

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ACORN,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 03-4312
	:	
v.	:	
	:	
THE CITY OF PHILADELPHIA,	:	
THE POLICE DEPARTMENT OF	:	
THE CITY OF PHILADELPHIA,	:	
and THE UNITED STATES	:	
SECRET SERVICE OF THE	:	
DEPARTMENT OF HOMELAND	:	
SECURITY	:	
	:	
	:	
Defendants.	:	

VERIFIED COMPLAINT

INTRODUCTION

Plaintiff, a nationally recognized organization dedicated to dedicated to empowering poor people and bring to the Nations attention, the plight of those who are powerless, have been prevented by the City of Philadelphia and the United States Secret Service from entering a sidewalk, which is immediately opposite the building which President Bush is touring this morning, even though that same sidewalk was open to individual wishing to support the President. This law enforcement action not only violates the United States' Constitution prohibition against viewpoint discrimination as well as this Court's Order permitting them to demonstrate on the sidewalk opposite the Treasury Financial Management Facility at 13000 Townsend Road.

Jurisdiction

1. As Plaintiff seek to vindicate rights protected by the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. Section 1983, the Court has jurisdiction of this civil action pursuant to 28 U.S.C. Sections 1331 and 1343(a)(3) and (4). Pursuant to 28 U.S.C.

Sections 2201 and 2202 this Court has jurisdiction to declare the rights of the parties and to grant all further relief found necessary and proper.

Parties

2. Plaintiff, ACORN, is a nationwide organization the Association of Community Organizations for Reform Now, is the nation's largest community organization of low and moderate-income families, with over 150,000 member families organized into 700 neighborhood chapters in 51 cities across the country. Since 1970 ACORN has taken action and won victories on issues of concern to our members. Our priorities include: better housing for the first time homebuyers and tenants, living wages for low-wage workers, more investment in our communities from banks and governments, and better public schools. We achieve these goals by building community organizations that have the power to win changes—through direct action, negotiation, legislation, and voter participation.

3. Defendant, CITY OF PHILADELPHIA, is an incorporated municipality of the Commonwealth of Pennsylvania, which may be served by delivering process to the Honorable Nelson Diaz, City Solicitor, whose office is located at City Law Department, One Parkway, 1515 Arch Street, Philadelphia, PA, 19102-1595.

4. Defendant, THE POLICE DEPARTMENT OF THE CITY OF PHILADELPHIA, is responsible for all law enforcement activities within the City of Philadelphia.

5. Defendant, THE UNITED STATES SECRET SERVICE OF THE DEPARTMENT OF HOMELAND SECURITY, is the federal agency charged with, among other assignments, protecting the President of the United States.

FACTS

6. At approximately 10:30 am today, July 24, 2003, President Bush will be touring the Treasury Financial Facility at 13000 Townsend Road, where some of the 25.4 million checks

reimbursing parents pursuant to the newly enacted Child Tax Credit, will be printed.

7. In an effort to call attention to the failure of the President and the House Republican leadership to broaden that tax credit to the working poor, ACORN called upon its members to demonstrate outside the facility during the President's visit.

8. In anticipation of that event, ACORN held a series of discussions with both the Secret Service and the Civil Affairs Unit of the Philadelphia Police Department requesting the right to demonstrate on the public sidewalk across the street from the Treasury Financial Facility.

9. On July 23, 2003, both ACORN and the Undersigned attorney were informed by both officers of Civil Affairs and agents of the Secret Service that neither ACORN nor any other groups or individuals would be permitted access to the sidewalk across the street from the Treasury Financial Facility during the President's visit.

10. It was on this basis that ACORN was willing to hold its demonstration on the corner of the sidewalk diagonally across the street from the Treasury Financial Facility building. This area, however, would make it less likely that the President would observe ACORN when entering and leaving the Treasury Financial Facility.

11. This morning, July 24, 2003, only moments ago, when setting up for their demonstration, ACORN and its members observed individuals campaigning their support for President Bush, entering the sidewalk immediately in front of the Treasury Financial Facility building.

12. Defendants took no steps to remove the President's supporters.

13. ACORN and its members are being subjected to viewpoint discrimination by Defendants

14. Absent this Court's immediate Order permitting ACORN access to the street in front of the Treasury Financial Facility building, ACORN will suffer an immediate and irreparable injury.

15. Additionally, within the last few minutes, ACORN has now been pushed by Philadelphia Police, from the corner diagonally across the street from the Treasury Financial Facility building to an area away from the intersection at Townsend and McMulty (see attached diagram.)

Causes of Action

16. In denying or refusing to permit Plaintiff access to the sidewalk immediately across from the Treasury Financial Facility because of the viewpoint of their political message, Defendants violated and continue to violate Plaintiffs' First Amendment rights to peacefully assemble and speak, which rights are guaranteed by the Fourteenth Amendment and for which remedies are provided by 42 U.S.C. § 1983.

17. In denying or refusing to permit a permission to be on the corner of Townsend and McMulty, the Defendants have violated this Court's Order in *Pledge of Resistance v. We the People 200*, et al.

Relief

Based on the foregoing, Plaintiffs respectfully pray that this Court will:

- A. Grant Plaintiffs preliminary and permanent injunctive relief requiring Defendant, their subordinates, employees, agents and those acting in concert with to immediately give access to the corner diagonally across from the Treasury Financial Facility building on July 24, 2003.
- B. Grant Plaintiffs such other relief as they may be entitled to, including damages; and
- C. Award Plaintiffs reasonable attorney's fees and costs.

Respectfully submitted,

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