

BEFORE THE NATIONAL PARK SERVICE

In re Special Regulations, Areas of the National Park System, National Capital Region, Special Events and Demonstrations, 83 Fed. Reg. 40,460 (proposed Aug. 15, 2018)

Regulation Identifier Number:
1024-AE45

AFFIDAVIT OF KEVIN B. ZEESE

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am over the age of eighteen and am competent to testify on the matters set forth herein.
2. I am an attorney licensed to practice law in Washington, DC.
3. I currently serve as co-director of Popular Resistance, a national organization based in Baltimore, MD.
4. I was one of the organizers of Occupy Washington, DC on Freedom Plaza in 2011 and was one of the permit holders for that continuous First Amendment event from October 2011 until January 2012.
5. I have organized many First Amendment activities in the areas that are subject to the proposed rules made by the National Park Service on August 15, 2018 and have participated in many First Amendment events organized by others in those areas.
6. In addition to organizing and participating in First Amendment events, part of my work at Popular Resistance is to report on and analyze protests, rallies, marches, people's assemblies and other First Amendment activities in Washington, DC, the United States and around the world.
7. Since the 2008 financial collapse there has been a significant increase in marches, rallies, petitions, protests and other First Amendment activities. This escalated even more with the election of Donald Trump as president of the United States. [A poll conducted by the Washington Post and the Kaiser Family Foundation](#) over the first two months of 2018 among a random telephone sample of 1,850 adults nationwide, including 832 who attended a protest or rally in the last two years found that 20 percent of people in the United States have participated in street protests or political rallies since 2016. These are very high numbers when compared to the history of the nation.

The Washington Post reported: "One in five Americans have protested in the

streets or participated in political rallies since the beginning of 2016. Of those, 19 percent said they had never before joined a march or a political gathering." The poll also found that 12 percent participated in an organized protest, march, or demonstration of any kind. Forty percent said "they contacted any elected official by phone, over the internet, by mail, or in person." Fifty percent said they "signed a petition, either on paper or over the internet, about a social or political issue." Forty-one percent "bought or boycotted a certain product or service because of the social or political views of the company that provides it."

People have participated in First Amendment activity regarding women's rights, the importance of science in public policy, economic unfairness, racial police violence, the environment, carbon energy infrastructure, climate change, immigration, LGBT rights, healthcare, abortion, gun laws or removing Confederate monuments, among other issues.

These are unprecedented levels of people exercising their First Amendment rights. This should not be a reason to curtail people's rights but to recognize how important they are to people. The NPS should be issuing rules that protect and expand constitutional rights not undermine them as these proposals do.

8. Other research confirms that the United States is seeing a record number of mass protests. The Crowd Counting Consortium has issued a series of reports as they monitor First Amendment activities. These have included:
 - Erica Chenoweth and Jeremy Pressman, "[Millions of protesters turned out in June](#) — more than in any month since Trump's inauguration," The Washington Post, August 31, 2018.
 - Kanisha Bond, Erica Chenoweth, and Jeremy Pressman, "[Tens of thousands](#) of people protested in April and May — on topics like gun violence, labor rights and science," The Washington Post, August 1, 2018.
 - Jenna Arnold, Kanisha Bond, Erica Chenoweth, and Jeremy Pressman, "[These are the four largest protests](#) since Trump was inaugurated," The Washington Post, May 31, 2018.
 - Kanisha Bond, Erica Chenoweth, and Jeremy Pressman, "Did you attend the March for Our Lives? [Here's what it looked like nationwide](#)," The Washington Post, April 13, 2018.
 - Erica Chenoweth and Jeremy Pressman, "[New count of U.S. protests shows more than 300 separate rallies against gun violence in Feb.](#)," The Washington Post, March 30, 2018.
 - Erica Chenoweth and Jeremy Pressman, "[January's Women's March brought out more than a million people — and many more also protested during the month](#)," The Washington Post, February 26, 2018.
 - Erica Chenoweth and Jeremy Pressman, "[The Women's March could change politics](#) like the Tea Party did," The Guardian, January 31, 2018.

