

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

Civil Action No.

JEANNE PAHLS, RL5AdhEXICO



9. Plaintiff Merimee Moffitt is a citizen of the United States and was at all relevant times a resident of the State of New Mexico.

10. Plaintiff Laura Lawrence is a citizen of the United States and was at all relevant times a resident of the State of New Mexico.

11. Plaintiff Stuart T. "Terry" Riley is a citizen of the United States and was at all relevant times a resident of the State of New Mexico.

12. Plaintiff Mary Lou "Mitzi" Kraft is a citizen of the United States and was at all relevant times a resident of the State of New Mexico.

13. Plaintiff Jason Call is a citizen of the United States and was at all relevant times a resident of the State of New Mexico.

14. Plaintiff Stop the War Machine is an unincorporated grassroots, anti-war organization based in Albuquerque, New Mexico. Stop the War Machine is primarily engaged in efforts that involve expressions of free speech with regard to weapons, war-related spending, and the military industrial complex. Also, its members are often involved in organizing events so that individuals can express their disagreements with the President and other top administration officials when those individuals visit New Mexico.

15. CODEPINK Women for Peace is a 501(c)(3) non-profit corporation that has its headquarters in Venice, California. It is an organization focused primarily on ending the war in Iraq. It was formed in November, 2002, and is open to both women and men. There are over 250 active local groups around the country and the world, including a volunteer, local chapter in Albuquerque, New Mexico. CODEPINK, the Albuquerque Chapter, is the plaintiff in this case. The organization is consistently engaged in organizing gatherings so that individuals can express their disagreement with the President and his policy on the Iraq War.

16. Defendant Board of County Commissioners for the County of Bernalillo  
[“County”] is a local governmental entity organized and existing under the laws of the State of  
New Mexico, and is a “person” subject to suit herein.

17. Defendant the Bernalillo County Sheriff’s Department (“BCSD”) is an agency of  
the County, New Mexico responsible for general law enforcement.

22. The fundraiser took place at the Los Ranchos de Albuquerque estate of Mayor  
Larry Abraham at 7205 Rio Grande Boulevard



32. Among the individuals gathered on the south side was plaintiff Terry Riley, a member of the Albuquerque Chapter of Veterans for Peace. Mr. Riley was there with his 90-year old, wheelchair-bound mother. Having arrived at 8:30 am, Mr. Riley had parked at the Village Hall, which was approximately half a mile south of Mayor Abraham's estate on Rio Grande Blvd. Mr. Riley then proceeded to walk north on Rio Grande towards the Mayor's estate, pushing his mother's wheelchair, until the police would not allow them to move any further north.

33. At the point where Mr. Riley was stopped, there were several parked police cars and officers on horseback. The parked police cars and officers on horseback formed a barricade that blocked people from moving further north on Rio Grande Blvd. Mr. Riley asked if he and his mother were permitted to go any further north so that they could be closer to the Mayor's driveway, but were told that they could not. Mr. Riley held up a sign that said, "Good Riddance to Gonzales. Who's Next? Bush, I Hope", while his mother held up a sign that said, "Peace Takes Work, War Takes Lives".

34. Another person standing on the portion of Rio Grande Blvd. south of the Mayor's driveway was plaintiff Carter Bundy. Mr. Bundy is a former attorney who serves as the legislative director of the American Federation of State, County and Municipal Employees ("AFSCME"). Having also arrived at approximately 8:30 am, Mr. Bundy parked at the Village Hall and walked north on Rio Grande towards the Mayor's home. He then asked an officer from BCSD how close to the Mayor's driveway he could stand. The BCSD officer said that the entire area near the Mayor's estate was a PNM (utility company) easement, and was therefore unsure whether Mr. Bundy could stand on the easement at all. The BCSD officer eventually called Mr. Bundy on Mr. Bundy's cell phone, and informed him that he could stand on that area, but only

where Road Runner Lane intersected with Rio Grande Blvd. This was



addition, at some point prior to the President's arrival, members of the BCSD forced Ms. Pahls

41. There was no legitimate basis for treating plaintiffs differently from the President's supporters.

42. Larry Kronen, who was standing with plaintiffs behind the parked police cars and the officers on horseback, asked if the police could move some of the cars so that plaintiffs' view of the north end of Rio Grande Blvd. would not be obstructed. Suspecting that the President's motorcade would be arriving from the north end, the people on the south end wanted their view of the north end to be clear. The police agreed to move only one of the several cars.

