

Sisk, Jennifer R

From: Murphy, Christopher (EOM) [christopher.murphy@dc.gov]
Sent: Friday, October 14, 2011 3:22 PM
To: Davis, Laura
Subject: FW: Protestor Encampment on NPS Downtown Parks
Attachments: Murphy Christopher 10 14 11.pdf

Laura – I wanted to bring to your attention the growing concerns of members of the DC business community about the protesters camping out in downtown DC. Certainly we all support the protestors' rights to exercise their First Amendment Rights but I'm hearing increasingly loud feedback from our businesses and residents that the National Park Service is not providing the necessary resources to ensure the safety and sanitation of the protestors as well as DC residents and visitors.

I am attaching and pasting below an example of the feedback I am hearing – and that you may be hearing directly too. I have heard stories about propane tanks and uncollected garbage. And there is a sense that Park Police is not monitoring the situation as closely as they should. Also, below you will find a link to photos that vividly illustrate some of the concerns.

We would be so appreciative if you can alert NPS to these concerns and ask them to step up the resources they are devoting to this situation – and if they need additional resources we ask that you support those requests.

Please let me know if you have any questions. And thanks again.

Chris

Christopher K. Murphy | Chief of Staff

Government of the District of Columbia | Executive Office of the Mayor



One City...One Government...One Voice

1350 Pennsylvania Ave, NW Suite 308 | Washington, DC 20004

W 202.724.8815 | F 202.727.8527 | Christopher.Murphy@dc.gov

Join Mayor Vincent C. Gray, Councilmembers, and many others at the “Full Democracy Freedom Rally and March”
Saturday, October 15 @9:30 a.m. on Freedom Plaza (13th & Pennsylvania Avenue, NW)

From: Richard Bradley [<mailto:bradley@downtowndc.org>]
Sent: Friday, October 14, 2011 12:37 PM
To: Murphy, Christopher (EOM)
Subject: Protestor Encampment on NPS Downtown Parks

Good afternoon Chris: I have attached a memo along with a link to photos and also an email from a property manager across from McPherson Park:

To access pictures please go to www.downtowndc.org/pix2 and type NPSEncampments in the "Open a Lightbox" field.

Rich

Richard H. Bradley
Executive Director
DowntownDC Business Improvement District
1250 H Street, NW, Suite 1000
Washington, DC 20005
202-661-7561 Direct
202-661-7598 Fax
www.downtowndc.org

From: Robinson, Constance (US) [<mailto:Constance.Robinson@am.jll.com>]
Sent: Thursday, October 13, 2011 7:51 PM
To: districtofcolumbia@nps.gov
Cc: David Kamperin
Subject: McPherson Park "Occupy DC"
Importance: High

Good evening. I am the onsite Property Manager at 1500 K Street and have a front row seat to McPherson Park. My team and many of our tenants have a safety concern and we are hopeful that you can assist.

Beyond the trash issue, odor issue and sanitary conditions being generated by the Occupy DC participants at the McPherson park illegal camp site, we request that your agency please check on the safety and wellbeing of the 2 small children living at the park with their "parents", alongside many rats. It would be a horrific story to have to read about a child falling ill to a dangerous rat bite which is highly probably in this type of situation and at this specific location. While today (10/13/11) was the first day this week that no rats were seen in daylight hours, nightfall brings a very different story and dangerous situation.

Any assistance you can provide would be helpful and we look forward to hearing from you soon.

Thank you,

CER

Constance E. Robinson

Vice President and General Manager

Jones Lang LaSalle Americas, Inc.

1500 K Street, NW, Suite 100

Washington, DC 20005

Tel: (202) 638 1500

Direct: (202) 624 3201

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Constance.Robinson@am.jll.com

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Please consider the environment before printing this e-mail.

"If you see something, say something"



MEMORANDUM

DATE: October 14, 2011
TO: Christopher Murphy
FROM: Richard H. Bradley
RE: Protestor Encampments on National Park Service Downtown Parks

I am writing to draw your attention to the disorderly conditions in several downtown parks which have either been permitted or sanctioned by the National Park Service as encampments for protestors. We believe that these conditions pose serious threats not only to the safety, health and well-being of the protestors but also to the many other users of the downtown.

Leaving aside what appears to be an expedient decision by the National Park Service, to allow the parks to be used for encampment purposes, (as distinguished from being a protestor site). It simply appears to be little in the way of adequate NPS resources to secure and manage these sites on a continuous 24-hour basis which we believe is required under the circumstances.

We have attached photos showing the inadequacy of sanitation services and the enforcement of safety matters, as well as a letter from a property manager across from McPherson Park also indicating that there are some significant social service problems. Beyond this we have noted only occasional presence of Park Police which we assume is the consequence of their many other normal responsibilities. Unfortunately the situation in the park requires more than doing what is normal.

We are equally concerned that we have never received any guidance from NPS as to the terms or conditions which have been established for the protestors and what if anything we can expect those individuals, as users of these facilities, to do to maintain order and to repair damage caused by their use. We are also very much concerned that these parks will become opportunities for homeless encampments in contradiction to our own long standing efforts to eliminate such encampments in the downtown.

Without greater assistance from NPS, I fear that the matters will become more severe.

We appreciate anything which you or the Mayor can do on behalf of securing the present situation.

Sisk, Jennifer R

From: Murphy, Christopher (EOM) [christopher.murphy@dc.gov]
Sent: Wednesday, October 19, 2011 8:24 PM
To: Davis, Laura
Subject: FW: Occupy DC Update - McPherson Square
Attachments: Storage_Tent_10-19-11.JPG; Excessive Trash 10-19-11.JPG; Generator_2 10-19-11.JPG; occupy_dc_10_19_11.JPG; ODC_generator.JPG

FYI

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Learn more at www.dconfund.org or www.onefund.dc.gov. One City, Working Together!

From: David Kamperin [mailto:davidk@downtowndc.org]
Sent: Wednesday, October 19, 2011 4:21 PM
To: bob_vogel@nps.gov; steve_lorenzetti@nps.gov; karen_cucurullo@nps.gov; Kathleen_Harasek@nps.gov; teresa_chambers@nps.gov; kevin_hay@nps.gov
Cc: Richard Bradley; Rick Reinhard; Murphy, Christopher (EOM); Karyn LeBlanc
Subject: FW: Occupy DC Update - McPherson Square

Superintendent Vogel

Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response – to include increased trash pick ups and enforcement of these severe public safety issues.



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

Preventing terrorism is everybody's business.

If you SEE something, SAY something.

Call the Metropolitan Police Department at (202) 727-9099 or email at SAR@DC.GOV to report suspicious activity or behavior that has already occurred.

Call **911** to report in-progress threats or emergencies.

To learn more, visit <http://www.mpdcc.dc.gov/operationtipp>

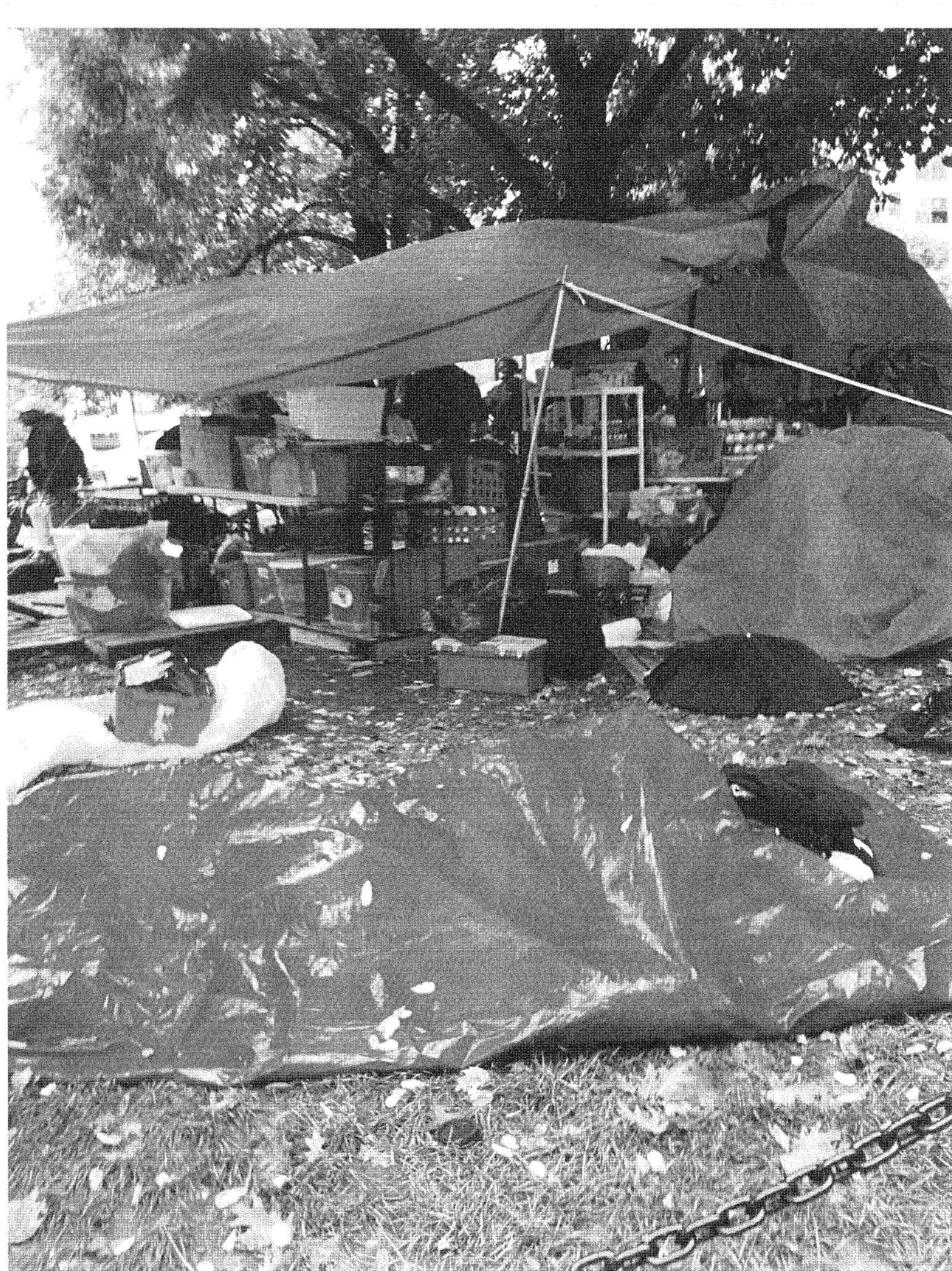
From: Blake Holub
Sent: Wednesday, October 19, 2011 4:04 PM
To: David Kamperin
Cc: Kenneth Gregory
Subject: Occupy DC Update - McPherson Square

Dave,

As we had discussed earlier, Kenny and I visited the Occupy DC site today. We noted that the site had expanded since Monday, roughly totaling 125-150 people with nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all of the activity. Also, the demonstration has two working generators which they seem to be rotating out. They also have a storage tent which looks like a quasi-pantry for demonstrators to receive rations. Additionally, the smell was quite putrid when we walked through the encampment which most likely stems from the lack of sanitary conditions and the presence of dogs. Lastly, we noted around 15 or so trash bags stacked on the corner of K and 15th St. I have also attached photos for your viewing.

Let me know if you have any questions or comments. Thanks!

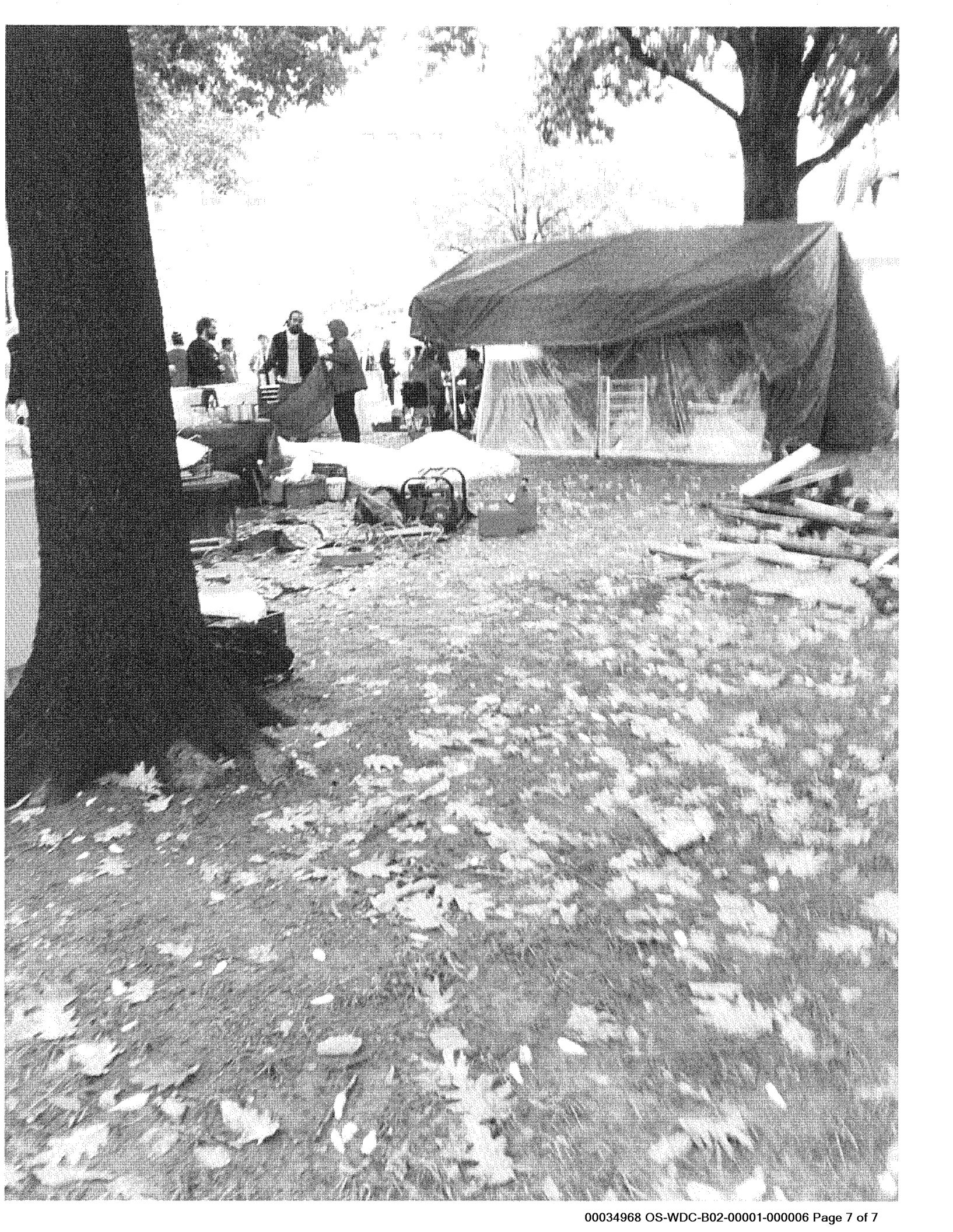
Blake Holub, MPA
Quality Control Manager
Public Space Management
Downtown DC BID
1250 H Street, NW Suite 1000
Washington, DC 20005
Desk: (202) 661-7571
Fax: (202) 661-7599
Email: blake@downtowndc.org











Davis, Laura

From: Davis, Laura
Sent: Monday, October 24, 2011 6:00 PM
To: 'Murphy, Christopher (EOM)'
Subject: RE: McPherson Sq

202-208-6317

-----Original Message-----

From: Murphy, Christopher (EOM) [<mailto:christopher.murphy@dc.gov>]
Sent: Monday, October 24, 2011 5:59 PM
To: Davis, Laura
Subject: Re: McPherson Sq

Yes! 6:05? Can I call you? What number?

Sent from my iPad

On Oct 24, 2011, at 5:58 PM, "Davis, Laura" <Laura.Davis@ios.doi.gov> wrote:

> Are you around for a call?

>

> -----Original Message-----

> From: Murphy, Christopher (EOM) [<mailto:christopher.murphy@dc.gov>]
> Sent: Friday, October 21, 2011 6:34 AM
> To: Davis, Laura
> Subject: Re: McPherson Sq

>

> Great. 11:15?