- Erica Chenoweth and Jeremy Pressman, "[In December, thousands of Americans protested against the tax plan, for DACA and about all the other usual suspects](#)," The Washington Post, January 25, 2018.
 - Erica Chenoweth and Jeremy Pressman, "[One Year After the Women's March on Washington, People Are Still Protesting En Masse. A Lot. We've Counted.](#)" The Washington Post, January 21, 2018.
 - Erica Chenoweth and Jeremy Pressman, "[The Republican tax bill spurred more than 120 public protests in November.](#)" The Washington Post, December 29, 2017.
 - Erica Chenoweth and Jeremy Pressman, "[Trump's attacks on #TakeaKnee and DACA spurred hundreds of protests in October.](#)" The Washington Post, December 1, 2017.
 - Erica Chenoweth and Jeremy Pressman, "[Sometimes a handful of protesters can spark an enormous discussion. That certainly happened in September.](#)" The Washington Post, November 1, 2017.
 - Erica Chenoweth and Jeremy Pressman, "[Last month, 83% of U.S. protests were against Trump.](#)" The Washington Post, September 28, 2017.
 - Erica Chenoweth, Emily Kalah Gade and Jeremy Pressman, "[Defending Obamacare, Cheering President Trump, Opposing Animal Cruelty: Here's Who Rallied in July and Why.](#)" The Washington Post, August 21, 2017.
 - Erica Chenoweth, Devin Finn, and Jeremy Pressman, "[More People in the U.S. Protested in June than in Any Month Since the January Women's Marches.](#)" The Washington Post, July 25, 2017.
 - Erica Chenoweth, Devin Finn, and Jeremy Pressman, "[In Trump's America, Who's Protesting and Why? Here's Our May Report.](#)" The Washington Post, June 26, 2017.
 - Erica Chenoweth, Devin Finn, Jeremy Pressman, and Ches Thurber, "[New Data Shows a Sharp Increase in U.S. Protest Activity in April.](#)" The Washington Post, May 22, 2017.
 - Erica Chenoweth, David Prater, Jeremy Pressman, Ches Thurber and Stephen Zunes, "[In Trump's America, Who's Protesting and Why? Here's Our March Report.](#)" The Washington Post, April 24, 2017.
 - Erica Chenoweth, Jonathan Pinckney, Jeremy Pressman, and Stephen Zunes, "[In Trump's America, Who's Protesting and Why? Here's Our February Report.](#)" The Washington Post, April 5, 2017.
 - Erica Chenoweth and Jeremy Pressman, "[This is What We Learned by Counting the Women's Marches.](#)" The Washington Post, February 7, 2017.
9. While protests increased with the election of President Trump they began to increase in the aftermath of the economic collapse of 2008 and during the Obama administration. An [extensive report](#) by the Initiative for Policy Dialogue and Friedrich-Ebert-Stiftung, New York analyzed 843 protests in 87 countries from 2008 – 2013. Their research revealed that we are currently seeing the

largest protests in world history, with a steady increase in the overall number of protests every year and a growing number of internationally coordinated actions. They also concluded that a “demand for real democracy” was the primary driver of actions, with people from all age groups and walks of life participating.

They report that “In the United States, the Occupy movement raised public awareness and outrage about rising inequality and put a spotlight on dysfunction in the world’s oldest constitutional democracy.” First Amendment events in the United States included those focused on inequality, unfair wages, collective bargaining, injustice in the courts, government surveillance, police violence, evictions, foreclosures, housing, social security, pensions, bank bailouts, tax evasion by the wealthy, opposition to war and militarism, drone killings, trade agreements, Indigenous rights, rights to the commons, women’s rights, LGBT rights, immigrant rights, and environmental infrastructure, and more.

