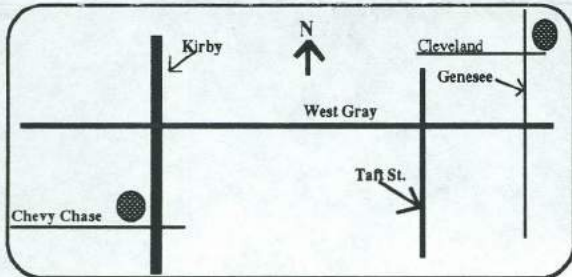


**PROTEST THE  
REPUBLICAN NATIONAL CONVENTION  
SUNDAY, AUGUST 16, AT 3:00 P M**



**March begins: WILEY PARK** (IN FREEDMAN'S TOWN/ FOURTH WARD, 2 BLOCKS NORTH OF WEST GRAY AT CORNER OF GENESEE & CLEVELAND)

**Rally at: MARY ELIOT PARK** (1 BLOCK WEST OF KIRBY ON CHEVY CHASE)



**PRELIMINARY LIST OF ENDORSERS:**

ACT-UP, AUSTIN; ALL PEOPLES CONGRESS; AMERICAN ATHEISTS; AMERICAN GAY AND LESBIAN ATHEISTS; CENTRAL AMERICAN REFUGEE CENTER, CRECEN; ENDEAVOR, LIVE VOICES FROM DEATH ROW; SISSY FARENTHOLD; GAG; GRAY PANTHERS; GUATEMALA SUPPORT NETWORK; GAY & LESBIAN HISPANICS UNIDOS; HAITIAN TASK FORCE; RAY HILL; HOUSTON BLACK UNITED FRONT; HOUSTON GAY & LESBIAN POLITICAL CAUCUS; HOUSTON NON-VIOLENT ACTION, WRL; MOVEMENT FOR A PEOPLES ASSEMBLY; EL MOVIMIENTO NACIONAL DE LA RAZA; PEOPLE AGAINST POLICE ABUSE; QUEER NATION, HOUSTON / AUSTIN; REVEREND ERNEST CHARLES; RICARDO ALDAPE GUERRA DEFENSE COMMITTEE

**NO MORE!**

- \*Racism & Police Brutality
- \*Cutbacks
- \*Layoffs
- \*U.S. Intervention

**FIGHT  
BACK!**

- \*Jobs & Education -- Not Jails
- \*Women's right to choose
- \*\$ for AIDS not the Pentagon
- \*Universal Health care
- \*Lesbian & Gay Rights Now!
- \*Outlaw racism, sexism & homophobia!
- \*An end to violence at home & abroad
- \*An end to the destruction of environment
- \*End the Death penalty for the poor
- \*Free Ricardo Aldape Guerra!

**AD HOC COMMITTEE TO PROTEST  
THE REPUBLICAN NATIONAL  
CONVENTION  
P.O.BOX 52115 HOUSTON, TX 77052  
FOR MORE INFO. CALL (713) 524-4462  
OR (713) 942-9752**



AD HOC COMMITTEE TO PROTEST THE REPUBLICAN CONVENTION

P. O. Box 52115, Houston, TX 77052

Dear Sisters and Brothers,

The Ad Hoc Committee extends an invitation to all activists and organizations to join us in Houston for a big, broad, spirited march and rally in opposition to the Republican National Convention on Sunday, August 16, beginning at 3 p.m.

**OUR VOICES MUST BE HEARD!** We are facing the crises of exploding joblessness, poverty, racism, and AIDS. We must stop militarism and police brutality from the Middle East to L.A. There must be no U.S. intervention, from Haiti to Cuba to Iraq. Attacks on the rights of women, lesbians and gays must stop. The death penalty must be abolished.

When it comes to meeting the needs of the people, the only language the rich and their politicians truly understand is the language of mass action. Our needs are great. **JOIN US IN THIS ACTION!**

Enclosed is a business reply envelope from one of the participating organizations. Checks can be made to the All Peoples Congress. All donations will be used only for this action. We are doing mailings, press work, postering and leafleting. We need tens of thousands of flyers. **WE CAN'T DO IT WITHOUT YOUR HELP!**

See you on Sunday, August 16. There's parking on West Gray and Taft behind the clinic.