>

>

> Join Mayor Gray's One City • One Hire - 10,000 Jobs Campaign "Putting
> District Residents Back to Work - One Hire at a Time"
> Learn more at <http://onecityonehire.org>

>

> Support the DC One Fund Campaign, Each One Give One.
> Learn more at www.dconefund.org or www.onefund.dc.gov. One City,
> Working Together!----- Original Message -----

> From: Davis, Laura <Laura.Davis@ios.doi.gov>
> To: Murphy, Christopher (EOM)
> Sent: Fri Oct 21 06:11:46 2011
> Subject: Re: McPherson Sq

>

> Let's connect this morning. I'm in meetings until about 11, with some "free" time around
the lunch hour. What works?

>

> Sent from my iPad

>

> On Oct 20, 2011, at 4:34 PM, "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov> wrote:

>

>> Any thoughts after your NPS briefing?

>>

>>

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>> District Residents Back to Work - One Hire at a Time"

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>>
>> Support the DC One Fund Campaign, Each One Give One.
>> Learn more at www.dconefund.org<<http://www.dconefund.org>> or
www.onefund.dc.gov<<http://www.onefund.dc.gov>>. One City, Working Together!
>>
>> From: David Kamperin [<mailto:davidk@downtowndc.org>]
>> Sent: Thursday, October 20, 2011 4:28 PM
>> To: bob.vogel@nps.gov; teresa.chambers@nps.gov;
>> [Kathleen Harasek@nps.gov](mailto:Kathleen.Harasek@nps.gov); Jerry Marshall; karen.cucurullo@nps.gov;
>> steve.lorenzetti@nps.gov
>> Cc: Richard Bradley; Murphy, Christopher (EOM); Quander, Paul (EOM);
>> Greene, Lamar (MPD); Sund, Steven A. (MPD)
>> Subject: McPherson Sq
>>
>> Photos are from a property manager near McPherson.. Most disturbing is the wood pallets,
trash and propane stove on top of it ... also the child is still in the park and now a compost
bin and makeshift recycling center.
>>
>>
>>
>> [[cid:image001.jpg@01CC8F45.4B8A4510](#)]
>>
>>
>> Preventing terrorism is everybody's business.
>> If you SEE something, SAY something.
>> Call the Metropolitan Police Department at (202) 727-9099 or email at
SAR@DC.GOV<[blocked::mailto:SAR@DC.GOV](mailto:SAR@DC.GOV)> to report suspicious activity or behavior that has
already occurred.
>> Call 911 to report in-progress threats or emergencies.
>>
>> To learn more, visit
>> <http://www.mpdc.dc.gov/operationtipp><[blocked::http://www.mpdc.dc.gov/](http://www.mpdc.dc.gov/)
>> [operationtipp](#)>
>>
>> <[image001.jpg](#)>
>> <McPherson recycling area1 10-20-11.jpg>
>> <McPherson-trash- gas grill 110-20-11.jpg> <McPherson-same child as
>> last week -returns to living in park1 10-20-11.jpg>

Myers, Randolph

From: Myers, Randolph
Sent: Tuesday, November 15, 2011 12:14 PM
To: Harasek, Kathleen
Cc: Fondren, Kimberly
Subject: Suggested edits to the USPP draft Executive Brief
Attachments: 11-1101 Executive Brief Freedom-McPherson KHarasek 11.14 RMyers 11.15.11.docx

Importance: High

Kathy: Attached is my suggested redline/strikeout edits to the draft Executive Brief.

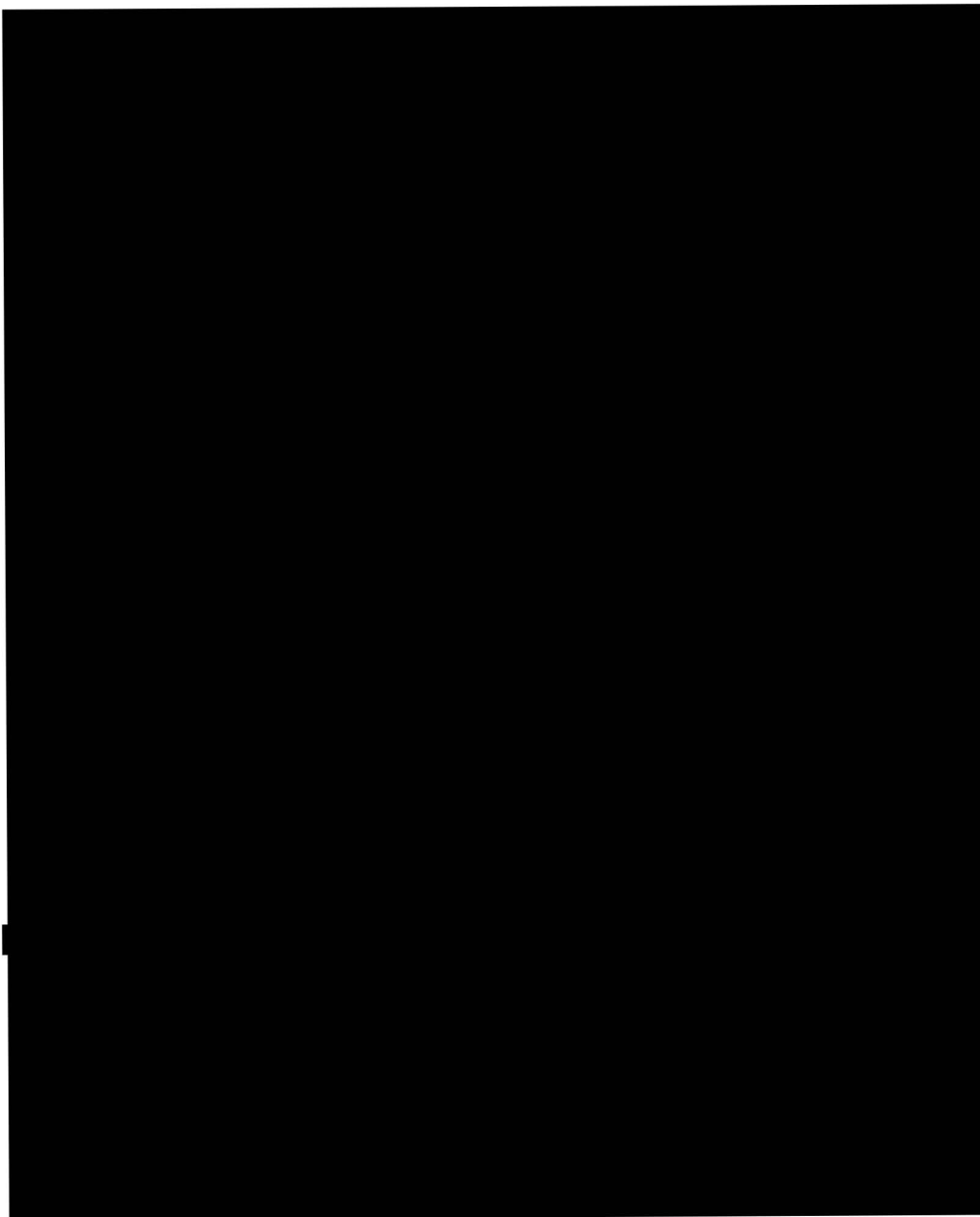
Given time constraints, I also took a stab on the recommendations, which ultimately is entirely up to the USPP and NCR. Please call me if you, or the USPP or NCR Management, have any questions or would like to discuss.....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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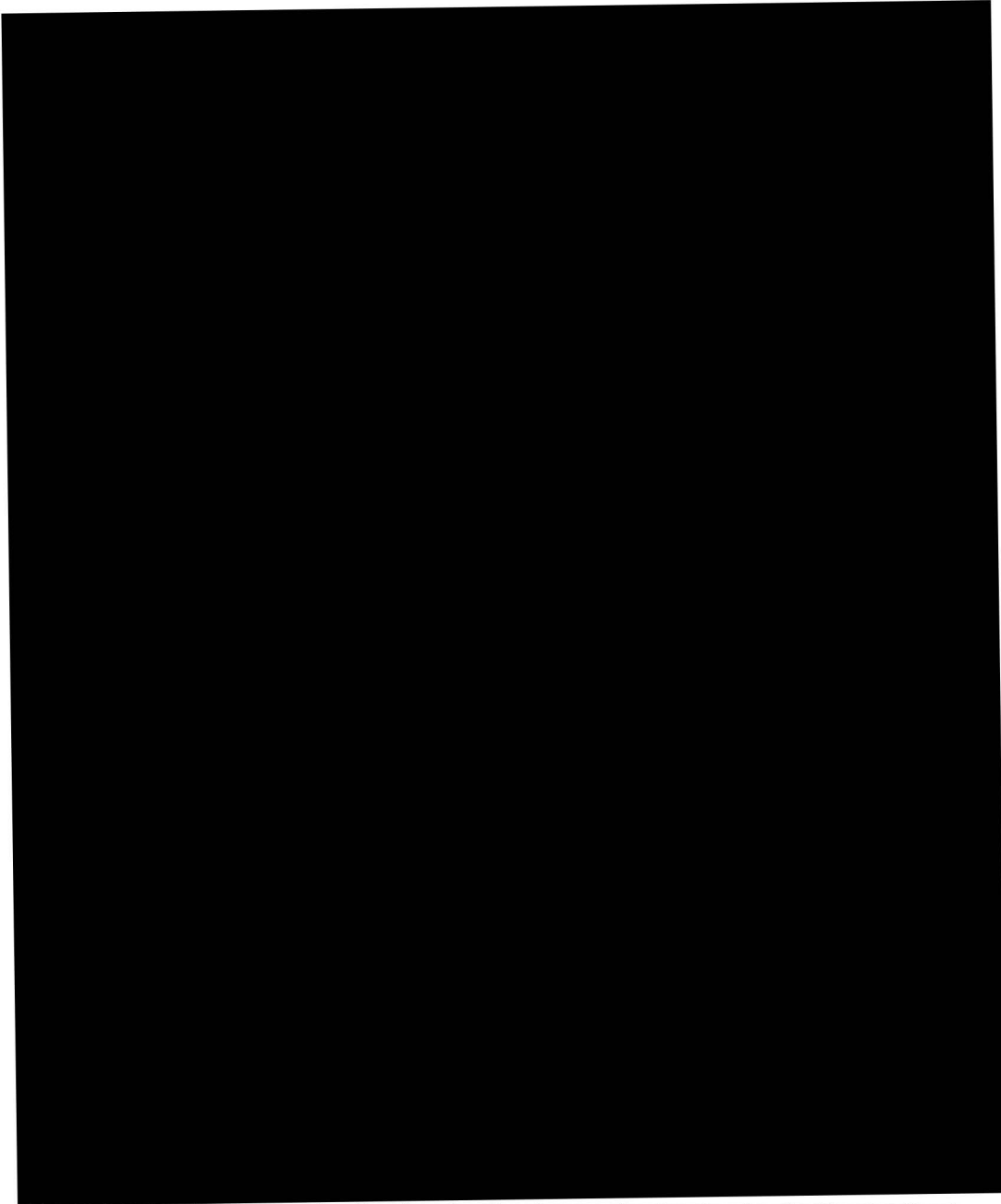
Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 1

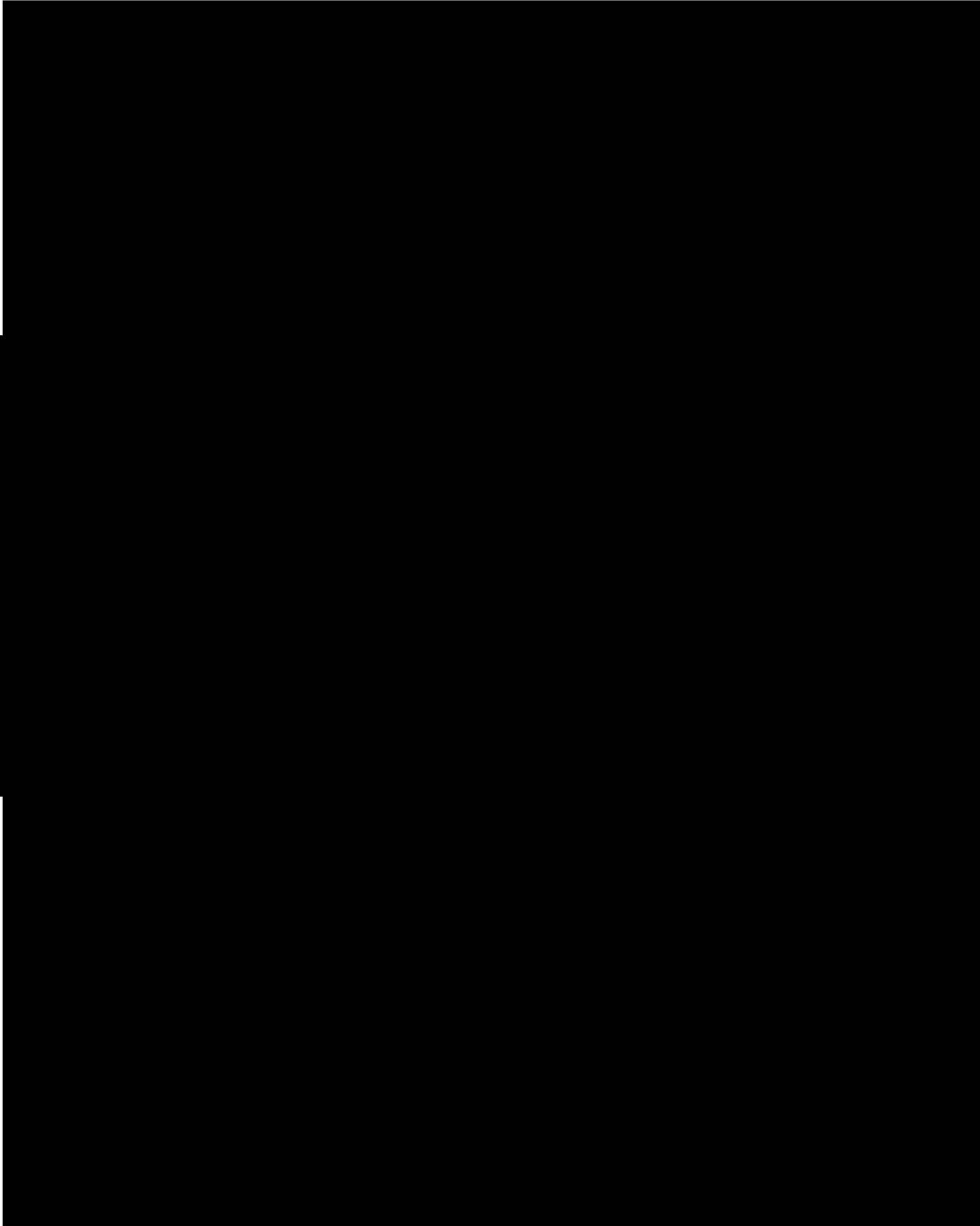
Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 2