10. There were many notable protest movements during the Obama administration where people exercised their First Amendment rights in Washington, DC. These included the Occupy Movement, Black Lives Matter, Fight for \$15, End the Fed, as well as protests against his immigration policies, trade agreements, student debt, drone policies, continuation of the wars in Iraq and Afghanistan beginning of wars in Libya and Syria, as well as climate change and carbon infrastructure. These are a few examples of many.
11. This expansion of First Amendment events has coincided with research that shows the federal government does not represent the interests of the people but is controlled by elites whose money dominates US politics. A [study conducted by the Associated Press NORC Center](#) for Public Affairs Research and NORC at the University of Chicago in 2016 found:
 - Just 10 percent of Americans have a great deal of confidence in the country's overall political system while 51 percent have only some confidence and 38 percent have hardly any confidence.
 - Similarly, only 13 percent say the two-party system for presidential elections works, while 38 percent consider it seriously broken. About half (49 percent) say that although the two-party system has real problems.
 - The public has little confidence in the three branches of government. A quarter (24 percent) say they have a great deal of confidence in the Supreme Court and only 15 percent of Americans say the same of the executive branch. Merely 4 percent of Americans have much faith in Congress.
 - Only 29 percent of Democrats and just 16 percent of Republicans have a great deal of confidence in their party.
 - Neither party is seen as particularly receptive to fresh ideas. Only 17 percent of the public say the Democratic Party is open to new ideas

about dealing with the country's problems; 10 percent say that about the Republican Party.

- The views of ordinary voters are not considered by either party, according to most Americans. Fourteen percent say the Democratic Party is responsive to the views of the rank-and-file; 8 percent report that about the Republican Party.

These findings indicate a democracy crisis in the United States. This study found a near unanimous national consensus about the lack of confidence in the US political system. This is one reason why protests are escalating and are essential in the United States. The people want their voices heard.

12. Another [study](#), published in the Fall 2014 issue of the academic journal *Perspectives on Politics*, finds that the U.S. is not a democracy, but instead an oligarchy. The study, "[Testing Theories of American Politics](#)," was conducted by Martin Gilens of Princeton University and Benjamin Page of Northwestern University using data from over 1,800 policy initiatives from 1981 to 2002, found that rich, well-connected individuals determine the direction of the United States, regardless of – or even against – the will of the majority of voters. The researchers describe the US political system as having transformed into an oligarchy, where power is wielded by wealthy elites.

The study found "our analyses suggest that majorities of the American public actually have little influence over the policies our government adopts." They found that while having elections, the reality is the people have little influence: "America's claims to being a democratic society are seriously threatened" by the findings in this, the first-ever comprehensive scientific study of the subject. They find "the nearly total failure of 'median voter' and other Majoritarian Electoral Democracy theories [of America]. When the preferences of economic elites and the stands of organized interest groups are controlled for, the preferences of the average American appear to have only a minuscule, near-zero, statistically non-significant impact upon public policy."

13. [Another study](#) by Thomas Hayes of the University of San Antonio published in the [Political Research Quarterly](#) in 2014 found that Senators overall represent their wealthiest constituents, while those on bottom of the economic rung are neglected writing: "The fact that lower income groups seem to be ignored by elected officials, although not a new finding, remains a troubling observation in American politics." The researchers studied the voting records of Senators in five Congresses and found the Senators were consistently aligned with their wealthiest constituents and lower-class constituents never appeared to influence the Senators' voting behavior.
14. The failure of US government to represent the people's interests is resulting in extreme policies the impact the daily lives of people and are out of step with their

views. Government policies have created an extreme wealth divide and economic insecurity across the country.

- There are now an [three people have the wealth of the bottom 50 percent](#). This is impacting people's lives in many ways, e.g. inability to afford housing, unable to access healthcare, unable to afford college education, the inability to start a business, lack of mass transit, and high debts.
- A 2016 study found 63 percent of Americans say they are unable to handle a \$500 car repair or a \$1,000 emergency room bill, according to [a survey from Bankrate.com](#).
- The study was updated in 2018 by [Bankrate](#) in their [financial security index survey](#), finding now only 39 percent of Americans would be able to cover a \$1,000 financial setback.