43. Prior to the President's arrival, Alice Lloyd drove up to Ms. Wilson, Ms. Moffitt, and other individuals on Rio Grande Blvd. in a beige Chevrolet Tahoe with her 13-year old daughter. Ms. Lloyd offered some of the plaintiffs a place to stand and to hold up their signs. The place was a property belonging to Ms. Lloyd's friend, and was approximately the third property north of Mayor Abraham's estate on Rio Grande Blvd. Because the woman's property was north of the Mayor's driveway, plaintiffs would have been more visible to the President as the President's motorcade later arrived from the north side of Rio Grande. In addition, plaintiffs would not have been blocked from the President's view by the parked police cars and officers on horseback. The BCSD, however, informed Ms. Lloyd that she had to move her car immediately, and refused to allow some of the plaintiffs to go north with Ms. Lloyd to the woman's property.

44. After some additional time passed, Mr. Riley asked if he and his wheelchair-bound mother could move to the area of Rio Grande Blvd. north of the Mayor's driveway so that the President could see their signs. The officer replied that the motorcade would be arriving at any minute, and that it would not be safe for Mr. Riley and his mother to be there. The motorcade, however, did not arrive for at least 20 minutes until after the conversation took place.

45. At around noon, the President's motorcade approached the area from the north and proceeded to enter Mayor Abraham's estate. The President's motorcade never passed by plaintiffs, who were standing south of the Mayor's estate.

46. The President's view of the individuals on the south end of Rio Grande Blvd. was obstructed by the parked police cars and officers on horseback. It would have been difficult, if not impossible, for someone sitting in the President's car to have seen or read plaintiffs' signs.

47. The majority of people stayed until 15 minutes after the President entered Mayor Abraham's estate for the fundraiser. A few people, including Ms. Lawrence and Ms. Pahls, stayed until after the fundraiser. This occurred after 1:00 pm.

48. There were approximately 70 people standing outside Mayor Abraham's estate attempting to express their disapproval to the President in a peaceful manner.

49. Plaintiffs' purpose in gathering outside of Mayor Abraham's estate was to express their disagreement with the President as well as the Iraq War through peaceful means. At no time did they intend to or give any indication that they would disrupt the event or resort to violence.

50. At all times, the practice or policy perpetuating content and viewpoint discrimination (against any speech disagreeing with the President) was set by defendants, including Doe defendants.

51. The Presidential Advance Manual, prepared by the Office of Presidential Advance, includes a section called "Preparing for Demonstrators." In that section, the Manual provides that members of the Presidential Advance team should "work with the Secret Service and have them ask the local police department to designate a protest area where demonstrators can be placed, preferably not in view of the

The description from the Manual is consistent with what occurred here. Plaintiffs – whom the Manual would label as “demonstrators” – were placed in an area south of the Mayor’s estate, and kept at a distance such that they were “not in view of the event site or motorcade route.”

52. Chief Deputy David Linthicum of the BCSD was quoted in the newspapers as saying that the Secret Service, in consultation with the Sheriff’s Department, were the ones who decided that the supporters of the President could stand just across from the Mayor’s driveway.

53. Defendants, the County, the City, the BCSD and APD each have a municipal policy of discriminating against individuals based on the viewpoint and content of their speech, or in the alternative, have followed orders from federal actors to adopt and enforce this policy of discriminating against individuals based on the viewpoint and content of their speech.

54. Defendants are in violation of plaintiffs’ First and Fourteenth Amendment rights for creating, adopting, and enforcing an unconstitutional practice or policy of discriminating against plaintiffs based on the viewpoint and content of plaintiffs’ speech, and therefore are guilty of depriving plaintiffs of their right to peacefully express their disagreement with the government’s policies. 12.08ully expres(i)- Tc 2

## VI. RELIEF

- A. Declare that the actions of defendants in discriminating against the viewpoint and content of plaintiffs' speech are violations of plaintiffs' First and Fourteenth Amendments rights,
- B. Grant plaintiffs damages for the violations of their rights under the First and Fourteenth Amendments of the United States Constitution,
- C. Grant Plaintiffs such other relief as they may be entitled to, and
- D. Award Plaintiffs reasonable attorney's fees and costs.

**PLAINTIFFS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE.**

Respectfully submitted this \_\_th day of January, 2008.

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George Bach  
Staff Attorney  
American Civil Liberties Union  
of New Mexico  
P.O. Box 566  
Albuquerque, NM 87106  
(505) 243-0046  
gbach@aclu-nm.org

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Christopher A. Hansen (pro hac vice pending)  
Catherine Crump (pro hac vice pending)  
Josh Hsu (pro hac vice pending)  
American Civil Liberties Union Foundation  
125 Broad Street, 18th floor  
New York City, NY 10004  
(212) 549-2606  
chansen@aclu.org  
ccrump@aclu.org  
jhsu@aclu.org