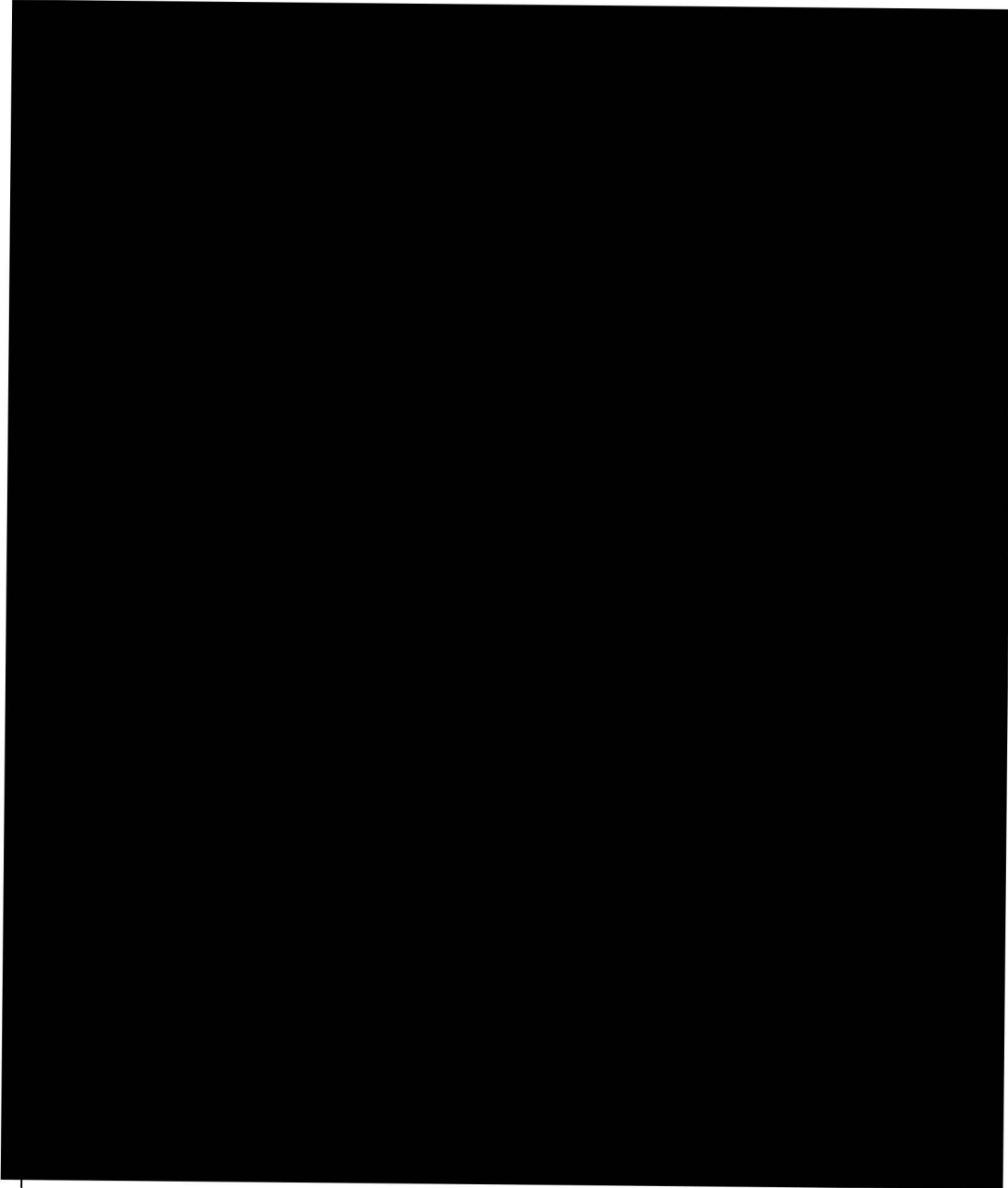
Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 3

Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 4

Myers, Randolph

From: Myers, Randolph
Sent: Thursday, December 01, 2011 9:27 AM
To: Maclean, Robert
Cc: Vogel, Bob A.; Lorenzetti, Steve; Mendelson, Lisa; Teresa_Chambers@nps.gov; Harasek, Kathleen; Cucurullo, Karen; Owen, Robbin; Blyth, Pamela
Subject: RE: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Rob: I [REDACTED]

Randy

FOIA5C

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: Robert_MacLean@nps.gov [mailto:Robert_MacLean@nps.gov]
Sent: Wednesday, November 30, 2011 9:32 AM
To: Myers, Randolph
Cc: Vogel, Bob A.; Lorenzetti, Steve; Mendelson, Lisa; Teresa_Chambers@nps.gov; Harasek, Kathleen; Cucurullo, Karen; Owen, Robbin; Blyth, Pamela
Subject: Fw: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Randy,

FOIA5A FOIA5C

I have reviewed on behalf of Chief Chambers [REDACTED]

Also, I believe Capt. Harasek was putting the Executive Briefing/Recommendations into final. Let's look at the final and decide if we need to meet prior to submitting to Deputy Director O'Dell.

Thanks.

Rob

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division
United States Park Police
(202) 619-7085 - Office
(202) 205-7983 - Fax
(202) 438-6656 - Nextel
robert_maclean@nps.gov - Email

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----- Forwarded by Robert MacLean/USPP/NPS on 11/30/2011 09:19 AM -----

Teresa
Chambers/USPP/NPS

11/29/2011 12:47
PM

"Robert MacLean"
<Robert_MacLean@nps.gov>

To

"Pamela Blyth"
<Pamela_Blyth@nps.gov>

cc

Subject

Fw: Attorney-Client Privileged:
Draft second response to Carter
DeWitt email response dated
November 28, 2011

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

From: "Myers, Randolph" [RANDOLPH.MYERS@sol.doi.gov]
Sent: 11/29/2011 12:45 PM EST
To: Bob Vogel; Steve Lorenzetti
Cc: Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas; Karen Cucurullo; Robbin Owen
Subject: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Bob: Per your request, attached is my draft second response to Ms. DeWitt e-mail dated November 28, 2011, which responded to NAMA's e-mail dated November 25.

5A

FOIA5C

Questions? Do we need to meet and discuss? Please give me a call....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
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From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]
Sent: Tuesday, November 29, 2011 8:44 AM
To: Myers, Randolph; Lorenzetti, Steve
Subject: Fw: Occupy DC versus other park users - I count too!

Fyi

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/28/2011 04:29 PM CST

To: Karen Cucurullo
Cc: Bob Vogel; Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas
Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - "the courts have ruled that temporary structures that support First Amendment activities are allowed." I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org
The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability

-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]
Sent: Friday, November 25, 2011 12:18 PM
To: Carter DeWitt
Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov; Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov
Subject: Fw: Occupy DC versus other park users - I count too!

Ms DeWitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve

Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000

Work: (202) 245-4670
Fax: (202) 426-9309
Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>; Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them - why are you not hearing us?

Laurie Carter DeWitt
910 15th St, NW, Apt 711
Washington, DC 20005

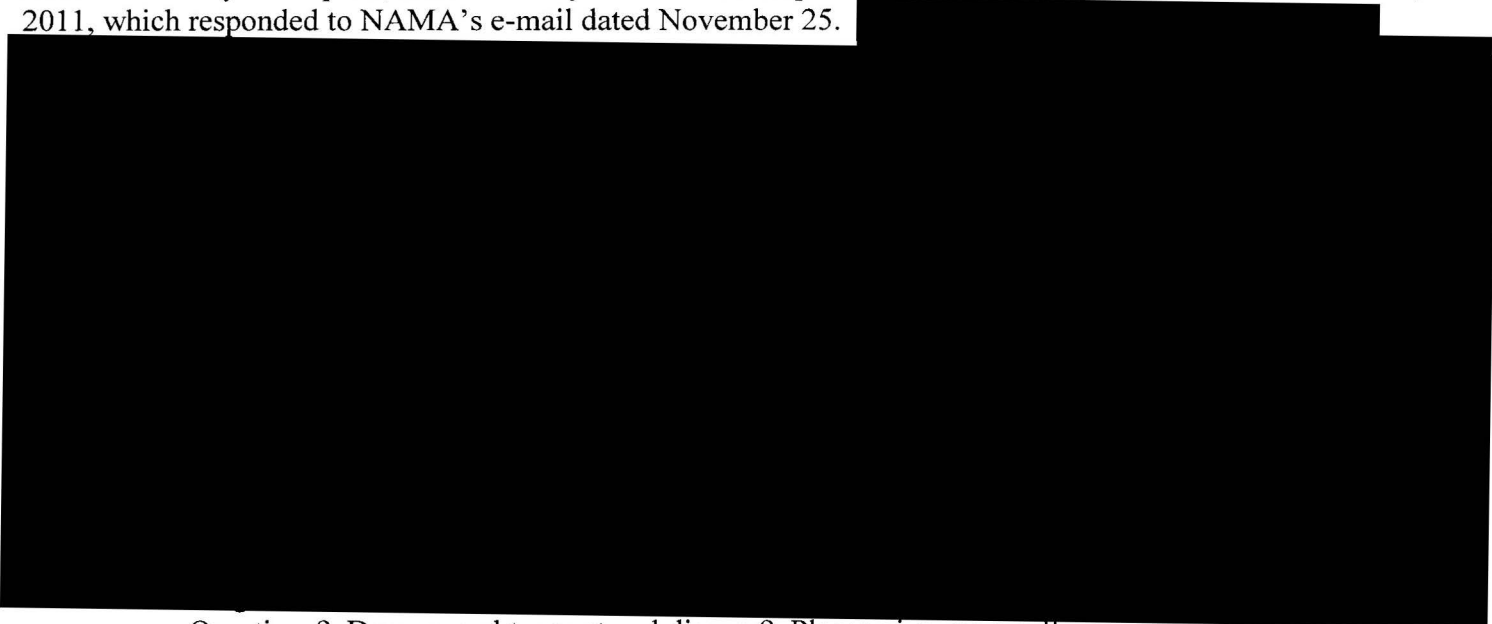
Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability (See attached file: Draft second response to DeWitt RMyers 11.29.11.docx) (See attached file: Clark v CCNV 468 US 288 (1988).pdf)

Myers, Randolph

From: Myers, Randolph
Sent: Tuesday, November 29, 2011 12:45 PM
To: Vogel, Bob A.; Lorenzetti, Steve
Cc: Whitesell, Steve E.; Mendelson, Lisa; 'Teresa_Chambers@nps.gov'; Harasek, Kathleen; Thomas, Tonya; Cucurullo, Karen; Owen, Robbin
Subject: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011
Attachments: Draft second response to DeWitt RMyers 11.29.11.docx; Clark v CCNV 468 US 288 (1988).pdf
Importance: High

Bob: Per your request, attached is my draft second response to Ms. DeWitt e-mail dated November 28, 2011, which responded to NAMA's e-mail dated November 25.



Questions? Do we need to meet and discuss? Please give me a call....

FOIA5C

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]
Sent: Tuesday, November 29, 2011 8:44 AM

To: Myers, Randolph; Lorenzetti, Steve

Subject: Fw: Occupy DC versus other park users - I count too!

Fyi

From: Carter DeWitt [cdewitt@taxfoundation.org]

Sent: 11/28/2011 04:29 PM CST

To: Karen Cucurullo

Cc: Bob Vogel; Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas

Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - "**the courts have ruled that temporary structures that support First Amendment activities are allowed.**" I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation *regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.*

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Carter

Ms. Carter DeWitt

Vice President of Development

Tax Foundation

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Washington, DC 20045

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-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]

Sent: Friday, November 25, 2011 12:18 PM

To: Carter DeWitt

Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov; Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov
Subject: Fw: Occupy DC versus other park users - I count too!

Ms Dewitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel

National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4670
Fax: (202) 426-9309
Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>;
Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

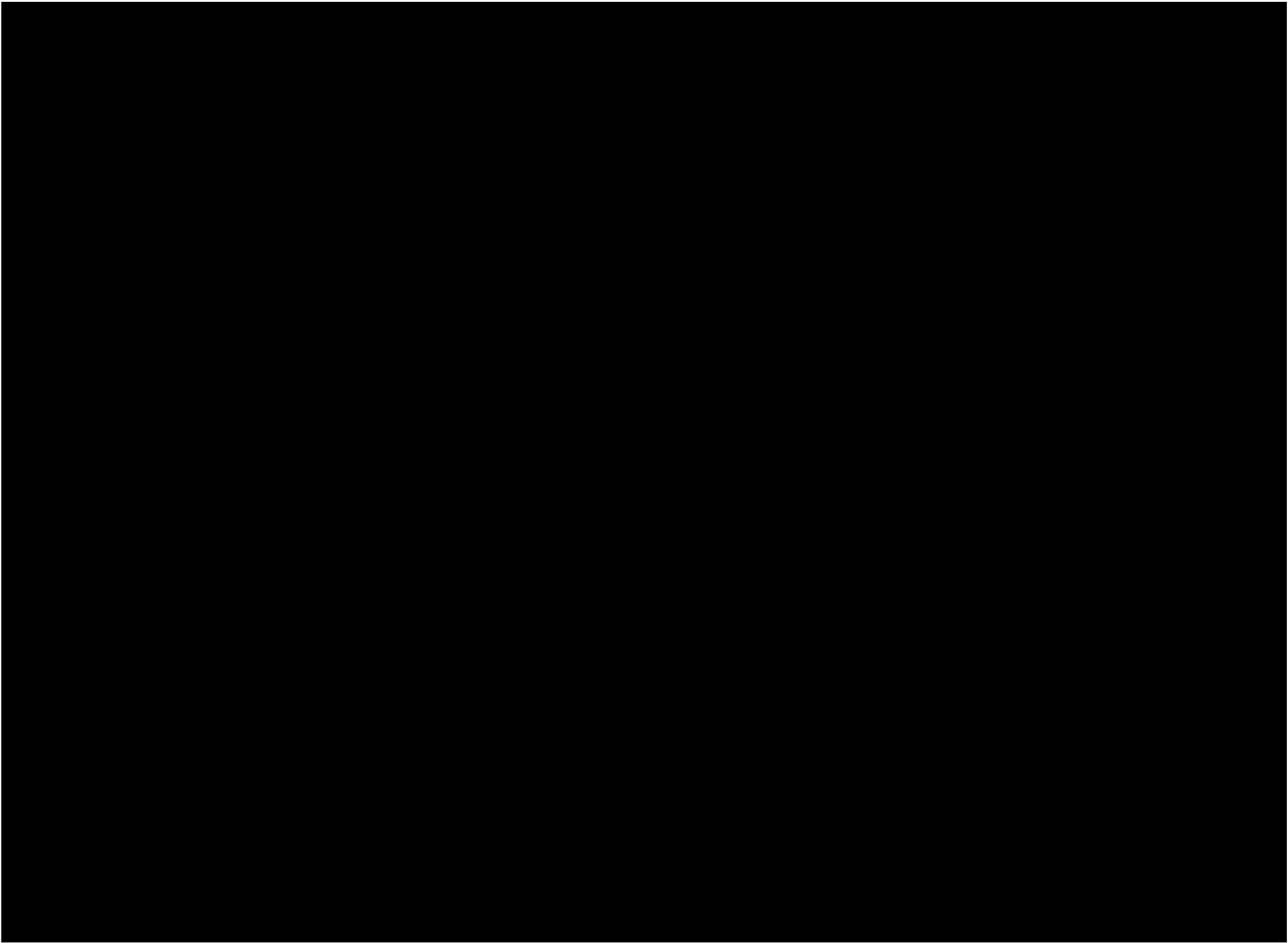
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Dear Ms. DeWitt: This responds to your e-mail to Deputy Superintendent Karen Cucurullo dated November 28, 2011, that asks about the NPS regulation that authorizes temporary structures as well as a copy of the Court ruling referred to in her e-mail to you dated November 25, 2011.



Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4670
Fax: (202) 426-9309

Draft NAMA response to DeWitt Needs USPP and NCR review
Attorney-Client Privileged RMyers 11/29/11

Fax: (202) 426-1835



**CLARK, SECRETARY OF THE INTERIOR, ET AL. v. COMMUNITY FOR
CREATIVE NON-VIOLENCE ET AL.**

No. 82-1998

SUPREME COURT OF THE UNITED STATES

**468 U.S. 288; 104 S. Ct. 3065; 82 L. Ed. 2d 221; 1984 U.S. LEXIS 136; 52 U.S.L.W.
4986**

**March 21, 1984, Argued
June 29, 1984, Decided**

PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

DISPOSITION: 227 U. S. App. D. C. 19, 703 F.2d 586, reversed.

DECISION:

National Park Service anti-camping regulation held constitutionally applied to Washington, D.C., demonstrators.

SUMMARY:

The Community for Creative Non-Violence and several individuals brought suit in the United States District Court for the District of Columbia to prevent the application of a National Park Service regulation, prohibiting camping in national parks except in designated campgrounds, to a proposed demonstration in Lafayette Park and the Mall, in the heart of Washington, D.C., in which demonstrators would sleep in symbolic tents to demonstrate the plight of the homeless. The District Court granted summary judgment in favor of the Park Service. The United States Court of Appeals for the District of Columbia Circuit reversed on the ground that the application of the regulation so as to prevent sleeping in the tents would infringe the demonstrators' First

Amendment right of free expression (703 F2d 586).

On certiorari, the United States Supreme Court reversed. In an opinion by White, J., expressing the views of Burger, Ch. J., and Blackmun, Powell, Rehnquist, Stevens, and O'Connor, JJ., it was held that the Park Service regulation did not violate the First Amendment when applied to the demonstrators because the regulation was justified without reference to the content of the regulated speech, was narrowly tailored to serve a significant governmental interest, and left open ample alternative channels for communication of the information.