As the great leader Frederick Douglass so correctly put it, **"Without struggle, there can be no progress."**

SISSY FARENTHOLD

ALVARO HERNANDEZ LUNA  
Ricardo Aldape Guerra  
National Defense Committee

PAUL MULLAN  
Queer Nation

JOHN ANDERSON  
Movement For A Peoples Assembly

JANE COLLINS

Houston Coalition to Stop U.S.  
Intervention in the Middle East

RENNIE TROZZI  
Houston Gay & Lesbian Political Caucus

GLORIA RUBAC  
All Peoples Congress

ANNA ELWOOD  
Gray Panthers





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Houston Gay & Lesbian Political Caucus

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September 9, 1992  
(713) 758-1148

Chief Sam Nuchia  
Houston Police Department  
61 Riesner  
Houston, Texas 77002

Dear Chief Nuchia,

Thank you for taking the time to meet with Ray Hill, Annise Parker and myself. I thought the discussion was very constructive and look forward to a continued dialogue with your department. I think we agree that both our community and the police department stand to benefit from an open dialogue.

On Friday morning several of us had breakfast with Captain Dale Brown. The discussions were cordial and I believe the foundation was established for future discussions. Specifically, we agreed on the following:

1. The police department and demonstrators should endeavor to discuss demonstrations in advance. The HGLPC will encourage any organization that is conducting a demonstration to seek a dialogue with the police department prior to the demonstration. Admittedly, the HGLPC has no power over other organizations. However, whenever we are asked to participate in a large scale demonstration, our goal will be to ensure that a dialogue has taken place before we officially participate in the event. HPD will similarly make a concerted effort to keep the channels of communication open.

2. The police department will attempt to keep as low profile as possible during demonstrations. While it is understandable that the Department needs to be prepared for any unexpected contingency, the Department will attempt to keep backup forces at a distance and preferably, out of sight.

3. HGLPC will encourage organizers of demonstrations to monitor the demonstrations to avoid unanticipated contingencies, such as the participation of unidentified individuals who do not



seem to be a part of the organizing effort or acting in the spirit of demonstration.

4. Captain Brown has agreed to incorporate sensitivity training in the next major in-service program for the special operation forces addressing both sensitivity toward the Gay and Lesbian community and the HIV community. This will include education about HIV transmission. Members of the community will be consulted regarding this sensitivity training.

5. We will forward to the police department the results of our investigations into the matters that occurred on August 17, 1992 although we may redact names of individuals who request it.

6. Whenever a crowd action results in the use of force and/or arrests an IAD investigation should be conducted immediately thereafter.

A number of concerns remained after our meeting with you and Captain Brown which I believe merit attention:

1. Captain Brown conceded during our meeting with him that the police department had not handled the August 17 demonstration in the best way possible. In his words, many things could have been done differently by both sides. While we appreciated his candor, we felt that his comments conflicted with the account that was provided to city council. While we may not have expected an official *mea culpa*, many of us who witnessed the event were flabbergasted by the revisionist history in the department's account. While we do not want to dwell forever on the past, I believe that the police department would enhance its institutional capital vis-a-vis the Gay and Lesbian community if it were to admit publicly that a major failure took place that night. As the report stands now, many of us who were present that night, whether or not we were hurt physically, feel that our integrity has been called into question by the police department's denial of our account. Therefore, I hope that the department will consider a revised report after it conducts a more thorough investigation.

2. Captain Brown also referred to the existence of a training manual which is in the process of being finalized. He noted that the draft version of this training manual has been used in training the officers. We asked Captain Brown if the HGLPC police committee could review the draft in order to make suggestions and in order to be familiar with the department's procedures. He told us that he would discuss this matter with you and suggested that, so long as this did not compromise the department's strategies, he would recommend to you its release. Captain Brown expressed concern that some elements of the Department's policies need to be kept confidential in order not to

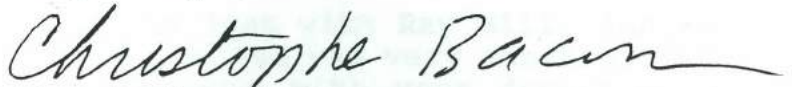


Chief Sam Nuchia  
September 9, 1992  
Page 3

compromise their effectiveness. If that is the case, several alternatives could be pursued such as redacting such elements from the training manual or having a neutral panel, such as the Police Advisory Committee, review the procedures.

Despite the above reservations, I am pleased that your department is now making a concerted effort to communicate with our community. In many ways, Houston's Police Department's relations with the Gay and Lesbian community have been exemplary in recent years. We do not want to take a step backward as a result of the recent incidents. We recognize that the success of the police department depends on all of us working together. Again, thank you for taking the time to meet with us and I look forward to future discussions.

