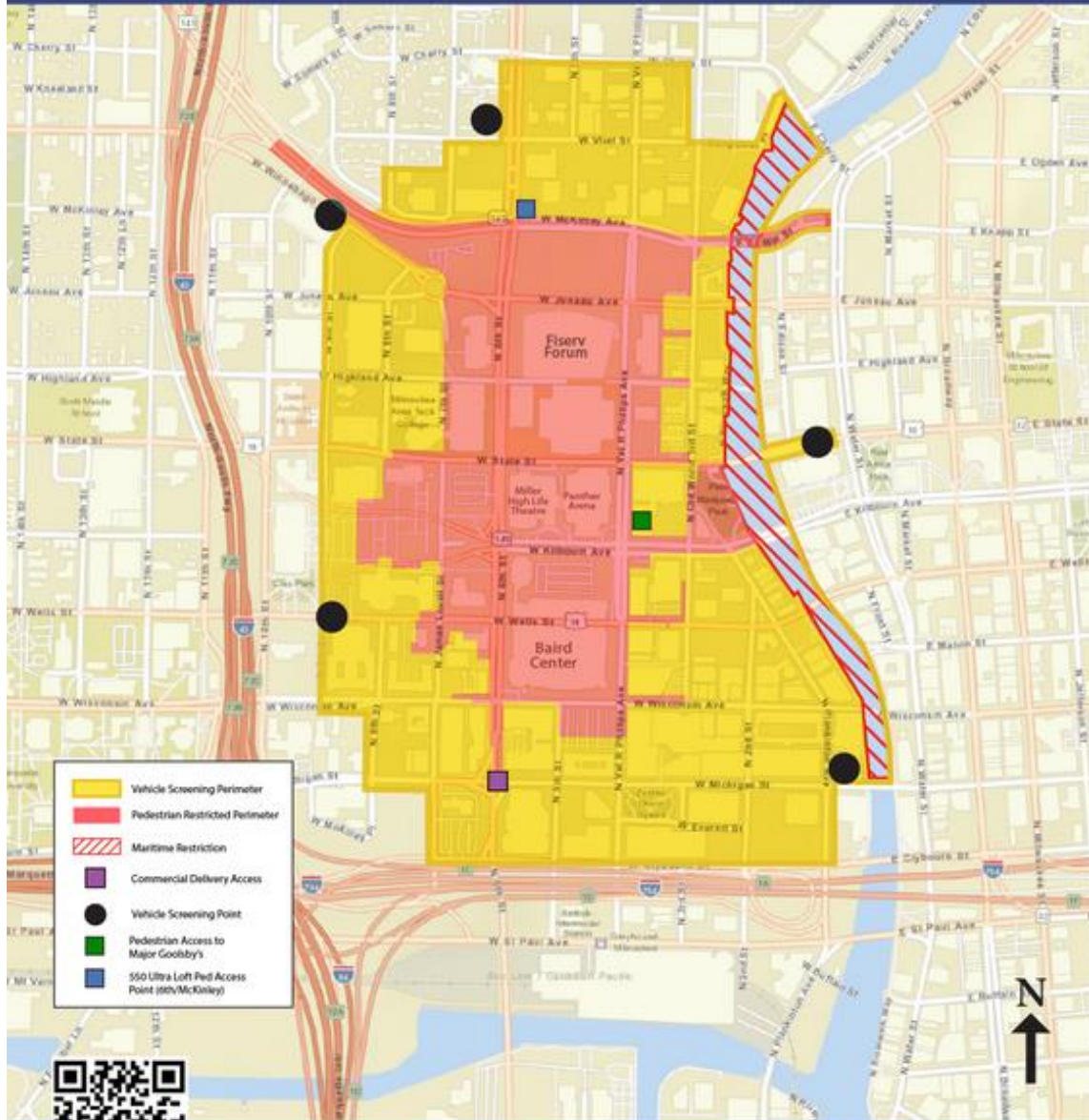
CC: The Honorable Cavalier Johnson  
Mayor, City of Milwaukee

### Closures related to the 2024 Republican National Convention

Start time of Pedestrian Restricted Perimeter Enforcement  
Sunday July 14, 2024 at 6:00 p.m.  
Start time of Vehicle Screening Perimeter Enforcement  
Monday July 15, 2024 at 2:00 a.m.  
Start time of Milwaukee River Restrictions  
Monday July 15, 2024 at 2:00 a.m.



U.S. Department of  
Homeland Security  
**United States  
Secret Service**



For information on related flight restrictions,  
please use the included QR code.

<https://city.milwaukee.gov/RNC/FAQ>

# Closures related to the Henry W. Maier Festival Park

Start time of restrictions and screening - Sunday July 14, 2024 at 5:00 am



U.S. Department of  
Homeland Security  
United States  
Secret Service



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