Burger, Ch. J., while concurring fully in the court's opinion, filed a concurring opinion stating that the camping was conduct and not speech.

Marshall, J., joined by Brennan, J., dissented on the ground that the demonstrators' sleep was symbolic speech and that the regulation of it was not reasonable.

LAWYERS' EDITION HEADNOTES:

[***LEdHN1]

CONSTITUTIONAL LAW §960

demonstration -- camping --

Headnote:[1A][1B][1C]

A National Park Service regulation prohibiting camping in national parks except in campgrounds designated for that purpose does not violate the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall, in the heart of Washington, D. C., in connection with a demonstration intended to call attention to the plight of the homeless. (Marshall and Brennan, JJ, dissented from this holding.)

[***LEdHN2]

PARKS, SQUARES, AND COMMONS §2

camping --

Headnote:[2A][2B]

Sleeping in tents for the purpose of expressing the plight of the homeless falls within the definition of "camping" in a National Park Service regulation defining camping as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping or doing any digging or earth breaking or carrying on cooking activities when it appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

[***LEdHN3]

EVIDENCE §102

First Amendment -- application --

Headnote:[3A][3B]

Although it is common to place the burden on the government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies.

[***LEdHN4]

CONSTITUTIONAL LAW §934

expression -- restriction --

Headnote:[4]

Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, and manner restrictions.

[***LEdHN5]

CONSTITUTIONAL LAW §934

expression -- regulation --

Headnote:[5]

Restrictions on expression, whether oral or written or symbolized by conduct, are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

[***LEdHN6]

CONSTITUTIONAL LAW §934

symbolic speech -- regulation --

Headnote:[6]

Symbolic expression delivered by conduct intended to be communicative and in context reasonably understood by the viewer to be communicative may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech.

[***LEdHN7]

UNITED STATES §57

regulation -- situs --

Headnote:[7A][7B]

When the government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation.

[***LEdHN8]

PARKS, SQUARES, AND COMMONS §2

expressive violations --

Headnote:[8A][8B]

Even against people who choose to violate National Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, flying model planes, gambling, hunting and fishing, setting off fireworks, and urination.

[***LEdHN9]

CONSTITUTIONAL LAW §934

expression-restriction --

Headnote:[9A][9B]

Reasonable time, place, and manner restrictions are valid even though they directly limit oral or written expression.

SYLLABUS

In 1982, the National Park Service issued a permit to respondent Community for Creative Non-Violence (CCNV) to conduct a demonstration in Lafayette Park and the Mall, which are National Parks in the heart of Washington, D. C. The purpose of the demonstration was to call attention to the plight of the homeless, and the permit authorized the erection of two symbolic tent cities. However, the Park Service, relying on its regulations -- particularly one that permits "camping" (defined as including sleeping activities) only in designated campgrounds, no campgrounds having ever been designated in Lafayette Park or the Mall -- denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents. CCNV and the individual respondents then filed an action in Federal District Court, alleging, *inter alia*, that application of the regulations to prevent sleeping in the tents violated the First Amendment. The District Court granted summary judgment for the Park Service, but the Court of Appeals reversed.

Held : The challenged application of the Park Service regulations does not violate the First Amendment. Pp. 293-299.

(a) Assuming that overnight sleeping in connection

with the demonstration is expressive conduct protected to some extent by the First Amendment, the regulation forbidding sleeping meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct. The regulation is neutral with regard to the message presented, and leaves open ample alternative methods of communicating the intended message concerning the plight of the homeless. Moreover, the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of the Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping would be totally inimical to these purposes. The validity of the regulation need not be judged solely by reference to the demonstration at hand, and none of its provisions are unrelated to the ends that it was designed to serve. Pp. 293-298.

(b) Similarly, the challenged regulation is also sustainable as meeting the standards for a valid regulation of expressive conduct. Aside from its impact on speech, a rule against camping or overnight sleeping in public parks is not beyond the constitutional power of the Government to enforce. And as noted above, there is a substantial Government interest, unrelated to suppression of expression, in conserving park property that is served by the proscription of sleeping. Pp. 298-299.

COUNSEL: Deputy Solicitor General Bator argued the cause for petitioners. With him on the briefs were Solicitor General Lee, Assistant Attorney General McGrath, Alan I. Horowitz, Leonard Schaitman, and Katherine S. Gruenheck.

Burt Neuborne argued the cause for respondents. With him on the brief were Charles S. Sims, Laura Macklin, Arthur B. Spitzer, and Elizabeth Symonds. *

* Ogden Northrop Lewis filed a brief for the National Coalition for the Homeless as amicus curiae urging affirmance.

JUDGES: WHITE, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACKMUN, POWELL, REHNQUIST, STEVENS, and O'CONNOR, JJ., joined. BURGER, C. J., filed a concurring opinion, post, p. 300. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, post, p. 301.

OPINION BY: WHITE**OPINION**

[*289] [***224] [**3067] JUSTICE WHITE delivered the opinion of the Court.

[***LEdHR1A] [1A]The issue in this case is whether a National Park Service regulation prohibiting camping in certain parks violates the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall in connection with a demonstration intended to call attention to the plight of the homeless. We hold that it does not and reverse the contrary judgment of the Court of Appeals.

I

The Interior Department, through the National Park Service, is charged with responsibility for the management and maintenance of the National Parks and is authorized to promulgate rules and regulations for the use of the parks in accordance with the purposes for which they were established.

[*290] 16 U. S. C. §§ 1, 1a-1, 3. ¹ [***225] The network of National Parks includes the National Memorial-core parks, Lafayette Park and the Mall, which are set in the heart of Washington, D. C., and which are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a "garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches." National Park Service, U.S. Department of the Interior, White House and President's Park, Resource Management Plan 4.3 (1981). The Mall is a stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area.

1 The Secretary is admonished to promote and regulate the use of the parks by such means as conform to the fundamental purpose of the parks, which is "to conserve the scenery and the natural and historic objects and the wild life therein . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 39 Stat. 535, as amended, 16 U. S. C. § 1.

Under the regulations involved in this case, camping in National Parks is permitted only in campgrounds designated for that purpose. 36 CFR § 50.27(a) (1983). No such campgrounds have ever been designated in Lafayette Park or the Mall. Camping is defined as

"the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose [*291] of sleeping), or storing personal belongings, or making any fire, or using any tents or . . . other structure . . . for sleeping or doing any digging or earth breaking or carrying on cooking activities." *Ibid*.

These activities, the regulation provides,

"constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging." *Ibid*.

[**3068] Demonstrations for the airing of views or grievances are permitted in the Memorial-core parks, but for the most part only by Park Service permits. 36 CFR § 50.19 (1983). Temporary structures may be erected for demonstration purposes but may not be used for camping. 36 CFR § 50.19(e)(8) (1983). ²

2 Section 50.19(e)(8), as amended, prohibits the use of certain temporary structures:

"In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be

used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging."

In [***226] 1982, the Park Service issued a renewable permit to respondent Community for Creative Non-Violence (CCNV) to conduct a wintertime demonstration in Lafayette Park and the Mall for the purpose of demonstrating the plight of the [*292] homeless. The permit authorized the erection of two symbolic tent cities: 20 tents in Lafayette Park that would accommodate 50 people and 40 tents in the Mall with a capacity of up to 100. The Park Service, however, relying on the above regulations, specifically denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents.

[**LEdHR2A] [2A]CCNV and several individuals then filed an action to prevent the application of the no-camping regulations to the proposed demonstration, which, it was claimed, was not covered by the regulation. It was also submitted that the regulations were unconstitutionally vague, had been discriminatorily applied, and could not be applied to prevent sleeping in the tents without violating the First Amendment. The District Court granted summary judgment in favor of the Park Service. The Court of Appeals, sitting en banc, reversed. *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 703 F.2d 586 (1983). The 11 judges produced 6 opinions. Six of the judges believed that application of the regulations so as to prevent sleeping in the tents would infringe the demonstrators' First Amendment right of free expression. The other five judges disagreed and would have sustained the regulations as applied to CCNV's proposed demonstration.³ We granted the Government's petition for certiorari, 464 U.S. 1016 (1983), and now reverse.⁴

3 The *per curiam* opinion preceding the individual opinions described the lineup of the

judges as follows:

"Circuit Judge Mikva files an opinion, in which Circuit Judge Wald concurs, in support of a judgment reversing. Chief Judge Robinson and Circuit Judge Wright file a statement joining in the judgment and concurring in Circuit Judge Mikva's opinion with a caveat. Circuit Judge Edwards files an opinion joining in the judgment and concurring partially in Circuit Judge Mikva's opinion. Circuit Judge Ginsburg files an opinion joining in the judgment. Circuit Judge Wilkey files a dissenting opinion, in which Circuit Judges Tamm, MacKinnon, Bork and Scalia concur. Circuit Judge Scalia files a dissenting opinion, in which Circuit Judges MacKinnon and Bork concur." 227 U. S. App. D. C., at 19-20, 703 F.2d, at 586-587.

4 [**LEdHR2B] [2B]

As a threshold matter, we must address respondents' contention that their proposed activities do not fall within the definition of "camping" found in the regulations. None of the opinions below accepted this contention, and at least nine of the judges expressly rejected it. *Id.*, at 24, 703 F.2d, at 591 (opinion of Mikva, J.); *id.*, at 42, 703 F.2d, at 609 (opinion of Wilkey, J.). We likewise find the contention to be without merit. It cannot seriously be doubted that sleeping in tents for the purpose of expressing the plight of the homeless falls within the regulation's definition of camping.

[*293] II

[**LEdHR3A] [3A] [**LEdHR4] [4] [**LEdHR5] [5]We need not differ with the view of the Court of Appeals that overnight [**3069] sleeping in connection with the demonstration is expressive conduct protected to some [***227] extent by the First Amendment.⁵ We assume for present purposes, but do not decide, that such is the case, cf. *United States v. O'Brien*, 391 U.S. 367, 376 (1968), but this assumption only begins the inquiry. Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions. We have often noted that restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental

468 U.S. 288, *293; 104 S. Ct. 3065, **3069;
82 L. Ed. 2d 221, ***227; 1984 U.S. LEXIS 136

interest, and that they leave open ample alternative channels for communication of the information. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *United States v. Grace*, 461 U.S. 171 (1983); *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45-46 (1983); *Heffron v. International Society for Krishna Consciousness*, [*294] *Inc.*, 452 U.S. 640, 647-648 (1981); *Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976); *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S. 530, 535 (1980).

5 [***LEdHR3B] [3B]

We reject the suggestion of the plurality below, however, that the burden on the demonstrators is limited to "the advancement of a plausible contention" that their conduct is expressive. *Id.*, at 26, n. 16, 703 F.2d, at 593, n. 16. Although it is common to place the burden upon the Government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies. To hold otherwise would be to create a rule that all conduct is presumptively expressive. In the absence of a showing that such a rule is necessary to protect vital First Amendment interests, we decline to deviate from the general rule that one seeking relief bears the burden of demonstrating that he is entitled to it.

[***LEdHR6] [6]It is also true that a message may be delivered by conduct that is intended to be communicative and that, in context, would reasonably be understood by the viewer to be communicative. *Spence v. Washington*, 418 U.S. 405 (1974); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969). Symbolic expression of this kind may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech. *United States v. O'Brien*, *supra*.

[***LEdHR1B] [1B]Petitioners submit, as they did in the Court of Appeals, that the regulation forbidding

sleeping is defensible either as a time, place, or manner restriction or as a regulation of symbolic conduct. We agree with that assessment. The permit that was issued authorized the demonstration but required compliance with 36 CFR § 50.19 (1983), which prohibits "camping" on park lands, that is, the use of park lands for living accommodations, such as sleeping, storing personal belongings, making fires, digging, or cooking. These provisions, including the ban on sleeping, are clearly limitations on the manner in which the demonstration could be carried out. That sleeping, like the symbolic tents themselves, may be expressive and part of the message delivered by [***228] the demonstration does not make the ban any less a limitation on the manner of demonstrating, for reasonable time, place, or manner regulations normally have the purpose and direct effect of limiting expression but are nevertheless valid. *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*; *Heffron v. International Society for Krishna Consciousness, Inc.*, *supra*; *Kovacs v. Cooper*, 336 U.S. 77 (1949). Neither does the fact that sleeping, *arguendo*, may be expressive [*295] conduct, rather than oral or written expression, render [***3070] the sleeping prohibition any less a time, place, or manner regulation. To the contrary, the Park Service neither attempts to ban sleeping generally nor to ban it everywhere in the parks. It has established areas for camping and forbids it elsewhere, including Lafayette Park and the Mall. Considered as such, we have very little trouble concluding that the Park Service may prohibit overnight sleeping in the parks involved here.

The requirement that the regulation be content-neutral is clearly satisfied. The courts below accepted that view, and it is not disputed here that the prohibition on camping, and on sleeping specifically, is content-neutral and is not being applied because of disagreement with the message presented.⁶ Neither was the regulation faulted, nor could it be, on the ground that without overnight sleeping the plight of the homeless could not be communicated in other ways. The regulation otherwise left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil. Respondents do not suggest that there was, or is, any barrier to delivering to the media, or to the public by other means, the intended message concerning the plight of the homeless.

6 Respondents request that we remand to the

Court of Appeals for resolution of their claim that the District Court improperly granted summary judgment on the equal protection claim. Brief for Respondents 91, n. 50. They contend that there were disputed questions of fact concerning the uniformity of enforcement of the regulation, claiming that other groups have slept in the parks. The District Court specifically found that the regulations have been consistently applied and enforced in a fair and non-discriminatory manner. App. to Pet. for Cert. 106a-108a. Only 5 of the 11 judges in the Court of Appeals addressed the equal protection claim. 227 U. S. App. D. C., at 43-44, 703 F.2d, at 610-611 (opinion of Wilkey, J., joined by Tamm, MacKinnon, Bork, and Scalia, JJ.). Our review of the record leads us to agree with their conclusion that there is no genuine issue of material fact and that the most that respondents have shown are isolated instances of undiscovered violations of the regulations.

[*296] It is also apparent to us that the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of our Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping -- using these areas as living accommodations -- would be totally inimical to these purposes, as would be readily understood by those who have frequented the National Parks across the country and observed the unfortunate consequences of the activities of those who refuse to confine their camping to designated areas.

It is urged by respondents, and the Court of Appeals was of this view, that if the symbolic city of tents was to be permitted and if the demonstrators did not intend to cook, dig, [***229] or engage in aspects of camping other than sleeping, the incremental benefit to the parks could not justify the ban on sleeping, which was here an expressive activity said to enhance the message concerning the plight of the poor and homeless. We cannot agree. In the first place, we seriously doubt that the First Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. Furthermore, although we have assumed for present purposes that the sleeping banned in this case would have an expressive element, it is evident that its

major value to this demonstration would be facilitative. Without a permit to sleep, it would be difficult to get the poor and homeless to participate or to be present at all. This much is apparent from the permit application filed by respondents: "Without the incentive of sleeping space or a hot meal, the homeless would not come to the site." App. 14. The sleeping ban, if enforced, would thus effectively limit the nature, extent, and duration of the demonstration and to that extent ease the pressure on the parks.

Beyond this, however, it is evident from our cases that the validity of this [**3071] regulation need not be judged solely by reference [*297] to the demonstration at hand. *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S., at 652-653. Absent the prohibition on sleeping, there would be other groups who would demand permission to deliver an asserted message by camping in Lafayette Park. Some of them would surely have as credible a claim in this regard as does CCNV, and the denial of permits to still others would present difficult problems for the Park Service. With the prohibition, however, as is evident in the case before us, at least some around-the-clock demonstrations lasting for days on end will not materialize, others will be limited in size and duration, and the purposes of the regulation will thus be materially served. Perhaps these purposes would be more effectively and not so clumsily achieved by preventing tents and 24-hour vigils entirely in the core areas. But the Park Service's decision to permit nonsleeping demonstrations does not, in our view, impugn the camping prohibition as a valuable, but perhaps imperfect, protection to the parks. If the Government has a legitimate interest in ensuring that the National Parks are adequately protected, which we think it has, and if the parks would be more exposed to harm without the sleeping prohibition than with it, the ban is safe from invalidation under the First Amendment as a reasonable regulation of the manner in which a demonstration may be carried out. As in *City Council of Los Angeles v. Taxpayers for Vincent*, the regulation "responds precisely to the substantive problems which legitimately concern the [Government]." 466 U.S., at 810.