Very truly yours,



Christopher V. Bacon  
President, HGLPC

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cc: Mayor Bob Lanier  
901 Bagby, Box 1562  
Houston, Texas 77251

Mr. F. E. Yourek  
Assistant Chief of Police  
Houston Police Department  
61 Riesner  
Houston, Texas 77002

Captain M. D. Brown  
Assistant Chief of Police  
Houston Police Department  
61 Riesner  
Houston, Texas 77002

Councilwoman Shiela Jackson Lee  
901 Bagby, Box 1562  
Houston, Texas 77251

Councilwoman Eleanor Tinsley  
901 Bagby, Box 1562  
Houston, Texas 77251

Councilman Vince Ryan  
901 Bagby, Box 1562  
Houston, Texas 77251

# **GATE 4 REPORT**



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## COMMISSION TO INVESTIGATE THE POLICE/ACT-UP CONFRONTATION

Annise Parker	<b>Commission Chair</b>
Nancy Bunin	The Clark Read Foundation, Inc.
Suzanne Donovan	ACLU of Texas
Greg Gladden	National Lawyers Guild
Gene Harrington	Thurgood Marshall School of Law
Norm Thompson	Houston Gay and Lesbian Political Caucus
Rennie Trozzi	Houston Gay and Lesbian Political Caucus
Clyde Williams	Bar Association for Human Rights

P.O. Box 66513 Houston, Texas 77266  
Phone: 546-2553 (w), 520-7702 (h), 526-6588 (fax)



## BACKGROUND

The Commission to Investigate the Police/ACT-UP Confrontation was established in response to the incomplete investigation of the events surrounding the ACT-UP march and demonstration which took place on the night of August 17, 1992. The Commission is composed of members of the Houston gay and lesbian community and local representatives of human rights and political organizations. We were charged with compiling evidence and information about the planning and execution of the event, and the subsequent confrontation between participants and police.

Our report presents a chronological overview of the events, and references this to assertions made by Chief Sam Nuchia in his report. We have attempted to place our data in the context of the police and demonstrator interactions over the course of the week.

At this point, with limited resources and little access to the Houston Police Department, we have not completed a full investigation of all elements that contributed to the confrontation that night. There is no question that certain march participants violated city ordinances. However, there is a wealth of evidence that raises questions about police policy and activities during the march and demonstration. There is evidence that the police response was disproportionate to the violations. There is equally compelling evidence that alternate choices at crucial points in the pre-event planning and during the event might have diffused the situation.

Our investigation included hearing six hours of public testimony, collecting and reviewing numerous written sworn statements, and viewing video and photo evidence. Representatives of the Houston Police Department were invited to participate in the hearing but refused to testify or participate otherwise.

We hope the Mayor and City Council will appoint an independent investigative body. It is our intention to formally turn our collected information over to that body.

If the Mayor and City Council fail to effectively provide for an independent investigative body, we will, with other community resources, attempt to see that a full, honest and independent investigation is completed. In any event, the citizens of Houston will have the opportunity to judge for themselves the public testimony, which was taped for broadcast on local television.

We believe the needs of the citizens of Houston, the Houston Police Department and our basic rule of law mandate serious and honest action by our city's elected leadership in response to these events. As yet no such action has been forthcoming. We hope our preliminary report will assist in that goal.



## THE EVENT

The AIDS rally and march that took place on Monday, August 17th, at the beginning of the Republican National Convention, was a result of planning by ACT-UP RNC and Queer Nation RNC. Leaders involved in the march were Josh Wells with ACT-UP RNC and Paul Mullan with Queer Nation. Paul was responsible for obtaining the parade permit. Greg Gladden of the National Lawyers Guild and Suzanne Donovan of the ACLU of Texas assisted him.

The purpose of the march was to promote AIDS awareness and to point out the inadequacy of the Reagan and Bush administrations' response to this health crisis. Local organizers testified that there was never any intent to destroy or injure property or persons. There was no evidence in the pre-march media coverage that local organizers were planning to cause bodily harm. National march organizers were not interviewed.

It appears that most of the march participants were not members of any of the sponsoring organizations. Moreover, the majority of testifying witnesses were not members of those organizations. Among those testifying were neutral observers from the ACLU and the Clark Read Foundation.

## THE PERMIT PROCESS

The ACLU of Texas was first contacted by ACT-UP RNC and Queer Nation RNC activists in late June, who requested information about obtaining a parade permit in Houston for a march to take place on August 17, 1992, the first night of the Republican National Convention. Suzanne Donovan of the ACLU of Texas met with the representatives and informed them that they would have to fill out an application with Mr. Ray Kennedy in the Traffic and Transportation Department of the City's Public Works Department. This apparently was done so on June 30, 1992.