15. People are economically insecure in the US and live with growing despair Two recent studies point to the deepening despair shared by many Americans and unacknowledged by the government. The Federal Reserve study, "[Report on the Economic Well-Being of U.S. Households in 2017](#)," and the [Gallup-Sharecare Well-Being Index](#) detail this despair in complementary ways. Taken together, they paint a disturbing picture of the suffering being endured by Americans, especially the nation's most vulnerable.

The May 2018 Federal Reserve report found almost [80 percent](#) of Americans are now living paycheck to paycheck. The [Federal Reserve reported](#) in 2017 that "two in five Americans don't have enough savings to cover a \$400 emergency expense." Further, "more than one in five said they weren't able to pay the current month's bills in full, and more than one in four said they skipped necessary medical care last year because they couldn't afford it." People have survived by going into debt, by the first quarter of this year, household debt was at an all-time high of [\\$13.2 trillion](#).

The [Gallup-Sharecare study](#) was initiated in 2008 to gauge the overall well-being of adult Americans. It's a comprehensive poll involving interviews with more than 160,000 adults from all 50 states. Its most recent 2017 survey found that between 2016 and 2017, the overall well-being score dropped 0.6 points, to 61.5 from 62.1 a "decline is both statistically significant and meaningfully large," according to the report. This study measures include whether people are: experiencing significant worry, "little interest or pleasure in doing things," clinical diagnoses of depression, daily physical pain, a decline in having "someone who encourages you to be healthy" and dissatisfaction with one's standard of living (compared to peers). Other symptoms of decline in well-being include unmanageable debt as well as increased obesity, drug addiction (e.g., opioids) and alcoholism.

16. While protests are at extremely high levels more protest is very likely coming. In a 168 page report, [10 Years After the Financial Crisis](#), issued in September 2018, JP Morgan predicts another economic crisis that will result in social tensions like the U.S. has not seen in five decades ago. The report warned social unrest will be facilitated by the role of the internet as a means of dissemination for radical political views and a means of political self-organization. The report said, "The next crisis is also likely to result in social tensions similar to those witnessed 50 years ago in 1968. Similar to 1968, the internet today (social media, leaked documents, etc.) provides millennials with unrestricted access to information ... In addition to information, the internet provides a platform for various social groups to become more self-aware, polarized, and organized." JP Morgan reports the crisis could come as early as the second half of 2019.

17. Wealth inequality and economic insecurity are a driving force for many protests, the economy is one of many issues where the government ignores the necessities of the people and planet. Other issues driving protests include:

- Healthcare: US healthcare is in crisis. Each year 30,000 people die due to lack of access to healthcare. Tens of thousands more die because of inadequate healthcare. Hundreds of thousands face foreclosure and bankruptcy, a majority caused by health problems and a majority of those people with health insurance. Two-thirds of the public, 85% of Democrats and 52% of Republicans support the simple solution to this crisis but healthcare profiteers control both parties and prevent it. National Improved Medicare for All would provide high quality access to healthcare for all and end the US healthcare crisis. People have protested in Washington, DC for single payer healthcare to be put in place.

- Racism and neglect of urban area: Police violence in black communities along with mass arrests and abusive practices like jump out squads and stop and frisk as well as shootings of black people have led to mass protests. Police violence is used to control communities that have been neglected and mistreated for generations decades. Despite reports fifty years ago describing a crisis on communities of color across the nation, the economic situation for black and brown people has worsened. This is compounded by poor educational opportunities, c food and healthcare, poor housing and abandoned buildings, food deserts as well as multitudes of liquor stores, junk food stores and lack of medical services. This neglect and violence against these communities leads to mass protest.

- The climate crisis and continued development of oil and gas infrastructure: The research is not seriously disputed, human-caused climate change is causing devastation in a multitude of ways. The crisis is going to get worse according to scientific researchers. The public support by large majorities transition to a clean energy economy and confronting climate change. Washington, DC has seen protests against greenhouse

gas infrastructure, federal agencies who approve oil and gas pipelines, specific pipelines like the Dakota Access and Keystone Pipelines as well as on climate change.