[***LEdHR7A] [7A] [***LEdHR8A] [8A] We have difficulty, therefore, in understanding why the prohibition against camping, with its ban on sleeping overnight, is not a reasonable time, place, or manner regulation that withstands constitutional scrutiny. Surely the regulation

468 U.S. 288, *297; 104 S. Ct. 3065, **3071;
82 L. Ed. 2d 221, ***LEdHR8A; 1984 U.S. LEXIS 136

is not unconstitutional on its face. None of its provisions appears unrelated to the ends that it was designed to serve. Nor is it any less valid when applied to prevent camping [***230] in Memorial-core parks by those who wish to demonstrate [*298] and deliver a message to the public and the central Government. Damage to the parks as well as their partial inaccessibility to other members of the public can as easily result from camping by demonstrators as by nondemonstrators. In neither case must the Government tolerate it. All those who would resort to the parks must abide by otherwise valid rules for their use, just as they must observe the traffic laws, sanitation regulations, and laws to preserve the public peace.⁷ This is no more than a reaffirmation that reasonable time, place, or manner restrictions on expression are constitutionally acceptable.

7 [***LEdHR7B] [7B] [***LEdHR8B] [8B]

When the Government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation. Thus, even against people who choose to violate Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, 36 CFR § 50.13 (1983); flying model planes, § 50.16; gambling, § 50.17; hunting and fishing, § 50.18; setting off fireworks, § 50.25(g); and urination, § 50.26(b).

[***LEdHR1C] [1C] [***LEdHR9A] [9A] Contrary to the conclusion of the Court of Appeals, the foregoing analysis demonstrates that the Park Service regulation is sustainable under the four-factor standard of *United States v. O'Brien*, 391 U.S. 367 (1968), for validating a regulation of expressive conduct, which, in the last analysis is little, if any, different from the standard applied to time, place, or manner restrictions.⁸ No one contends that aside [*299] from [**3072] its impact on speech a rule against camping or overnight sleeping in public parks is beyond the constitutional power of the Government to enforce. And for the reasons we have discussed above, there is a substantial Government interest in conserving park property, an interest that is plainly served by, and requires for its implementation, measures such as the proscription of sleeping that are designed to limit the wear and tear on park properties.

That interest is unrelated to suppression of expression.

8 [***LEdHR9B] [9B]

Reasonable time, place, or manner restrictions are valid even though they directly limit oral or written expression. It would be odd to insist on a higher standard for limitations aimed at regulable conduct and having only an incidental impact on speech. Thus, if the time, place, or manner restriction on expressive sleeping, if that is what is involved in this case, sufficiently and narrowly serves a substantial enough governmental interest to escape First Amendment condemnation, it is untenable to invalidate it under *O'Brien* on the ground that the governmental interest is insufficient to warrant the intrusion on First Amendment concerns or that there is an inadequate nexus between the regulation and the interest sought to be served. We note that only recently, in a case dealing with the regulation of signs, the Court framed the issue under *O'Brien* and then based a crucial part of its analysis on the time, place, or manner cases. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804-805, 808-810 (1984).

We are unmoved by the Court of Appeals' view that the challenged regulation is unnecessary, and hence invalid, because there are less speech-restrictive alternatives that could have satisfied the Government interest in preserving park lands. There is no gainsaying that preventing overnight sleeping will avoid a measure of actual or threatened damage to Lafayette Park and the Mall. The Court of Appeals' suggestions that the Park Service minimize the possible injury by reducing the size, duration, or frequency of demonstrations would still curtail the [***231] total allowable expression in which demonstrators could engage, whether by sleeping or otherwise, and these suggestions represent no more than a disagreement with the Park Service over how much protection the core parks require or how an acceptable level of preservation is to be attained. We do not believe, however, that either *United States v. O'Brien* or the time, place, or manner decisions assign to the judiciary the authority to replace the Park Service as the manager of the Nation's parks or endow the judiciary with the competence to judge how much protection of park lands is wise and how that level of conservation is to be attained.⁹

468 U.S. 288, *, 104 S. Ct. 3065, **3072;
82 L. Ed. 2d 221, ***231; 1984 U.S. LEXIS 136

9 We also agree with Judge Edwards' observation that "[to] insist upon a judicial resolution of this case, given the facts and record at hand, arguably suggests a lack of common sense." 227 U. S. App. D. C., at 33, 703 F.2d at 600. Nor is it any clearer to us than it was to him "what has been achieved by this rather exhausting expenditure of judicial resources." *Id.*, at 34, 703 F.2d, at 601.

Accordingly, the judgment of the Court of Appeals is
Reversed.

CONCUR BY: BURGER

CONCUR

[*300] CHIEF JUSTICE BURGER, concurring.

I concur fully in the Court's opinion.

I find it difficult to conceive of what "camping" means, if it does not include pitching a tent and building a fire. Whether sleeping or cooking follows is irrelevant. With all its frailties, the English language, as used in this country for several centuries, and as used in the Park Service regulations, could hardly be plainer in informing the public that camping in Lafayette Park was prohibited.

The actions here claimed as speech entitled to the protections of the First Amendment simply are not speech; rather, they constitute conduct. As Justice Black, who was never tolerant of limits on speech, emphatically pointed out in his separate opinion in *Cox v. Louisiana*, 379 U.S. 536, 578 (1965):

"The First and Fourteenth Amendments, I think, take away from government, state and federal, all power to restrict freedom of speech, press, and assembly *where people have a right to be for such purposes*. . . . Picketing, though it may be utilized to communicate ideas, is not speech, and therefore is not of itself protected by the First Amendment." (Emphasis in original; citations omitted.)

Respondents' attempt at camping in the park is a form of "picketing"; it is conduct, not speech. Moreover, it is conduct that interferes with the rights of others to use Lafayette Park for the purposes for which [*3073] it was created. Lafayette Park and others like it are for all the people, and their rights are not to be trespassed even

by those who have some "statement" to make. Tents, fires, and sleepers, real or feigned, interfere with the rights of others to use our parks. Of [*301] course, the Constitution guarantees that people may make their "statements," but Washington has countless places for the kind of "statement" these respondents sought to make.

It trivializes the First Amendment to seek to use it as a shield in the [***232] manner asserted here. And it tells us something about why many people must wait for their "day in court" when the time of the courts is pre-empted by frivolous proceedings that delay the causes of litigants who have legitimate, nonfrivolous claims. This case alone has engaged the time of 1 District Judge, an en banc court of 11 Court of Appeals Judges, and 9 Justices of this Court.

DISSENT BY: MARSHALL

DISSENT

JUSTICE MARSHALL, with whom JUSTICE BRENNAN joins, dissenting.

The Court's disposition of this case is marked by two related failings. First, the majority is either unwilling or unable to take seriously the First Amendment claims advanced by respondents. Contrary to the impression given by the majority, respondents are not supplicants seeking to wheedle an undeserved favor from the Government. They are citizens raising issues of profound public importance who have properly turned to the courts for the vindication of their constitutional rights. Second, the majority misapplies the test for ascertaining whether a restraint on speech qualifies as a reasonable time, place, and manner regulation. In determining what constitutes a sustainable regulation, the majority fails to subject the alleged interests of the Government to the degree of scrutiny required to ensure that expressive activity protected by the First Amendment remains free of unnecessary limitations.

I

The proper starting point for analysis of this case is a recognition that the activity in which respondents seek to engage -- sleeping in a highly public place, outside, in the winter for the purpose of protesting homelessness -- is symbolic speech protected by the First Amendment. The majority [*302] assumes, without deciding, that the respondents' conduct is entitled to constitutional

protection. *Ante*, at 293. The problem with this assumption is that the Court thereby avoids examining closely the reality of respondents' planned expression. The majority's approach denatures respondents' asserted right and thus makes all too easy identification of a Government interest sufficient to warrant its abridgment. A realistic appraisal of the competing interests at stake in this case requires a closer look at the nature of the expressive conduct at issue and the context in which that conduct would be displayed.

In late autumn of 1982, respondents sought permission to conduct a round-the-clock demonstration in Lafayette Park and on the Mall. Part of the demonstration would include homeless persons sleeping outside in tents without any other amenities.¹ Respondents sought to begin their demonstration on a date full of ominous meaning to any homeless person: the first day of winter. Respondents were similarly purposeful in choosing demonstration sites. The Court portrays these sites -- the Mall [***233] and Lafayette Park -- in a peculiar fashion. According to the Court:

"Lafayette Park and the Mall . . . are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly [**3074] 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a 'garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches.' . . . The Mall is a [*303] stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area." *Ante*, at 290.

Missing from the majority's description is any inkling that Lafayette Park and the Mall have served as the sites for some of the most rousing political demonstrations in the Nation's history. It is interesting to learn, I suppose, that Lafayette Park and the Mall were both part of Major Pierre L'Enfant's original plan for the

Capital. Far more pertinent, however, is that these areas constitute, in the Government's words, "a fitting and powerful forum for political expression and political protest." Brief for Petitioners 11.²

1 The previous winter respondents had held a similar demonstration after courts ruled that the Park Service regulations then in effect did not extend to respondents' proposed activities. *Community for Creative Non-Violence v. Watt*, 216 U. S. App. D. C. 394, 670 F.2d 1213 (1982) (*CCNV I*). Those activities consisted of setting up and sleeping in nine tents in Lafayette Park. The regulations at issue in this case were promulgated in direct response to *CCNV I*. 47 Fed. Reg. 24299 (1982).

2 At oral argument, the Government informed the Court "that on any given day there will be an average of three or so demonstrations going on" in the Mall-Lafayette Park area. Tr. of Oral Arg. 3-4. Respondents accurately describe Lafayette Park "as the American analogue to 'Speaker's Corner' in Hyde Park." Brief for Respondents 16, n. 25.

The primary³ purpose for making *sleep* an integral part of the demonstration was "to re-enact the central reality of [*304] homelessness," Brief for Respondents 2, and to impress upon public consciousness, in as dramatic a way as possible, that homelessness is a widespread problem, often ignored, that confronts its victims with life-threatening deprivations.⁴ [***234] As one of the homeless men seeking to demonstrate explained: "Sleeping in Lafayette Park or on the Mall, for me, is to show people that conditions are so poor for the homeless and poor in this city that we would actually sleep *outside* in the winter to get the point across." *Id.*, at 3.

3 Another purpose for making *sleep* part of the demonstration was to enable participants to weather the rigors of the round-the-clock vigil and to encourage other homeless persons to participate in the demonstration. As respondents stated in their application for a demonstration permit:

"If there was ever any question as to whether sleeping was a necessary element in this demonstration, it should be answered by now [in light of the previous year's demonstration]. No matter how hard we tried to get [homeless

persons] to come to Reaganville [the name given to the demonstration by respondents], they simply would not come, until sleeping was permitted." App. 14.

4 Estimates on the number of homeless persons in the United States range from two to three million. See Brief for National Coalition for the Homeless as *Amicus Curiae* 3. Though numerically significant, the homeless are politically powerless inasmuch as they lack the financial resources necessary to obtain access to many of the most effective means of persuasion. Moreover, homeless persons are likely to be denied access to the vote since the lack of a mailing address or other proof of residence within a State disqualifies an otherwise eligible citizen from registering to vote. *Id.*, at 5.

The detrimental effects of homelessness are manifold and include psychic trauma, circulatory difficulties, infections that refuse to heal, lice infestations, and hypothermia. *Id.*, at 14-15. In the extreme, exposure to the elements can lead to death; over the 1983 Christmas weekend in New York City, 14 homeless persons perished from the cold. See N. Y. Times, Dec. 27, 1983, p. A1., col. 1.

In a long line of cases, this Court has afforded First Amendment protection to expressive conduct that qualifies as symbolic speech. See, e. g., *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969) (black armband worn by students in public school as protest against United States policy in Vietnam war); *Brown v. Louisiana*, 383 U.S. 131 [*3075] (1966) (sit-in by Negro students in "whites only" library to protest segregation); *Stromberg v. California*, 283 U.S. 359 (1931) (flying red flag as gesture of support for communism). In light of the surrounding context, respondents' proposed activity meets the qualifications. The Court has previously acknowledged the importance of context in determining [*305] whether an act can properly be denominated as "speech" for First Amendment purposes and has provided guidance concerning the way in which courts should "read" a context in making this determination. The leading case is *Spence v. Washington*, 418 U.S. 405 (1974), where this Court held that displaying a United States flag with a peace symbol attached to it was conduct protected by the First Amendment. The Court looked first to the intent of

the speaker -- whether there was an "intent to convey a particularized message" -- and second to the perception of the audience -- whether "the likelihood was great that the message would be understood by those who viewed it." *Id.*, at 410-411. Here respondents clearly intended to protest the reality of homelessness by sleeping outdoors in the winter in the near vicinity of the magisterial residence of the President of the United States. In addition to accentuating the political character of their protest by their choice of location and mode of communication, respondents also intended to underline the meaning of their protest by giving their demonstration satirical names. Respondents planned to name the demonstration on the Mall "Congressional Village," and the demonstration in Lafayette Park, "Reaganville II." App. 13.

Nor can there be any doubt that in the surrounding circumstances the likelihood was great that the political significance of sleeping in the parks would be understood by those who viewed it. Certainly the news media understood the significance of respondents' proposed activity; newspapers and magazines from around the Nation reported their previous sleep-in and their planned display.⁵ Ordinary citizens, too, would likely understand the political message intended by respondents. This likelihood stems from the remarkably apt fit between the activity [***235] in which respondents seek to engage [*306] and the social problem they seek to highlight. By using sleep as an integral part of their mode of protest, respondents "can express with their bodies the poignancy of their plight. They can physically demonstrate the neglect from which they suffer with an articulateness even Dickens could not match." *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 34, 703 F.2d 586, 601 (1983) (Edwards, J. concurring).

5 See articles appended to Declaration of Mary Ellen Hombs, Record, Vol. 1.

It is true that we all go to sleep as part of our daily regimen and that, for the most part, sleep represents a physical necessity and not a vehicle for expression. But these characteristics need not prevent an activity that is normally devoid of expressive purpose from being used as a novel mode of communication. Sitting or standing in a library is a commonplace activity necessary to facilitate ends usually having nothing to do with making a statement. Moreover, sitting or standing is not conduct that an observer would normally construe as expressive

conduct. However, for Negroes to stand or sit in a "whites only" library in Louisiana in 1965 was powerfully expressive; in that particular context, those acts became "monuments of protest" against segregation. *Brown v. Louisiana*, *supra*, at 139.

The Government contends that a foreseeable difficulty of administration counsels against recognizing sleep as a mode of expression protected by the First Amendment. The predicament the Government envisions can be termed "the imposter problem": the problem of distinguishing bona fide protesters from imposters whose requests for permission to sleep in Lafayette Park or the Mall on First Amendment [*3076] grounds would mask ulterior designs -- the simple desire, for example, to avoid the expense of hotel lodgings. The Government maintains that such distinctions cannot be made without inquiring into the sincerity of demonstrators and that such an inquiry would itself pose dangers to First Amendment values because it would necessarily be content-sensitive. I find this argument unpersuasive. First, a [*307] variety of circumstances *already* require government agencies to engage in the delicate task of inquiring into the sincerity of claimants asserting First Amendment rights. See, e. g., *Wisconsin v. Yoder*, 406 U.S. 205, 215-216 (1972) (exception of members of religious group from compulsory education statute justified by group's adherence to deep religious conviction rather than subjective secular values); *Welsh v. United States*, 398 U.S. 333, 343-344 (1970) (eligibility for exemption from military service as conscientious objector status justified by sincere religious beliefs). It is thus incorrect to imply that any scrutiny of the asserted purpose of persons seeking a permit to display sleeping as a form of symbolic speech would import something altogether new and disturbing into our First Amendment jurisprudence. Second, the administrative difficulty the Government envisions is now nothing more than a vague apprehension. If permitting sleep to be used as a form of protected First Amendment activity actually created the administrative problems the Government now envisions, there would emerge a clear factual basis upon which to establish the [***236] necessity for the limitation the Government advocates.