On July 1, ACT-UP RNC and Queer Nation RNC were denied a parade permit for August 17th because the city had already issued a permit to the group All Peoples Congress. The city cited its municipal ordinance, allowing only one parade permit issued per day in Houston, in denying the groups' request. Mr. Kennedy's letter also noted that he was not clear if the groups' parade route fell within the city's requirements relating to distance and time.

The ACLU of Texas then initiated a series of conversations among representatives of All Peoples Congress, ACT-UP RNC and Queer Nation RNC regarding the possibility of All Peoples Congress withdrawing its application for an August 17th parade.

On July 31, 1992 representatives of the ACLU of Texas, the National Lawyers Guild, All Peoples Congress and Queer Nation RNC went to Mr. Kennedy's office together. All Peoples Congress relinquished its parade permit at that time, and Queer Nation RNC filled out a new application for a permit for an August 17th march.

There was some discussion about the route, its distance and the time it would take, between the various parties. Mr. Kennedy said that it was unusual for the city to agree to a route which required marchers to move from the street to the sidewalk, but that the city could be flexible in this case. Further, before he officially approved the application, he stated that he and assistant city attorney Paul Bibler would actually drive the route to make sure it conformed to the city's distance requirements. The application was approved that day.

The HPD apparently attempted to contact representatives of ACT-UP RNC or Queer Nation RNC to schedule a meeting in the two weeks preceding the march to discuss logistical details. ACT-UP RNC and Queer Nation RNC did not respond.



## THE MARCH

The march was to begin in Hermann Park, proceed along a two mile route, and culminate at Gate 4 of the Astrodome parking lot (see Exhibits B and C). The marchers were scheduled to gather at 6:00 p.m. at Hermann Park, with the march officially to begin at 6:30 p.m. and end at 8:30 p.m. The march actually began at approximately 6:45 p.m., 15 minutes late. Part of the delay was due to HPD's request that all sticks supporting posters and banners be measured and removed if they exceeded a certain size.

By all accounts, the march was peaceful between step-off and arrival at Gate 4. A small group of religious protestors confronted the marchers as they crossed Old Spanish Trail. Words were exchanged, but the groups were kept apart. At some point the marchers were to leave the street and walk on the sidewalk. At the designated point, HPD made no attempt to move the marchers onto the sidewalk.

## THE DEMONSTRATION

The march ended at barricades near the closed entrance to Gate 4 of the Astrodome parking lot, but not at the gate itself. The area was lined with temporary fences topped by barbed wire to the east, and brick buildings to the west. Some of the witnesses testified that they were surprised at the location and its confined nature. Police barricades blocked off La Concha and N. Stadium Drive and barricades divided the four lane N. Stadium Drive in half. Marchers were directed into a narrow corridor comprised of two lanes of N. Stadium Drive. It was getting dark and this section of N. Stadium Drive was lit by building lights only. There were no street lights and no provision was made for adequate lighting.

There were no organized or planned activities, such as speeches, at the conclusion of the march. Portions of the crowd began chanting. Some protestors staged a "die-in" which consisted of people lying on the ground.<sup>1</sup> A smoke bomb went off behind or near police lines. Two effigies of George Bush were set on fire by a few unidentified individuals and allowed to burn on the street. Signs and placards were thrown onto the fire. Some witnesses testified that they could not see the fire at this point. What appeared to be an American flag was set afire. (Witnesses testified, however, that in actuality it was a "Bush AIDS Flag" which is an American flag with fifty skull and cross bones in lieu of stars).<sup>2</sup> Some demonstrators formed a ring around the fire. The police took no action to prevent the starting of the fire.

At some point march leaders were notified that their permit was expiring and the HPD liaison ordered the organizers to disperse the crowd within 10 minutes. It is not clear when in the sequence of events this notification took place. Josh Wells gave the 10 minute warning to the crowd on his bullhorn. It is evident from the testimony that the majority of the participants did not hear the warning. The HPD liaison returned and again requested that Mr. Wells immediately disperse the crowd. He refused. Later he stated that it was HPD's responsibility to deliver an official order to disperse and that he could not do so adequately. There is no evidence that HPD ever delivered an official order to disperse. Conveniently located squad cars had that capability.

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<sup>1</sup> A non-violent demonstration similar in concept to the lunch counter sit-ins of the Civil Rights Movement.

<sup>2</sup> These are constitutionally protected forms of free speech.