- These issues are three of 15 core issues we have identified where people are using their First Amendment rights to push a government that ignores them. On all of these issues majorities of the people want transformational change but the government ignores them. Out of frustration, inaction and sometimes desperation, people are protesting with the exercise of their First Amendment rights.

18. People are exercising their First Amendment rights because they know they have little influence with the government on many issues they care about and impact their lives as well as cause economic insecurity. The democracy crisis is the cause of mass movements that are growing. Restricting First Amendment rights, as the NPS proposes, because people are exercising their rights will expand the crisis and show a government that wants to silence is people even though the Constitution is supposed to protect their Freedom of Speech and Right to Assemble to Redress Grievances.

19. The NPS proposes charging people and organizations to exercise their constitutional rights under the First Amendment. As someone who has organized multiple First Amendment events, I can testify that this financial barrier would result in many Free Speech events not going forward. First Amendment events often involve people with limited financial resources, people who are employed in low paying jobs, students, youth as well as people who are homeless. Many of these people could not afford fees in order to exercise their Constitutional rights.

An indigency waiver will not be a remedy to the problem of requiring people to pay to exercise their First Amendment rights. There are serious practical and pragmatic problems with this. It is unclear whose financial records would have to be declared or submitted to demonstrate indigency. Many actions are organized by ad hoc coalitions, or by unincorporated associations. Under these proposed rules would an individual who seeks to facilitate First Amendment actions need to disclose their personal finances to the NPS? Will they have their finances scrutinized as a condition of exercising their Freedom of Speech and Right to Assemble? This intrusion into people's personal finance is an outrageous requirement for exercising Freedom of Speech and the Right to Assemble. Being required to declare their finances, provide financial documents and make representations about their finances would be a severe chill on First Amendment rights.

Freedom of Speech is a cherished social value; indeed, it is so important that the founders protected it in the First Amendment. Chilling speech by requiring people either to pay or disclose their personal finances and prove they are indigent would be a barrier to exercising this important constitutional right.

Requiring payment to exercise our rights would stop those rights from being exercised. Fees are essentially a ban on Freedom of Speech. It is the other side of the coin of the philosophy that claims money equals speech as under these proposals lack of money would prevent Freedom of Speech.

20. The NPS suggests that "special event elements" of First Amendment activities would require payment to the NPS. I have organized events with stages, sound, music, spoken word, poetry, comedy and other forms of expression that could be defined by NPS as "special event elements" under these proposed rules. This aspect of expression is sometimes the most powerful and expressive aspect of First Amendment political expression. Throughout the history of the United States music and poetry and other forms of artistic expression have had a powerful impact. Considering some of the political music of our history makes this point: "I Ain't Gonna Study War No More," "We Shall Overcome," "When Johnny Comes Marching Home," "I Didn't Raise My Son To Be A Soldier," "Strange Fruit," "This Land Is Your Land," "Which Side Are You On," "Talking Union," "Chain Gang," "The Times They Are A Changin'," "Masters of War," ... these are a few examples of multitudes of what could be considered entertainment but has in fact been powerful First Amendment expression. The NPS should not be deciding for those exercising their Freedom of Speech what is entertainment and what is political speech. Charging organizers to incorporate this type of expression undermines the free exercise of our First Amendment rights.
21. I have participated in spontaneous protests in reaction to police shootings and other breaking news events that require rapid response. Removing the "24-hour rule" that deems a permit is granted if not denied in 24 hours would prevent these First Amendment events from occurring. In this age of rapid and simultaneous media coverage of events it is important for the people to be able to exercise their rights in spontaneous First Amendment activities without inaction by the NPS preventing them from going forward.
22. I have helped to organize and participate in many events on the sidewalk along the White House fence and in the walkway between the White House and Lafayette Park. Protests are organized in that area because it is the only place not only in Washington, DC but in the entire United States where people can exercise their First Amendment rights with a specific focus on the president. White House staff are often in the area so it is an opportunity to engage in Freedom of Speech and Assembly that can reach people who work for the president. The photographs and video of First Amendment events with the White House in the backdrop are very important when people are trying generate petitions, letters, emails and phone calls to the president.