The Government's final argument against granting respondents' proposed activity any degree of First Amendment protection is that the contextual analysis upon which respondents rely is fatally flawed by overinclusiveness. The Government contends that the

Spence approach is overinclusive because it accords First Amendment status to a wide variety of acts that, although expressive, are obviously subject to prohibition. As the Government notes, "[actions] such as assassination of political figures and the bombing of government buildings can fairly be characterized as intended to convey a message that it readily perceived by the public." Brief for Petitioners 24, n. 18. The Government's argument would pose a difficult problem were the determination whether an act constitutes "speech" the end of First Amendment analysis. But such a determination is not the end. If [*308] an act is defined as speech, it must still be balanced against countervailing government interests. The balancing which the First Amendment requires would doom any argument seeking to protect antisocial acts such as assassination or destruction of government property from government interference because compelling interests would outweigh the expressive value of such conduct.

II

Although sleep in the context of this case is symbolic speech protected by the First Amendment, it is nonetheless subject to reasonable time, place, and manner restrictions. I agree with the standard enunciated by the majority: "[Restrictions] of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Ante*, at 293 (citations omitted).⁶ I conclude, however, that the regulations at issue in this case, as applied to respondents, fail to satisfy this standard.

6 I also agree with the majority that no substantial difference distinguishes the test applicable to time, place, and manner restrictions and the test articulated in *United States v. O'Brien*, 391 U.S. 367 (1968). See *Ante*, at 298-299, n. 8.

According to the majority, the significant Government interest advanced by denying respondents' request to engage in sleep-speech is the interest in "maintaining the parks in the heart of our Capital in an [**3077] attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence." *Ante*, at 296. That interest is indeed significant. However, neither the Government nor the

majority adequately explains how prohibiting respondents' planned activity will substantially further that interest.

The majority's attempted explanation begins with the curious statement that it seriously doubts that the First [*309] Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. *Ante*, [***237] at 296. I cannot perceive why the Court should have "serious doubts" regarding this matter and it provides no explanation for its uncertainty. Furthermore, even if the majority's doubts were well founded, I cannot see how such doubts relate to the problem at hand. The issue posed by this case is not whether the Government is constitutionally compelled to permit the erection of tents and the staging of a continuous 24-hour vigil; rather, the issue is whether any substantial Government interest is served by banning sleep that is part of a political demonstration.

What the Court may be suggesting is that if the tents and the 24-hour vigil are permitted, but not constitutionally required to be permitted, then respondents have no constitutional right to engage in expressive conduct that supplements these activities. Put in arithmetical terms, the Court appears to contend that if X is permitted by grace rather than by constitutional compulsion, X + 1 can be denied without regard to the requirements the Government must normally satisfy in order to restrain protected activity. This notion, however, represents a misguided conception of the First Amendment. The First Amendment requires the Government to justify *every* instance of abridgment. That requirement stems from our oft-stated recognition that the First Amendment was designed to secure "the widest possible dissemination of information from diverse and antagonistic sources," *Associated Press v. United States*, 326 U.S. 1, 20 (1945), and "to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U.S. 476, 484 (1957). See also *Buckley v. Valeo*, 424 U.S. 1, 49 (1976); *New York Times Co. v. Sullivan*, 376 U.S. 254, 266 (1964); *Whitney v. California*, 274 U.S. 357, 375-378 (1927) (Brandeis, J., concurring). Moreover, the stringency of that requirement is [*310] not diminished simply because the activity the Government seeks to restrain is supplemental to other activity that the Government may have permitted out of grace but was not constitutionally

compelled to allow. If the Government cannot adequately justify abridgment of protected expression, there is no reason why citizens should be prevented from exercising the *first* of the rights safeguarded by our Bill of Rights.

The majority's second argument is comprised of the suggestion that, although sleeping contains an element of expression, "its major value to [respondents'] demonstration would have been facilitative." *Ante*, at 296. While this observation does provide a hint of the weight the Court attached to respondents' First Amendment claims,⁷ it is utterly irrelevant to [***238] whether [*3078] the Government's ban on sleeping advances a substantial Government interest.

7 The facilitative purpose of the sleep-in takes away nothing from its independent status as symbolic speech. Moreover, facilitative conduct that is closely related to expressive activity is itself protected by First Amendment considerations. I therefore find myself in agreement with Judge Ginsburg who noted that "the personal non-communicative aspect of sleeping in symbolic tents at a demonstration site bears a close, functional relationship to an activity that is commonly comprehended as 'free speech.'" *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 40, 703 F.2d 586, 607 (1983). "[Sleeping] in the tents rather than simply standing or sitting down in them, allows the demonstrator to sustain his or her protest without stopping short of the officially-granted round-the-clock permission." *Ibid*. For me, as for Judge Ginsburg, that linkage itself "suffices to require a genuine effort to balance the demonstrators' interests against other concerns for which the government bears responsibility." *Ibid*.

The majority's third argument is based upon two claims. The first is that the ban on sleeping relieves the Government of an administrative burden because, without the flat ban, the process of issuing and denying permits to other demonstrators asserting First Amendment rights to sleep in the parks "would present difficult problems for the Park Service." *Ante*, at 297. The second is that the ban on sleeping [*311] will increase the probability that "some around-the-clock demonstrations for days on end will not materialize, [that] others will be limited in size and duration, and that

468 U.S. 288, *311; 104 S. Ct. 3065, **3078;
82 L. Ed. 2d 221, ***238; 1984 U.S. LEXIS 136

the purpose of the regulation will thus be materially served," *ante*, at 297, that purpose being "to limit the wear and tear on park properties." *Ante*, at 299.

The flaw in these two contentions is that neither is supported by a factual showing that evinces a real, as opposed to a merely speculative, problem. The majority fails to offer any evidence indicating that the absence of an absolute ban on sleeping would present administrative problems to the Park Service that are substantially more difficult than those it ordinarily confronts. A mere apprehension of difficulties should not be enough to overcome the right to free expression. See *United States v. Grace*, 461 U.S. 171, 182 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S., at 508. Moreover, if the Government's interest in avoiding administrative difficulties were truly "substantial," one would expect the agency most involved in administering the parks at least to allude to such an interest. Here, however, the perceived difficulty of administering requests from other demonstrators seeking to convey messages through sleeping was not among the reasons underlying the Park Service regulations.⁸ Nor was it mentioned by the Park Service in its rejection of respondents' particular request.⁹

⁸ See 47 Fed. Reg. 24301 (1982).

⁹ App. 16-17.

The Court's erroneous application of the standard for ascertaining a reasonable time, place, and manner restriction is also revealed by the majority's conclusion that a substantial governmental interest is served by the sleeping ban because it will discourage "around-the-clock demonstrations for days" and thus further the regulation's purpose "to limit wear and tear on park properties." *Ante*, at 299. The majority cites no evidence indicating that sleeping engaged in as symbolic speech will cause *substantial* wear and tear on park property. [*312] Furthermore, the Government's application of the sleeping ban in the circumstances of this case is strikingly underinclusive. The majority acknowledges that a proper time, place, and manner restriction must be "narrowly tailored." Here, however, the tailoring requirement is virtually [***239] forsaken inasmuch as the Government offers no justification for applying its absolute ban on sleeping yet is willing to allow respondents to engage in activities -- such as feigned sleeping -- that is no less burdensome.

In short, there are no substantial Government

interests advanced by the Government's regulations as applied to respondents. All that the Court's decision advances are the prerogatives of a bureaucracy that over the years has shown an implacable hostility toward citizens' exercise of First Amendment rights.¹⁰

10 At oral argument, the Government suggested that the ban on sleeping should not be invalidated as applied to respondents simply because the Government is willing to allow respondents to engage in other nonverbal acts of expression that may also trench upon the Government interests served by the ban. Tr. of Oral Arg. 15, 23. The Government maintains that such a result makes the Government a victim of its own generosity. However the Government's characterization of itself as an unstinting provider of opportunities for protected expression is thoroughly discredited by a long line of decisions *compelling* the National Park Service to allow the expressive conduct it now claims to permit as a matter of grace. See, e. g., *Women Strike for Peace v. Morton*, 153 U. S. App. D. C. 198, 472 F.2d 1273 (1972); *A Quaker Action Group v. Morton*, 170 U. S. App. D. C. 124, 516 F.2d 717 (1975); *United States v. Abney*, 175 U. S. App. D. C. 247, 534 F.2d 984 (1976).

[**3079] III

The disposition of this case impels me to make two additional observations. First, in this case, as in some others involving time, place, and manner restrictions,¹¹ the Court [*313] has dramatically lowered its scrutiny of governmental regulations once it has determined that such regulations are content-neutral. The result has been the creation of a two-tiered approach to First Amendment cases: while regulations that turn on the content of the expression are subjected to a strict form of judicial review,¹² regulations that are aimed at matters other than expression receive only a minimal level of scrutiny. The minimal scrutiny prong of this two-tiered approach has led to an unfortunate diminution of First Amendment protection. By narrowly limiting its concern to whether a given regulation creates a content-based distinction, the Court has seemingly overlooked the fact that content-neutral restrictions are also capable of unnecessarily restricting protected expressive activity.¹³ To be sure, the general prohibition against content-based regulations is an essential tool of First Amendment analysis. It helps to put into operation the

468 U.S. 288, *313; 104 S. Ct. 3065, **3079;
82 L. Ed. 2d 221, ***239; 1984 U.S. LEXIS 136

well-established principle [***240] that "government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views." *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972). The Court, however, has transformed the ban against content distinctions from a floor that offers all persons at least equal liberty under the First Amendment into a ceiling that restricts persons to the protection of First Amendment equality -- but nothing more.¹⁴ [**3080] The consistent [*314] imposition of silence upon all may fulfill the dictates of an evenhanded content-neutrality. But it offends our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S., at 270.¹⁵

11 See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981). But see *United States v. Grace*, 461 U.S. 171 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969); *Brown v. Louisiana*, 383 U.S. 131 (1966).
12 See, e. g., *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978). It should be noted, however, that there is a context in which regulations that are facially content-neutral are nonetheless subjected to strict scrutiny. This situation arises when a regulation vests standardless discretion in officials empowered to dispense permits for the use of public forums. See, e. g., *Lovell v. City of Griffin*, 303 U.S. 444 (1938); *Hague v. CIO*, 307 U.S. 496 (1939); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

13 See Redish, *The Content Distinction in First Amendment Analysis*, 34 Stan. L. Rev. 113 (1981).

14 Furthermore, a content-neutral regulation does not necessarily fall with random or equal force upon different groups or different points of view. A content-neutral regulation that restricts an inexpensive mode of communication will fall most heavily upon relatively poor speakers and the points of view that such speakers typically espouse. See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*, at 812-813, n. 30. This sort of latent inequality is very much in evidence in this case for respondents lack the

financial means necessary to buy access to more conventional modes of persuasion.

A disquieting feature about the disposition of this case is that it lends credence to the charge that judicial administration of the First Amendment, in conjunction with a social order marked by large disparities in wealth and other sources of power, tends systematically to discriminate against efforts by the relatively disadvantaged to convey their political ideas. In the past, this Court has taken such considerations into account in adjudicating the First Amendment rights of those among us who are financially deprived. See, e. g., *Martin v. Struthers*, 319 U.S. 141, 146 (1943) (striking down ban on door-to-door distribution of circulars in part because this mode of distribution is "essential to the poorly financed causes of little people"); *Marsh v. Alabama*, 326 U.S. 501 (1946) (State cannot impose criminal sanction on person for distributing literature on sidewalk of town owned by private corporation). Such solicitude is noticeably absent from the majority's opinion, continuing a trend that has not escaped the attention of commentators. See, e. g., Dorsen & Gora, *Free Speech, Property, and The Burger Court: Old Values, New Balances*, 1982 S. Ct. Rev. 195; Van Alstyne, *The Recrudescence of Property Rights as the Foremost Principle of Civil Liberties: The First Decade of the Burger Court*, 43 Law & Contemp. Prob. 66 (summer 1980).

15 For a critique of the limits of the equality principle in First Amendment analysis see Redish, *supra*, at 134-139.

Second, the disposition of this case reveals a mistaken assumption regarding the motives and behavior of Government officials who create and administer content-neutral regulations. The Court's salutary skepticism of governmental decisionmaking in First Amendment matters suddenly dissipates once it determines that a restriction is not [*315] content-based. The Court evidently assumes that the balance struck by officials is deserving of deference so long as it does not appear to be tainted by content discrimination. What the Court fails to recognize is that public officials have strong incentives to overregulate even in the absence of an intent to censor particular views. This incentive stems from the fact that of the two groups whose interests officials must accommodate -- on the one hand, the

468 U.S. 288, *315; 104 S. Ct. 3065, **3080;
82 L. Ed. 2d 221, ***240; 1984 U.S. LEXIS 136

interests of the general public and, on the other, the interests of those who seek to use a particular forum for First Amendment activity -- the political [***241] power of the former is likely to be far greater than that of the latter.¹⁶

16 See Goldberger, *Judicial Scrutiny in Public Forum Cases: Misplaced Trust in the Judgment of Public Officials*, 32 *Buffalo L. Rev.* 175, 208 (1983).

The political dynamics likely to lead officials to a disproportionate sensitivity to regulatory as opposed to First Amendment interests can be discerned in the background of this case. Although the Park Service appears to have applied the revised regulations consistently, there are facts in the record of this case that raise a substantial possibility that the impetus behind the revision may have derived less from concerns about administrative difficulties and wear and tear on the park facilities, than from other, more "political," concerns. The alleged need for more restrictive regulations stemmed from a court decision favoring the same First Amendment claimants that are parties to this case. See n. 1, *supra*. Moreover, in response both to the Park Service's announcement that it was considering changing its rules and the respondents' expressive activities, at least one powerful group urged the Service to tighten its regulations.¹⁷ The point of these observations is not to impugn the integrity of the National Park Service. Rather, my intention is to illustrate concretely that government agencies by their [*316] very nature are driven to overregulate public forums to the detriment of First Amendment rights, that facial viewpoint-neutrality

is no shield against unnecessary restrictions on unpopular ideas or modes of expression, and that in this case in particular there was evidence readily available that should have impelled the Court to subject the Government's restrictive policy to something more than minimal scrutiny.

17 See Declaration of Mary Ellen Hombs, Exhibit 1kk, Record, Vol. 1.

For the foregoing reasons, I respectfully dissent.

REFERENCES

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution

59 Am Jur 2d, Parks, Squares, and Playgrounds 33

USCS, Constitution, 1st Amendment

US L Ed Digest, Constitutional Law 934, 960

L Ed Index to Annos, Parks

ALR Quick Index, Parks and Playgrounds

Federal Quick Index, National Parks; Parks

Annotation References:

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution. 82 L Ed 2d 958.

Myers, Randolph

From: Lisa_Mendelson-Ielmini@nps.gov
Sent: Wednesday, November 23, 2011 2:22 PM
To: Myers, Randolph
Subject: RE: DRAFT ATTACHED -- Occupy DC public inquiry
Attachments: 2011 11 23 Community Response DRAFT RMyers 11.23.11.docx

Thanks, will take a look

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

11/23/2011 01:35
PM

"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>

To

cc

Subject

RE: DRAFT ATTACHED -- Occupy DC
public inquiry

Lisa: Attached is my redline/strikeout edits. Thanks!

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.

-----Original Message-----

From: Lisa_Mendelson-Ielmini@nps.gov
[mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Wednesday, November 23, 2011 12:08 PM
To: Myers, Randolph
Subject: Fw: DRAFT ATTACHED -- Occupy DC public inquiry

You, too! Thanks for being on the call this morning. NAMA and USPP are wrapping up their reviews of the Exec brief...

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region 202-619-7000 office
202-297-1338 cell

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 11/23/2011 12:06 PM

Lisa
Mendelson-Ielmini
/NCR/NPS

11/23/2011 11:53
AM

To
"Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>,
"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>,
"Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>,
"Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>, KatherineKelly
<Kate_Kelly@ios.doi.gov>,
"Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>,
"Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>,
"William_Line@nps.gov"
<William_Line@nps.gov>, D Barna,
Matt Lee-Ashley, Matt
Lee-Ashley/OCO/OS/DOI, Bob Vogel,
Steve Whitesell

cc

Subject
DRAFT ATTACHED -- Occupy DC public
inquiry(Document link: Lisa
Mendelson-Ielmini)

Thanks everyone for coming together for the call this morning.