## THE CONFRONTATION

It was not until a few police barricades that divided N. Stadium Drive were dismantled and thrown onto the already burning fire that any police action was taken. After barricades were burning, police on horseback moved suddenly on the crowd. It is unclear whether the police said anything as they moved forward. Some "die-in" participants were still lying on the ground as the police horses moved through them. Some plastic water containers were thrown at the police at this time.

The officers on horseback cleared the street and the fire was extinguished. Police appeared to have control of the situation at this point, but continued to chase the crowd onto the sidewalk and into the adjacent field. Participants attempted to leave the area but were unsure of where they were to go since no clear instructions were given by HPD. Many participants fled across the vacant unlit field when they found the street blocked. There is ample testimony that some of those fleeing across the field were attacked from behind by both officers on foot and on horseback who were swinging their riot batons. Officers chased the fleeing crowd across the distance of the field. Some officers were reported to have shouted "run faggot".<sup>3</sup> There is no testimony that people in this area were making any offensive moves toward the police, and in fact from the testimony, people were running away in fear.

Participants attempting an orderly exit up the street were ordered by officers to board buses which were parked on La Concha. Marchers were not told who had brought the buses or where the buses would take them. The sidewalks on La Concha (west) were blocked by police. Conflicting orders directing participants away from the site were given by different groups of officers.

People have reported receiving cuts and bruises from baton blows and injuries from running across the field that was dark and filled with holes. Several people were trampled by horses. Video tapes of the demonstration clearly indicate that in, at least one instance, a policeman held a person while beating him and that in another instance a policeman repeatedly hit a person on his back and legs while he attempted to flee.

Six arrests were made. There was considerable testimony of psychological trauma. At least one of the arrested was a non-participant who was handing out Democratic campaign materials. Police did not distinguish clearly identified neutral observers from march participants, since the neutral observers were also targets of police action.

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<sup>3</sup> HPD general order 600-37 prohibits such name calling.



## THE AFTERMATH

"[The Mayor] suggested that if the groups still feel thwarted, they can file lawsuits."

*The Houston Post*

"There is no evidence at this time that anyone was beaten."

Police Chief Sam Nuchia

"I think I'm independent enough ... I don't think anyone can do it better than I can."

Police Chief Sam Nuchia

*The Houston Post*

September 23, 1992

Perhaps the greatest threat to the democratic process that came out of the August 17th demonstration is the attitude of the Mayor and of the Police Chief of the city in response to citizen complaints of police misconduct.

The Mayor's comment, which reduces the rule of governance to litigation, seriously undermines respect not only for the Police Department but for the whole democratic process.

The Police Chief's comments show he is either ignorant of the magnitude and quality of the complaints, or is disinterested in objectively investigating the full episode. The report issued by the Police Department reinforces this perception of ignorance and/or indifference. After seeing and listening to testimony of participants and observers who saw injuries or were themselves injured, and after hearing numerous allegations of police misconduct, reading the report issued by the Police Department becomes almost a surreal experience.

Citizens must now deal not only with allegations of individual misconduct, but perceptions of institutionalized indifference.



## RESPONSE TO HPD'S REPORT

This section of our report deals specifically with points raised in the report issued by the Houston Police Department entitled "A Report Concerning the Incident on North Stadium Drive August 17, 1992", attached as Exhibit A. We will address that report section by section.

### **The Parade Permit**

We agree substantially with the police characterization of the permit process.

Contrary to the report, however, we found no evidence that HPD attempted to enforce the provisions of the parade permit requiring marchers to move to the sidewalks for a portion of the march. Organizers stated that they had been given tacit permission to continue in the street.

Also, we found no evidence that the marchers were confrontational or combative during the march.

### **Law Violations**

We agree that some violations of the law occurred at the end of the march. (Throwing a smoke bomb, destroying city owned property and harassing Mounted Patrol horses are violations of city ordinances and/or state laws. Violations of a city ordinance against burning on publicly owned land may well fall under the category of constitutionally protected free speech). Police failed to arrest the actual perpetrators of such violations. Instead, bystanders were arrested for other charges, most of which were not cited in the police report. This appears a *post hoc* justification for police actions.

The march and demonstration did exceed its allotted two hour time limit by fifteen minutes. No adequate public notice of this fact was given by the police.

### **Police Restraint**

The democratic process mandates police restraint during a demonstration. This builds public trust and better police relations. A number of points in the police report were consistently challenged in our hearings. For example, that helmets and exterior vests were donned before any acts of civil disobedience. Demonstrators were never warned by police to clear the street. Demonstrators could not hear the warning by organizers to disperse.

### **Police Action**

The evidence we received essentially contradicts that portion of the police report entitled Police Action.



