

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MICHELLE SOLOMON,)
GRADY ROSE, ALLISON SPENCER,)
SAVANNAH KITE,)

Plaintiffs,)

vs.)

Case Number: CV418-52

THE MAYOR and)
ALDERMAN OF THE CITY OF)
SAVANNAH,)

Defendant.)

COMPLAINT

Come Now, the Plaintiffs by and through their undersigned counsel and hereby files this
their Complaint against the Defendant as follows:

The Nature of the Case

1.

The use of signs in “public-issue picketing [is] an exercise . . . of basic constitutional rights
in their most pristine and classic form, [and] has always rested on the highest rung of the hierarchy
of First Amendment values.” *Carey v. Brown*, 447 U.S. 455, 466-67 (1980) (citations and
quotations omitted).

2.

This case seeks to vindicate this classic First Amendment right. Specifically, this case seeks
to vindicate the First Amendment rights of protestors critical of Vice President Mike Pence. On

March 14, mere days before the annual St. Patrick's Day Parade, in which the Vice President is a participant, the City of Savannah suddenly announced that no one would be allowed to display hand-held poster signs during the parade. The City of Savannah clarified, however, parade goers are allowed to display hand-held American flags or other flags, just not hand-held poster signs.

3.

This policy violates the First Amendment. Though a ban on poster signs mounted on sticks or signs might be justifiable for security reasons, a ban on hand-held poster signs of any size is not. Allowing hand-held flags while prohibiting hand-held poster signs unconstitutionally discriminates on the basis of content, is unreasonable, and defies common sense.

4.

Accordingly, Plaintiffs Michelle Solomon, Grady Rose, Allison Spencer and Savannah Kite, seek emergency injunctive relief allowing them to display hand-held poster signs during the St. Patrick's Day Parade.

Jurisdiction, Venue, and Parties

5.

This is a civil and constitutional rights action arising under 42 U.S.C. § 1983 and the First Amendment to the United States Constitution. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.

6.

Venue in this Court is proper under 28 U.S.C. § 1391 because the events giving rise to Plaintiffs' claims arose in this district and division. Defendant City of Savannah is located within this district and division.

7.

Plaintiffs are each citizens of Georgia who are directly impacted by the policies promulgated and enacted by the Defendant. Plaintiffs each intend to attend the St. Patrick's Day parade and exercise their First Amendment Right to engage in political speech directed to the Vice President.

8.

Defendant is a each governmental entities who has jointly and/or separately announced their intent to deny the Plaintiffs their right under the First Amendment to engage in political speech.

Factual Allegations

9.

The Savannah St. Patrick's Day Parade is a time-honored tradition dating back to 1824. As described on the official Savannah St. Patrick's Day website, "Today, bands, families, societies, soldiers, public servants, and commercial floats wind through the streets of Historic Downtown Savannah every March 17th, making [the Savannah] St. Patrick's Day Parade one of the largest and most recognized in the world[.]" This year, Vice President Mike Pence will be featured in the parade.

10.

On March 14, 2018, the City of Savannah announced a new policy restricting the activities of parade goers situated on public sidewalks and streets within a one block distance of the parade route (so-called "Enhanced Security Zone"). *See* Exhibit A (detailing policy). The policy contained a list of items that would be banned, including explosives, firearms, knives, and other items that may pose a security threat to the Vice President.

Prayer for Relief

11.

The policy, however, also banned “Posters Signs.” While it also banned “Flags on sticks,” it did not limit its ban on poster signs only to those that are mounted on a pole or stick. There was also no size restriction noted.

12.

When asked at a press conference about the “Flags on sticks” restriction, the City of Savannah spokesperson explained, “We are allowing blankets in The issue is making sure we are do not have any sticks that could possibly be used as a security threat. So we do not want any sticks, but flags, American flags, Irish flags, things like are allowed as long as they are not on a stick or on a post. And also, no signs are allowed.”

13.

Thus, hand-held flags are permitted under the policy, while hand-held poster signs are not.

14.

Police officers from the City of Savannah will be enforcing these requirements on Saturday.

15.

As a result of this policy, Plaintiffs will not be able to bring any hand-held poster signs of any size displaying messages critical of the government.

Cause of Action

16.

The aforementioned policy is unconstitutional for at least two independent reasons. First, banning hand-held poster boards while allowing hand-held American flags or other flags unconstitutionally discriminates on the basis of content. Second, banning hand-held poster boards of any size is not narrowly tailored to serve a compelling state interest, and is an unreasonable time, place, or manner restriction.

WHEREFORE, Plaintiffs demand the following:

- a) An immediate, temporary and permanent restraining order enjoining Defendant from prohibiting Plaintiffs from enforcing the ban on displaying hand-held poster signs in the “Enhanced Security Zone” as identified by the policy (Exhibit A);
- b) That judgment be entered in favor of Plaintiffs and against Defendants;
- c) That Plaintiffs be awarded attorneys’ fees under 42 U.S.C. § 1988;
- d) That all costs of this action be taxed against Defendants; and
- e) That the Court award any additional or alternative relief as may be deemed appropriate under the circumstances.

Respectfully submitted, this 16 day of March, 2018.

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*Application for admission into S.D.Ga.
and/or pro hac vice pending*

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