Karen Cucurullo, Kathy Harasek, and I just wrapped up this DRAFT for everyone's review. As we discussed on the call, this is intended to be broad so that it may be repurposed for other inquiries.

(See attached file: 2011 11 23 Community Response DRAFT.docx)

If you do have comments, please use TRACK CHANGES so we'll be able to pick them out. In order to respond today, I'd ask that everyone read and review as soon as possible, no later than 2 pm.

I'm in the office and you can reach me at the numbers below if you'd like to talk about this.

Thanks everyone for your participation and thoughts,

~Lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region 202-619-7000 office
202-297-1338 cell

David Barna
<david_barna@nps.gov>

11/22/2011 08:16
PM

Lisa Mendelson-Ielmini
<lisa_mendelson-ielmini@nps.gov>

To

cc

"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>,
"William_Line@nps.gov"
<William_Line@nps.gov>,
"Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>,
"Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>,
"Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>,
"Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>,
"Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>,
KatherineKelly
<Kate_Kelly@ios.doi.gov>

Subject

9:30 okay for call Wednesday
morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov> wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All
Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
The Region is starting to get emails from the public like the one below
I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?
Here's our office call in line that we can use for a conference call

FOIA6

FOIA5D

David

Carter DeWitt

<cdewitt@taxfound

ation.org>

To

"

lisa_mendelson-ielmini@nps.gov"

11/22/2011 01:49

<

lisa_mendelson-ielmini@nps.gov>

PM

cc

Subject

Occupy Dc versus

other park users -

I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay

into next year. I
sincerely hope this is not the case. They need to go home
and have someone
else support them if they are not willing to work. I have
no desire to pay
for this via my tax dollars you take from me in so many
ways. They do not
have a permit and it is unlawful for them to be there. If
I tried to camp
in one of these parks you would make me leave -

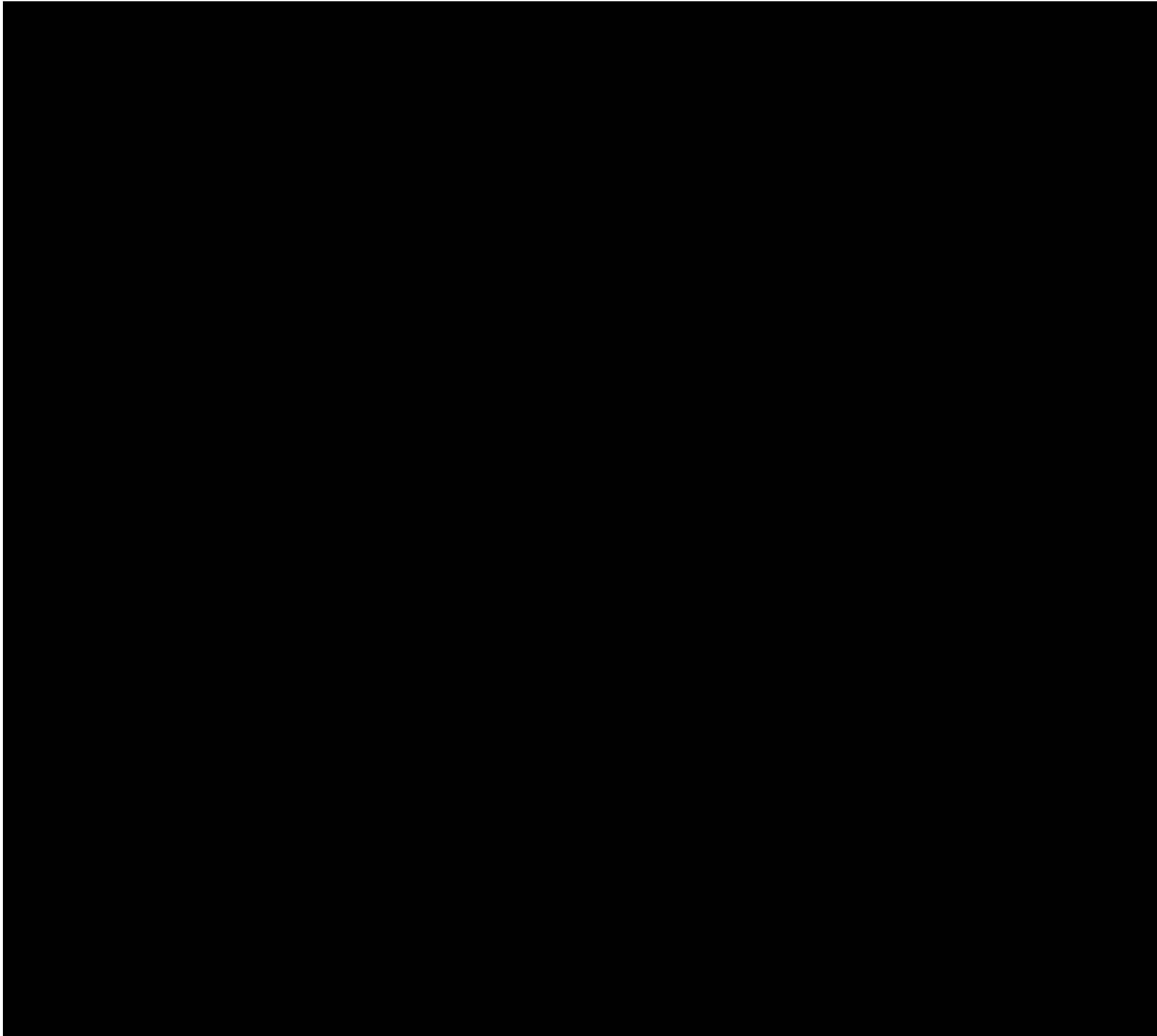
There are thousands of us unhappy and complaining about
them - why are you
not hearing us?

Laurie Carter DeWitt
910 15th St, NW, Apt 711
Washington, DC 20005

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org
The Tax Foundation is guided by the principles of sound
tax policy --
neutrality, simplicity, transparency, and stability (See attached file:

2011 11 23 Community Response DRAFT RMyers
11.23.11.docx)

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.



We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please be in touch. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings, if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks

Bob_Vogel@nps.gov 202-245-4661

Chief Teresa C. Chambers

United States Park Police

Teresa_Chambers@nps.gov 202-619-7350

DRAFT PREDECISIONAL DRAFT PREDECISIONAL DRAFT PREDECISIONAL 11/23/11 by NCR, NAMA,

| USPP;SOL/RMyers redline/strikeout edits 11/23/11

Myers, Randolph

From: Fondren, Kimberly
Sent: Thursday, October 13, 2011 3:03 PM
To: Guddemi, Charlie; Owen, Robbin
Cc: Eaton, Robert; Roth, Barry; Young, Michael; Myers, Randolph
Subject: Guidance on Camping in the DC National Parks as 1st Amendment treats it.
Attachments: clark.camping1stamendment.doc.rtf; thomascamping.1st amendment.doc.docx

Sensitivity: Confidential

Follow Up Flag: Follow up
Due By: Friday, October 14, 2011 4:00 PM
Flag Status: Flagged

[REDACTED]

FOIA5B FOIA5C

[REDACTED]

FOIA5B

[REDACTED]

FOIA5B



FOIA5B

This is simply a brief synopsis of applicable case law standards, after our meeting with the DC government tomorrow and the MLK celebration briefing we can further flesh out what you need in order to address these issues.

Id. at Exhibit 4

10922M

Time of Request: Thursday, October 13, 2011 13:48:26 EST
Client ID/Project Name:
Number of Lines: 852
Job Number: 1826:311836151

Research Information

Service: Natural Language Search
Print Request: Current Document: 4
Source: Federal Court Cases, Combined
Search Terms: [REDACTED]

FOIA5B

Send to: FONDREN, KIMBERLY
DOI OFFICE OF THE SOLICITOR
1849 C ST NW RM 7440
WASHINGTON, DC 20240-0001



4 of 100 DOCUMENTS

**CLARK, SECRETARY OF THE INTERIOR, ET AL. v. COMMUNITY FOR
CREATIVE NON-VIOLENCE ET AL.**

No. 82-1998

SUPREME COURT OF THE UNITED STATES

*468 U.S. 288; 104 S. Ct. 3065; 82 L. Ed. 2d 221; 1984 U.S. LEXIS 136; 52 U.S.L.W.
4986*

**March 21, 1984, Argued
June 29, 1984, Decided**

PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

DISPOSITION: 227 U. S. App. D. C. 19, 703 F.2d 586, reversed.

DECISION:

National Park Service anti-camping regulation held constitutionally applied to Washington, D.C., demonstrators.

SUMMARY:

The Community for Creative Non-Violence and several individuals brought suit in the United States District Court for the District of Columbia to prevent the application of a National Park Service regulation, prohibiting camping in national parks except in designated campgrounds, to a proposed demonstration in Lafayette Park and the Mall, in the heart of Washington, D.C., in which demonstrators would sleep in symbolic tents to demonstrate the plight of the homeless. The District Court granted summary judgment in favor of the Park Service. The United States Court of Appeals for the District of Columbia Circuit reversed on the ground that the application of the regulation so as to prevent sleeping in the tents would infringe the demonstrators' *First Amendment* right of free expression (703 F2d 586).

On certiorari, the United States Supreme Court reversed. In an opinion by White, J., expressing the views of Burger, Ch. J., and Blackmun, Powell, Rehnquist, Stevens, and O'Connor, JJ., it was held that the Park Ser-

vice regulation did not violate the *First Amendment* when applied to the demonstrators because the regulation was justified without reference to the content of the regulated speech, was narrowly tailored to serve a significant governmental interest, and left open ample alternative channels for communication of the information.

Burger, Ch. J., while concurring fully in the court's opinion, filed a concurring opinion stating that the camping was conduct and not speech.

Marshall, J., joined by Brennan, J., dissented on the ground that the demonstrators' sleep was symbolic speech and that the regulation of it was not reasonable.

LAWYERS' EDITION HEADNOTES:

[***LEdHN1]

CONSTITUTIONAL LAW §960

demonstration -- camping --

Headnote:[1A][1B][1C]

A National Park Service regulation prohibiting camping in national parks except in campgrounds designated for that purpose does not violate the *First Amendment* when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall, in the heart of Washington, D. C., in connection with a demonstration intended to call attention to the plight of the homeless. (Marshall and Brennan, JJ, dissented from this holding.)

[***LEdHN2]

PARKS, SQUARES, AND COMMONS §2

camping --

Headnote:[2A][2B]

Sleeping in tents for the purpose of expressing the plight of the homeless falls within the definition of "camping" in a National Park Service regulation defining camping as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping or doing any digging or earth breaking or carrying on cooking activities when it appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

[***LEdHN3]

EVIDENCE §102

First Amendment -- application --

Headnote:[3A][3B]

Although it is common to place the burden on the government to justify impingements on *First Amendment* interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the *First Amendment* even applies.

[***LEdHN4]

CONSTITUTIONAL LAW §934

expression -- restriction --

Headnote:[4]

Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, and manner restrictions.

[***LEdHN5]

CONSTITUTIONAL LAW §934

expression -- regulation --

Headnote:[5]

Restrictions on expression, whether oral or written or symbolized by conduct, are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

[***LEdHN6]

CONSTITUTIONAL LAW §934

symbolic speech -- regulation --

Headnote:[6]

Symbolic expression delivered by conduct intended to be communicative and in context reasonably understood by the viewer to be communicative may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech.

[***LEdHN7]

UNITED STATES §57

regulation -- situs --

Headnote:[7A][7B]

When the government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation.

[***LEdHN8]

PARKS, SQUARES, AND COMMONS §2

expressive violations --

Headnote:[8A][8B]

Even against people who choose to violate National Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, flying model planes, gambling, hunting and fishing, setting off fireworks, and urination.

[***LEdHN9]

CONSTITUTIONAL LAW §934

expression-restriction --

Headnote:[9A][9B]

Reasonable time, place, and manner restrictions are valid even though they directly limit oral or written expression.

SYLLABUS

In 1982, the National Park Service issued a permit to respondent Community for Creative Non-Violence (CCNV) to conduct a demonstration in Lafayette Park and the Mall, which are National Parks in the heart of Washington, D. C. The purpose of the demonstration was to call attention to the plight of the homeless, and the permit authorized the erection of two symbolic tent

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

cities. However, the Park Service, relying on its regulations -- particularly one that permits "camping" (defined as including sleeping activities) only in designated campgrounds, no campgrounds having ever been designated in Lafayette Park or the Mall -- denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents. CCNV and the individual respondents then filed an action in Federal District Court, alleging, *inter alia*, that application of the regulations to prevent sleeping in the tents violated the *First Amendment*. The District Court granted summary judgment for the Park Service, but the Court of Appeals reversed.

Held : The challenged application of the Park Service regulations does not violate the *First Amendment*. Pp. 293-299.

(a) Assuming that overnight sleeping in connection with the demonstration is expressive conduct protected to some extent by the *First Amendment*, the regulation forbidding sleeping meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct. The regulation is neutral with regard to the message presented, and leaves open ample alternative methods of communicating the intended message concerning the plight of the homeless. Moreover, the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of the Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping would be totally inimical to these purposes. The validity of the regulation need not be judged solely by reference to the demonstration at hand, and none of its provisions are unrelated to the ends that it was designed to serve. Pp. 293-298.

(b) Similarly, the challenged regulation is also sustainable as meeting the standards for a valid regulation of expressive conduct. Aside from its impact on speech, a rule against camping or overnight sleeping in public parks is not beyond the constitutional power of the Government to enforce. And as noted above, there is a substantial Government interest, unrelated to suppression of expression, in conserving park property that is served by the proscription of sleeping. Pp. 298-299.

COUNSEL: Deputy Solicitor General Bator argued the cause for petitioners. With him on the briefs were Solicitor General Lee, Assistant Attorney General McGrath, Alan I. Horowitz, Leonard Schaitman, and Katherine S. Gruenheck.

Burt Neuborne argued the cause for respondents. With him on the brief were Charles S. Sims, Laura Macklin, Arthur B. Spitzer, and Elizabeth Symonds. *

* Ogden Northrop Lewis filed a brief for the National Coalition for the Homeless as amicus curiae urging affirmance.

JUDGES: WHITE, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACKMUN, POWELL, REHNQUIST, STEVENS, and O'CONNOR, JJ., joined. BURGER, C. J., filed a concurring opinion, post, p. 300. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, post, p. 301.

OPINION BY: WHITE

OPINION

[*289] [***224] [**3067] JUSTICE WHITE delivered the opinion of the Court.

[***LEdHR1A] [1A]The issue in this case is whether a National Park Service regulation prohibiting camping in certain parks violates the *First Amendment* when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall in connection with a demonstration intended to call attention to the plight of the homeless. We hold that it does not and reverse the contrary judgment of the Court of Appeals.

I

The Interior Department, through the National Park Service, is charged with responsibility for the management and maintenance of the National Parks and is authorized to promulgate rules and regulations for the use of the parks in accordance with the purposes for which they were established.

[*290] 16 U. S. C. §§ 1, 1a-1, 3. ¹ [***225] The network of National Parks includes the National Memorial-core parks, Lafayette Park and the Mall, which are set in the heart of Washington, D. C., and which are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a "garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches." National Park Service, U.S. Department of the Interior, White House and President's Park, Resource Management Plan 4.3 (1981). The Mall is a stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast

numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area.

1 The Secretary is admonished to promote and regulate the use of the parks by such means as conform to the fundamental purpose of the parks, which is "to conserve the scenery and the natural and historic objects and the wild life therein . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 39 Stat. 535, as amended, 16 U. S. C. § 1.

Under the regulations involved in this case, camping in National Parks is permitted only in campgrounds designated for that purpose. 36 CFR § 50.27(a) (1983). No such campgrounds have ever been designated in Lafayette Park or the Mall. Camping is defined as

"the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose [*291] of sleeping), or storing personal belongings, or making any fire, or using any tents or . . . other structure . . . for sleeping or doing any digging or earth breaking or carrying on cooking activities." *Ibid.*

These activities, the regulation provides,

"constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging." *Ibid.*

[**3068] Demonstrations for the airing of views or grievances are permitted in the Memorial-core parks, but for the most part only by Park Service permits. 36 CFR § 50.19 (1983). Temporary structures may be erected for demonstration purposes but may not be used for camping. 36 CFR § 50.19(e)(8) (1983).²

2 Section 50.19(e)(8), as amended, prohibits the use of certain temporary structures:

"In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleep-

ing), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging."