## FINDINGS

- o **Police used excessive force and allegedly violated police procedures.**
  - o **Police overreacted and failed to consider less drastic responses to events.** (e.g. using a "surgical strike" to remove lawbreakers).
  - o **Police failed to plan adequately.**
    - ~ inadequate lighting
    - ~ inadequate fire containment equipment
    - ~ failure to provide adequate notice for peaceful dispersal
  - o **Poor communications.**
    - ~ Police failed to create a climate of trust prior to the march.
    - ~ Organizers failed to understand that refusal to discuss the demonstration with the police would engender mistrust.
    - ~ Police failed to communicate with organizers during the march.
    - ~ Organizers were not clearly identified during the march.
    - ~ Police failed to provide adequate warnings to disperse and the legal consequences of the failure to do so.
    - ~ Police and organizers failed to adequately explain the availability of bus transportation away from the demonstration site.
  - o **Organizers failed to provide for "closure" at the end of the march.**
- 

## CONCLUSION

**Our preliminary investigation is sufficiently complete to find probable and sufficient cause for a thorough independent investigation of the events on the night of August 17, 1992.**



# **EXHIBIT A**



# A REPORT CONCERNING THE INCIDENT ON NORTH STADIUM DRIVE AUGUST 17, 1992

## Introduction

For months before the convention, newspaper articles and other sources of intelligence clearly indicated that various gay and lesbian organizations, including Act-Up, were "intent on bringing chaos to the Republican National Convention" by disrupting speeches, harassing delegates, blocking traffic, and attempting to gain entry to the Astrodome. Representatives of these groups went out of their way to publicize their threats which formed the context within which the events of August 17, 1992, on North Stadium Drive occurred.

## The Parade Permit

On 2-19-92 The All Peoples' Congress obtained a parade permit for an August 17th parade in the Astrodome area. On 7-31-92 representatives of The All Peoples' Congress and Act-Up went to the office of Mr. Ray Kennedy, Assistant Director of Traffic & Transportation Division of the Public Works Department, who is the person responsible for approving and issuing parade permits. Under the watchful eye of Act-Up's ACLU attorneys, The All Peoples' Congress presented written notice that their organization wished to relinquish their parade permit for August 17th with the understanding that the permit would then go to Act-Up. At the same time Act-Up leader Paul Mullan presented a written request for a parade permit.

The initial parade route requested by Act-Up violated the city ordinance, so Kennedy rejected it. Mullan then wrote on the back of the permit request form a new route which Kennedy approved on the spot. That handwritten route specified that the marchers would "get back on the sidewalk" once they were south of Holcombe and walk on the sidewalk until Greenbriar. There, the marchers would return to the street for the remainder of the parade which was to end on North Stadium Drive "as close to Astrodome gate #4 as possible" (Mullan's handwriting).



A meeting with Act-Up representatives was scheduled for August 11th in Ray Kennedy's office. The purpose of this meeting was to discuss the parade route with police officials who would be supervising officers assigned to the parade. Such a meeting is a standard practice which serves to answer questions, resolve any misunderstandings, and enhance the safety and efficiency of everyone concerned. Act-Up, however, cancelled the August 11th meeting and then cancelled the meeting again when it was re-scheduled for August 12th. The information we received from Ray Kennedy after the August 12th cancellation was that Act-Up representatives were saying that they were satisfied with the parade route, and therefore, they had no reason to talk to the police about the parade.

During the next several days a number of attempts to contact the Act-Up organization all failed. Messages were left on Mullan's answering machine which he never returned. The ACLU attorney for Act-Up, Susan Donovan, was asked to help make contact with the group, but that too failed.

Contrary to common practice, the parade permit called for the first half-mile and the last half-mile of the parade to be in the street, while the remainder was to be on the sidewalk. This turned out to be impossible to enforce without a major confrontation, and thus the marchers continued to walk in the street throughout in violation of the city parade ordinance.

In addition, without a pre-parade meeting, it could not be determined whether the marchers wanted to go through the Holcombe Street underpass or over it. Barricades were set up to direct the marchers under Holcombe Street because that would have been less disruptive to traffic. These barricades were taken down just before the parade to allow the parade to go over Holcombe as the Act-Up leaders insisted.

The Demonstration Liaison officers had trouble determining just who the Act-Up leaders were before the parade. None of the officers had ever met Paul Mullan, and the marchers assembling in Hermann Park told the officers they did not know who was in charge. When Mullan was finally located, last minute details of the route had to be discussed.