These White House protests have had a significant impact throughout our history and in recent years. We organized a protest in favor of net neutrality, i.e. free and equal access to the Internet for everyone without discrimination. President Obama had not taken a position in favor of net neutrality and the Federal

Communications Committee chair that he appointed was opposed to net neutrality. Protests were held at the White House to generate phone calls and emails to the president. At a critical time in the debate over net neutrality we organized a protest in the early evening with lights saying 'Save The Internet' with the White House in the background. This generated tens of thousands of shares on social media. A short time later President Obama came out in clear support of net neutrality and shortly thereafter the FCC commissioner issued rules for net neutrality.

We have had a similar experience with pardons. For example, when whistleblower Chelsea Manning was seeking a pardon we organized a campaign to support her. As part of that campaign we held First Amendment events at the White House. The power to pardon is solely in the hands of the president so it is critical to be able to reach the president with our message. Holding events with large signs visible from the White House urging a pardon be granted to Chelsea Manning was a factor in a pardon being issued.

We have also organized First Amendment events on various wars and military actions at the White House because the United States operates by giving the president great leeway in sending US troops into military action, as well as starting or continuing wars. While the Constitution grants war making powers to the Congress, see, Article I, Section 8, Clause 11. The reality is that the president operates war making power almost unilaterally with only rubber stamp congressional oversight making people's actions to restrict war more important. The area around the White House is critical to exercising our Free Speech rights to stop wars and militarism. Many mass protests have been held in Lafayette Park, around the White House and south of the White House. Recent protests have focused on the use of drones especially after it was reported that President Obama reviewed a "kill list" to determine whether to use drones against targeted individuals.

During the Trump era we have organized multiple protests around potential military conflicts including with Syria, Iran and North Korea. People have gone to the White House to urge diplomacy instead of war in all of these areas. When members of the Congress came to the White House to discuss North Korea we organized a First Amendment event to advocate peace, diplomacy and negotiation not military threats and war. Some of these protests have included Korean-Americans who have relatives in Korea as well as Koreans visiting the United States. President Trump has since met with Chairman Kim and initial steps have been made toward a peaceful and cooperative relationship with North Korea. Some have gone to the White House to thank President Trump for his progress on making peace with North Korea while also pushing him to go further.

The NPS regulations would make First Amendment events at the White House prohibited and take away a unique area for exercising Freedom of Speech and

the Right to Assembly that cannot be replaced. The area around the White House is essential as it cannot be replaced by any other area. It is the only area where people can exercise their First Amendment rights in attempts to influence the leader of the executive branch of government.

23. Regarding long term, continuous protests I was one of the permit holders for Freedom Plaza during the Occupy movement and one of more than fifty core organizers. We initially had a four-day permit but when the response was so strong, with thousands of people attending and people wanting to turn the event into a long term continuous protest of undetermined time, the National Park Service suggested a long term permit of four months. We discussed that with the General Assembly and they agreed to accept such a permit. During those four months we worked with NPS to facilitate other people and organizations who were scheduled to use Freedom Plaza for events. We were able to continue the long term event balancing the interests of our First Amendment rights with those of others who wanted to use Freedom Plaza. Our experience showed that a continuous protest over months was something that could be handled by the NPS.

Shortening the permit to a maximum of one month would greatly undermine the impact of such continuous First Amendment events. It would allow people in government or corporations being protested to ignore the event until we were forced to go away. This would undermine much of the impact of a continuous vigil.

The NPS proposal would allow a permit to be renewed at their discretion but it would require people to move to a location if it were renewed. This presents two problems. First, NPS should not have the discretion to end a continuous protest. After one month a First Amendment event could be developing momentum and having an impact. Those in power will want the event to end and could pressure the NPS to end the event. NPS should not have the power to end a continuous First Amendment-protected vigil. Such events are among the most powerful that can be organized. The Occupy events of 2011 had a major impact putting new issues on the political agenda and letting new voices be heard in the political dialogue. By occupying public space, we also occupied space in the political dialogue. Occupy may have been the most impactful Free Speech and Assembly protests of this century. They should not be stifled by the federal government. The NPS should protect this powerful form of protest.