Finally, the time frame authorized by the parade permit was from 6:30 p.m. to 8:30 p.m. which is the 2-hour maximum time limit allowed by the city parade ordinance. Parades rarely end so late in the day. The ensuing darkness significantly complicated and contributed to what happened on North Stadium Drive.

In summary, an uncommon parade permit was issued to a confrontational group of demonstrators that authorized a parade



route which ended on a narrow dead end street in front of an Astrodome gate just as darkness was setting in. Clearly, public safety was being compromised for the sake of an agreeable parade route. The existing city ordinance apparently provides no discretion when public safety issues conflict with parade route selection.

### Law Violations

The following violations of laws occurred prior to any police action.

The city ordinance covering parades and processions (Article IX) specifies that no parade shall extend on a major thoroughfare for more than 8 blocks or one-half mile, whichever is less; nor will a parade use a total of more than 2 miles of streets. These restrictions required that the 2.3-mile Act-Up parade be divided into 2 parts with about a 1-mile section in the middle of the route off the street and on the sidewalk. But when the marchers continued to walk in the street, they violated the one-half mile limit and the 2-mile overall limit on parades.

In addition, the parade ordinance mandates a 2-hour limit for a parade permit. The Act-Up parade permit began at 6:30 p.m. and ended at 8:30 p.m. The demonstrators violated the 2-hour time limit when they remained on North Stadium Drive after 8:30 p.m.

City ordinance prohibits burning on publicly owned or controlled lands (Sec. 27-13). The demonstrators violated this ordinance when they burned a flag, signs, and other materials on North Stadium Drive.

Three smoke bombs were discharged along the parade route which violated the city ordinance prohibiting the possession, transportation, and/or discharge of fireworks (Sec. 12-2 of the Fire Code).

The demonstrators threw numerous objects including water bottles at the police which violated the city ordinance prohibiting the possession of missiles (Sec. 28-3).

The state law prohibiting obstructing a highway or other passageway (Sec. 42.03) was violated when the marchers continued to walk in the street along that portion of the parade route that was not authorized to be in the street. The marchers obstructed both the street and the sidewalk.

Also, on North Stadium Drive after the parade permit expired, the demonstrators were in violation of this section. (The North



Stadium Drive gate to the Astrodome was being used during the convention.)

The demonstrators violated the state law against criminal mischief (Sec. 28.03) when they dismantled and burned a number of city-owned barricades on North Stadium Drive.

The state law which prohibits injury to or interference with an animal under the supervision of a peace officer (Sec. 38.16) was violated repeatedly when the Mounted Patrol horses were purposely harassed and hit with thrown objects.

Finally, one definition of a riot (Sec. 42.02) is an assemblage of 7 or more persons which "creates an immediate danger of damage to property or injury to persons". The D.A.'s office is considering presenting evidence to a grand jury regarding this offense.

### Police Restraint

The police tolerated repeated instances of at least 8 law violations for as long as possible. In addition, the police wore the usual uniform and soft hat that would be worn during any normal parade. No helmets or exterior vests were donned until demonstrators began throwing objects at the officers and a large fire was burning on North Stadium Drive.

Finally, the demonstrators were warned to clear the street. Working through the Demonstration Liaison officers assigned to interface with the group's leadership, the marchers were warned that they had 10 minutes to clear the street shortly after they arrived on North Stadium Drive. At least one television channel (Channel 13) broadcast news video which showed the leader of the group announcing the 10-minute warning over a bullhorn.

When the time was up, the Demonstration Liaison officers again approached the group's leaders and repeatedly asked them to tell the demonstrators to stop what they were doing and leave because their allotted time had expired. One of the leaders refused, saying "They're about to do something crazy!" Clearly, by that time the situation was so beyond control that even the group's leaders were afraid to try to control their own people.

### Police Action

Police held their positions until at least 15 minutes after the deadline. By that time city barricades were being thrown onto the fire and flames were 10 feet high or more. Less than 20 feet from the fire and surrounded by demonstrators were two plainly marked



City of Houston vehicles which could have been the next target of the demonstrators.

No police movement occurred until a fire extinguisher was on the front line. Then the order to clear the street was given. The officer with the fire extinguisher went directly to the flames and put out the fire.

The purpose of the police action was to disburse the unruly crowd which was clearly becoming out of control, and to extinguish the fire with flames raging 10 feet high.

The parade organizers had 5 or 6 buses parked along the south side of La Concha facing east waiting to take the demonstrators away. When the police action occurred, most of the demonstrators fled to the buses so quickly that they were out of sight by the time many officers got to the intersection of North Stadium Drive and La Concha. It seemed obvious that the parade was well organized and the participants well briefed on what to do if (or when) a police response occurred.

A police offense report (case# 89294192-L) was written documenting the incident and the 6 arrests that occurred as police cleared the street. Five of the arrestees were charged with crossing a police line, and one was charged with class C misdemeanor assault. Two of the arrestees were charged with second offenses, one for escape and one for interfering with a police animal.

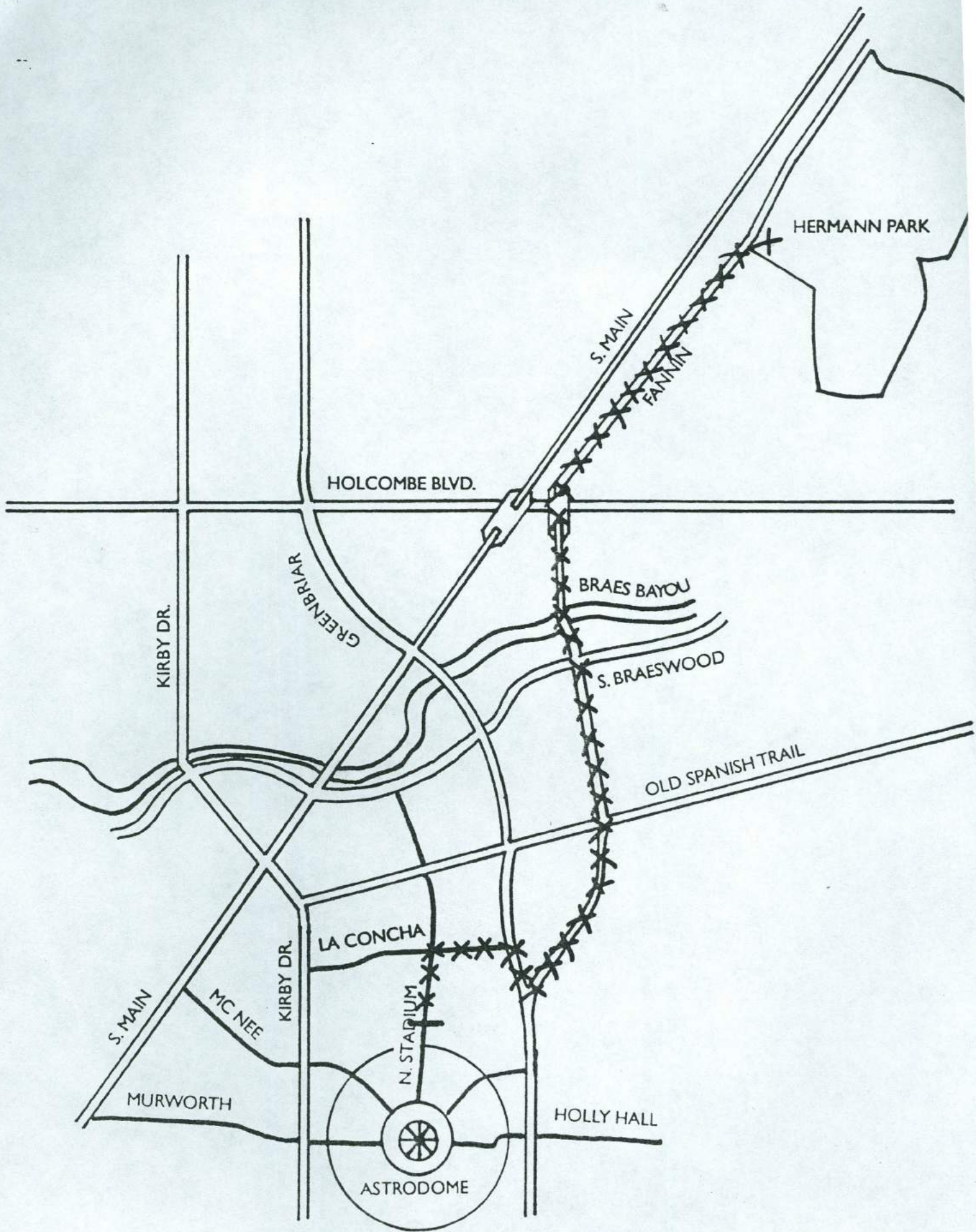
### Summary

Contrary to allegations and innuendo by Act-Up leaders, police were very tolerant of demonstrator activities; a number of requests to clear the street were made; and, police action was reasonable and intended only to disburse the crowd and extinguish the fire.



# **EXHIBIT B**







**EXHIBIT C**



ASTRODOME PARKING