The other problem with this proposal is it requires a First Amendment event to move if the permit is renewed. This is not discretionary in the proposed rules they state event *shall* move if an extension is granted. Forcing an event to move defeats the purpose of a continuous protest. There are reasons why organizers of continuous events want those events to be continuous. This proposed rule denies the holding a continuous First Amendment event.

There is also no need for this rule. Continuous, long term proposals are very difficult to organize as it takes a lot of resources and time for participants. These practical realities have resulted in major First Amendment events of longer than a month being a rarity in US history, i.e. only the 2011 Occupation of Washington, DC, the 1968 Poor People's Campaign and the 1932 Bonus March.

24. I am aware that Art Spitzer submitted comments on behalf of the DC and national ACLU in support of limiting First Amendment events to one month. Spitzer and the DC ACLU did not offer any assistance to Occupy in Washington, DC or participate in those events. Despite covering news of First Amendment events in Washington, DC on a daily basis since 2011 I am not aware of Art Spitzer organizing any First Amendment events. It is evident from Spitzer's comments he is not aware of how First Amendment events, especially campaigns that can last months or more impact public policy, change the political narrative and put issues on the political agenda. It is the long term continuous nature of the event that helps make those changes happen. He is particularly not aware of the power of long term, continuous events how they build, bring more people to the movement, occupy space in the public dialogue, change the political dialogue and change law and policy.

Spitzer shows his ignorance about what it takes to organize First Amendment activities with his support of the NPS proposal for 'provisional reserved status'. This is such a significant change that it would literally be a death knell for effective organizing of large Free Speech and Assembly activities. The current rule, the 24-hour deemed granted rule, allows organizers and participants to know they can rely on the system if they have applied for a permit and have not had it denied.

Organizers, especially for large protests, can take more than one year to build an event with sufficient turnout to have political significance. The current rule is simple and clear: the NPS can either approve the permit or deny it. If a permit is denied organizers can challenge the decision in court. If it is approved or the NPS takes no action within 24 hours they can organize their event.

The proposed rule creates tremendous ambiguity where the NPS does not have to either approve or deny by creating a new category of "provisionally reserved," which is equivalent to being in limbo. This will institutionalize delay, especially since the proposed regulations have no enforceable deadlines for NPS action. This prevents organizers from announcing a First Amendment event scheduling transportation, housing and reserving space for related events in DC. It also makes it difficult to raise funds for the event. For participants it prevents making plans to come to Washington, DC which could involve scheduling time off from work, raising funds, scheduling travel and a finding a place to stay in Washington, DC.

The NPS being able to make a last-minute decision undermines critical aspects of organizing First Amendment events that makes doing so almost impossible. Delay will undermine organizing and denial at the last minute will make court review of the decision very difficult for organizers and for the court to consider. The NPS has shown no necessity for changing the 24-hour deemed approved rule and putting in place new rules which would greatly abridge Freedom of Speech and Assembly.

25. The NPS proposal does not take-into-account the importance of large signs and banners to First Amendment events and proposes reducing the signs and banners in key parts of the Washington, DC. We spend a good deal of time when we are organizing an event on how to get our message out clearly. We recognize that the only corporate mass media coverage we may get from the exercise of the First Amendment may only be a photograph. Organizers carefully consider the choreography of an event to make sure our message is clearly visible and will show up in an image or video of the event. We want to make sure the photograph tells the story and that requires large signs and banners. Similarly, we seek to create images for the people's media or social media. These photographs are often not very large so signs with large, easy to read letters are important. One of the most important purposes of First Amendment events is photographic images. Curtailing the size of banners and signs in many NPS areas in DC is essentially silencing our Freedom of Speech as it does not let us get our message out in the reality of current US media. We will not be able to get that photograph that shows the political message we seek to convey.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 15, 2018.

Kevin B Zeese

Kevin B. Zeese
402 East Lake Ave.
Baltimore, MD 21212

October 14, 2018