In [***226] 1982, the Park Service issued a renewable permit to respondent Community for Creative Non-Violence (CCNV) to conduct a wintertime demonstration in Lafayette Park and the Mall for the purpose of demonstrating the plight of the [*292] homeless. The permit authorized the erection of two symbolic tent cities: 20 tents in Lafayette Park that would accommodate 50 people and 40 tents in the Mall with a capacity of up to 100. The Park Service, however, relying on the above regulations, specifically denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents.

[***LEdHR2A] [2A]CCNV and several individuals then filed an action to prevent the application of the no-camping regulations to the proposed demonstration, which, it was claimed, was not covered by the regulation. It was also submitted that the regulations were unconstitutionally vague, had been discriminatorily applied, and could not be applied to prevent sleeping in the tents without violating the *First Amendment*. The District Court granted summary judgment in favor of the Park Service. The Court of Appeals, sitting en banc, reversed. *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 703 F.2d 586 (1983). The 11 judges produced 6 opinions. Six of the judges believed that application of the regulations so as to prevent sleeping in the tents would infringe the demonstrators' *First Amendment* right of free expression. The other five judges disagreed and would have sustained the regulations as applied to CCNV's proposed demonstration.³ We granted the Government's petition for certiorari, 464 U.S. 1016 (1983), and now reverse.⁴

3 The *per curiam* opinion preceding the individual opinions described the lineup of the judges as follows:

"Circuit Judge Mikva files an opinion, in which Circuit Judge Wald concurs, in support of a judgment reversing. Chief Judge Robinson and Circuit Judge Wright file a statement joining in the judgment and concurring in Circuit Judge Mikva's opinion with a caveat. Circuit Judge Edwards files an opinion joining in the judgment and concurring partially in Circuit Judge Mikva's

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

opinion. Circuit Judge Ginsburg files an opinion joining in the judgment. Circuit Judge Wilkey files a dissenting opinion, in which Circuit Judges Tamm, MacKinnon, Bork and Scalia concur. Circuit Judge Scalia files a dissenting opinion, in which Circuit Judges MacKinnon and Bork concur." 227 U. S. App. D. C., at 19-20, 703 F.2d, at 586-587.

4 [***LEdHR2B] [2B]

As a threshold matter, we must address respondents' contention that their proposed activities do not fall within the definition of "camping" found in the regulations. None of the opinions below accepted this contention, and at least nine of the judges expressly rejected it. *Id.*, at 24, 703 F.2d, at 591 (opinion of Mikva, J.); *id.*, at 42, 703 F.2d, at 609 (opinion of Wilkey, J.). We likewise find the contention to be without merit. It cannot seriously be doubted that sleeping in tents for the purpose of expressing the plight of the homeless falls within the regulation's definition of camping.

[*293] II

[***LEdHR3A] [3A] [***LEdHR4] [4] [***LEdHR5] [5] We need not differ with the view of the Court of Appeals that overnight [**3069] sleeping in connection with the demonstration is expressive conduct protected to some [***227] extent by the *First Amendment*.⁵ We assume for present purposes, but do not decide, that such is the case, cf. *United States v. O'Brien*, 391 U.S. 367, 376 (1968), but this assumption only begins the inquiry. Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions. We have often noted that restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *United States v. Grace*, 461 U.S. 171 (1983); *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45-46 (1983); *Heffron v. International Society for Krishna Consciousness*, [**294] *Inc.*, 452 U.S. 640, 647-648 (1981); *Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976); *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S. 530, 535 (1980).

5 [***LEdHR3B] [3B]

We reject the suggestion of the plurality below, however, that the burden on the demonstra-

tors is limited to "the advancement of a plausible contention" that their conduct is expressive. *Id.*, at 26, n. 16, 703 F.2d, at 593, n. 16. Although it is common to place the burden upon the Government to justify impingements on *First Amendment* interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the *First Amendment* even applies. To hold otherwise would be to create a rule that all conduct is presumptively expressive. In the absence of a showing that such a rule is necessary to protect vital *First Amendment* interests, we decline to deviate from the general rule that one seeking relief bears the burden of demonstrating that he is entitled to it.

[***LEdHR6] [6] It is also true that a message may be delivered by conduct that is intended to be communicative and that, in context, would reasonably be understood by the viewer to be communicative. *Spence v. Washington*, 418 U.S. 405 (1974); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969). Symbolic expression of this kind may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech. *United States v. O'Brien*, *supra*.

[***LEdHR1B] [1B] Petitioners submit, as they did in the Court of Appeals, that the regulation forbidding sleeping is defensible either as a time, place, or manner restriction or as a regulation of symbolic conduct. We agree with that assessment. The permit that was issued authorized the demonstration but required compliance with 36 CFR § 50.19 (1983), which prohibits "camping" on park lands, that is, the use of park lands for living accommodations, such as sleeping, storing personal belongings, making fires, digging, or cooking. These provisions, including the ban on sleeping, are clearly limitations on the manner in which the demonstration could be carried out. That sleeping, like the symbolic tents themselves, may be expressive and part of the message delivered by [***228] the demonstration does not make the ban any less a limitation on the manner of demonstrating, for reasonable time, place, or manner regulations normally have the purpose and direct effect of limiting expression but are nevertheless valid. *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*; *Heffron v. International Society for Krishna Consciousness, Inc.*, *supra*; *Kovacs v. Cooper*, 336 U.S. 77 (1949). Neither does the fact that sleeping, *arguendo*, may be expressive [*295] conduct, rather than oral or written expression, render [**3070] the sleeping prohibition any less a time, place, or manner regulation. To the con-

trary, the Park Service neither attempts to ban sleeping generally nor to ban it everywhere in the parks. It has established areas for camping and forbids it elsewhere, including Lafayette Park and the Mall. Considered as such, we have very little trouble concluding that the Park Service may prohibit overnight sleeping in the parks involved here.

The requirement that the regulation be content-neutral is clearly satisfied. The courts below accepted that view, and it is not disputed here that the prohibition on camping, and on sleeping specifically, is content-neutral and is not being applied because of disagreement with the message presented.⁶ Neither was the regulation faulted, nor could it be, on the ground that without overnight sleeping the plight of the homeless could not be communicated in other ways. The regulation otherwise left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil. Respondents do not suggest that there was, or is, any barrier to delivering to the media, or to the public by other means, the intended message concerning the plight of the homeless.

⁶ Respondents request that we remand to the Court of Appeals for resolution of their claim that the District Court improperly granted summary judgment on the equal protection claim. Brief for Respondents 91, n. 50. They contend that there were disputed questions of fact concerning the uniformity of enforcement of the regulation, claiming that other groups have slept in the parks. The District Court specifically found that the regulations have been consistently applied and enforced in a fair and non-discriminatory manner. App. to Pet. for Cert. 106a-108a. Only 5 of the 11 judges in the Court of Appeals addressed the equal protection claim. *227 U. S. App. D. C.*, at 43-44, 703 F.2d, at 610-611 (opinion of Wilkey, J., joined by Tamm, MacKinnon, Bork, and Scalia, JJ.). Our review of the record leads us to agree with their conclusion that there is no genuine issue of material fact and that the most that respondents have shown are isolated instances of undiscovered violations of the regulations.

[*296] It is also apparent to us that the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of our Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping -- using these areas as living accommodations -- would be totally inimical to these purposes, as would be readily understood by those who have frequented the National Parks across the coun-

try and observed the unfortunate consequences of the activities of those who refuse to confine their camping to designated areas.

It is urged by respondents, and the Court of Appeals was of this view, that if the symbolic city of tents was to be permitted and if the demonstrators did not intend to cook, dig, [***229] or engage in aspects of camping other than sleeping, the incremental benefit to the parks could not justify the ban on sleeping, which was here an expressive activity said to enhance the message concerning the plight of the poor and homeless. We cannot agree. In the first place, we seriously doubt that the *First Amendment* requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. Furthermore, although we have assumed for present purposes that the sleeping banned in this case would have an expressive element, it is evident that its major value to this demonstration would be facilitative. Without a permit to sleep, it would be difficult to get the poor and homeless to participate or to be present at all. This much is apparent from the permit application filed by respondents: "Without the incentive of sleeping space or a hot meal, the homeless would not come to the site." App. 14. The sleeping ban, if enforced, would thus effectively limit the nature, extent, and duration of the demonstration and to that extent ease the pressure on the parks.

Beyond this, however, it is evident from our cases that the validity of this [**3071] regulation need not be judged solely by reference [*297] to the demonstration at hand. *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S., at 652-653. Absent the prohibition on sleeping, there would be other groups who would demand permission to deliver an asserted message by camping in Lafayette Park. Some of them would surely have as credible a claim in this regard as does CCNV, and the denial of permits to still others would present difficult problems for the Park Service. With the prohibition, however, as is evident in the case before us, at least some around-the-clock demonstrations lasting for days on end will not materialize, others will be limited in size and duration, and the purposes of the regulation will thus be materially served. Perhaps these purposes would be more effectively and not so clumsily achieved by preventing tents and 24-hour vigils entirely in the core areas. But the Park Service's decision to permit nonsleeping demonstrations does not, in our view, impugn the camping prohibition as a valuable, but perhaps imperfect, protection to the parks. If the Government has a legitimate interest in ensuring that the National Parks are adequately protected, which we think it has, and if the parks would be more exposed to harm without the sleeping prohibition than with it, the ban is

safe from invalidation under the *First Amendment* as a reasonable regulation of the manner in which a demonstration may be carried out. As in *City Council of Los Angeles v. Taxpayers for Vincent*, the regulation "responds precisely to the substantive problems which legitimately concern the [Government]." 466 U.S., at 810.

[**LEdHR7A] [7A] [**LEdHR8A] [8A] We have difficulty, therefore, in understanding why the prohibition against camping, with its ban on sleeping overnight, is not a reasonable time, place, or manner regulation that withstands constitutional scrutiny. Surely the regulation is not unconstitutional on its face. None of its provisions appears unrelated to the ends that it was designed to serve. Nor is it any less valid when applied to prevent camping [**230] in Memorial-core parks by those who wish to demonstrate [*298] and deliver a message to the public and the central Government. Damage to the parks as well as their partial inaccessibility to other members of the public can as easily result from camping by demonstrators as by nondemonstrators. In neither case must the Government tolerate it. All those who would resort to the parks must abide by otherwise valid rules for their use, just as they must observe the traffic laws, sanitation regulations, and laws to preserve the public peace.⁷ This is no more than a reaffirmation that reasonable time, place, or manner restrictions on expression are constitutionally acceptable.

7 [**LEdHR7B] [7B] [**LEdHR8B] [8B]

When the Government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation. Thus, even against people who choose to violate Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, 36 CFR § 50.13 (1983); flying model planes, § 50.16; gambling, § 50.17; hunting and fishing, § 50.18; setting off fireworks, § 50.25(g); and urination, § 50.26(b).

[**LEdHR1C] [1C] [**LEdHR9A] [9A] Contrary to the conclusion of the Court of Appeals, the foregoing analysis demonstrates that the Park Service regulation is sustainable under the four-factor standard of *United States v. O'Brien*, 391 U.S. 367 (1968), for validating a regulation of expressive conduct, which, in the last analysis is little, if any, different from the standard applied to time, place, or manner restrictions.⁸ No one contends that aside [*299] from [**3072] its impact on speech a rule against camping or overnight sleeping in public parks is beyond the constitutional power of the Government to enforce. And for the reasons we have

discussed above, there is a substantial Government interest in conserving park property, an interest that is plainly served by, and requires for its implementation, measures such as the proscription of sleeping that are designed to limit the wear and tear on park properties. That interest is unrelated to suppression of expression.

8 [**LEdHR9B] [9B]

Reasonable time, place, or manner restrictions are valid even though they directly limit oral or written expression. It would be odd to insist on a higher standard for limitations aimed at regulable conduct and having only an incidental impact on speech. Thus, if the time, place, or manner restriction on expressive sleeping, if that is what is involved in this case, sufficiently and narrowly serves a substantial enough governmental interest to escape *First Amendment* condemnation, it is untenable to invalidate it under *O'Brien* on the ground that the governmental interest is insufficient to warrant the intrusion on *First Amendment* concerns or that there is an inadequate nexus between the regulation and the interest sought to be served. We note that only recently, in a case dealing with the regulation of signs, the Court framed the issue under *O'Brien* and then based a crucial part of its analysis on the time, place, or manner cases. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804-805, 808-810 (1984).

We are unmoved by the Court of Appeals' view that the challenged regulation is unnecessary, and hence invalid, because there are less speech-restrictive alternatives that could have satisfied the Government interest in preserving park lands. There is no gainsaying that preventing overnight sleeping will avoid a measure of actual or threatened damage to Lafayette Park and the Mall. The Court of Appeals' suggestions that the Park Service minimize the possible injury by reducing the size, duration, or frequency of demonstrations would still curtail the [**231] total allowable expression in which demonstrators could engage, whether by sleeping or otherwise, and these suggestions represent no more than a disagreement with the Park Service over how much protection the core parks require or how an acceptable level of preservation is to be attained. We do not believe, however, that either *United States v. O'Brien* or the time, place, or manner decisions assign to the judiciary the authority to replace the Park Service as the manager of the Nation's parks or endow the judiciary with the competence to judge how much protection of park lands is wise and how that level of conservation is to be attained.

⁹

9 We also agree with Judge Edwards' observation that "[to] insist upon a judicial resolution of this case, given the facts and record at hand, arguably suggests a lack of common sense." 227 U. S. App. D. C., at 33, 703 F.2d at 600. Nor is it any clearer to us than it was to him "what has been achieved by this rather exhausting expenditure of judicial resources." *Id.*, at 34, 703 F.2d, at 601.

Accordingly, the judgment of the Court of Appeals is

Reversed.

CONCUR BY: BURGER

CONCUR

[*300] CHIEF JUSTICE BURGER, concurring.

I concur fully in the Court's opinion.

I find it difficult to conceive of what "camping" means, if it does not include pitching a tent and building a fire. Whether sleeping or cooking follows is irrelevant. With all its frailties, the English language, as used in this country for several centuries, and as used in the Park Service regulations, could hardly be plainer in informing the public that camping in Lafayette Park was prohibited.

The actions here claimed as speech entitled to the protections of the *First Amendment* simply are not speech; rather, they constitute conduct. As Justice Black, who was never tolerant of limits on speech, emphatically pointed out in his separate opinion in *Cox v. Louisiana*, 379 U.S. 536, 578 (1965):

"The *First* and *Fourteenth Amendments*, I think, take away from government, state and federal, all power to restrict freedom of speech, press, and assembly *where people have a right to be for such purposes*. . . . Picketing, though it may be utilized to communicate ideas, is not speech, and therefore is not of itself protected by the *First Amendment*." (Emphasis in original; citations omitted.)

Respondents' attempt at camping in the park is a form of "picketing"; it is conduct, not speech. Moreover, it is conduct that interferes with the rights of others to use Lafayette Park for the purposes for which [*3073] it was created. Lafayette Park and others like it are for all the people, and their rights are not to be trespassed even by those who have some "statement" to make. Tents, fires, and sleepers, real or feigned, interfere with the rights of others to use our parks. Of [*301] course, the Constitution guarantees that people may make their "statements," but Washington has count-

less places for the kind of "statement" these respondents sought to make.

It trivializes the *First Amendment* to seek to use it as a shield in the [***232] manner asserted here. And it tells us something about why many people must wait for their "day in court" when the time of the courts is pre-empted by frivolous proceedings that delay the causes of litigants who have legitimate, nonfrivolous claims. This case alone has engaged the time of 1 District Judge, an en banc court of 11 Court of Appeals Judges, and 9 Justices of this Court.

DISSENT BY: MARSHALL

DISSENT

JUSTICE MARSHALL, with whom JUSTICE BRENNAN joins, dissenting.

The Court's disposition of this case is marked by two related failings. First, the majority is either unwilling or unable to take seriously the *First Amendment* claims advanced by respondents. Contrary to the impression given by the majority, respondents are not supplicants seeking to wheedle an undeserved favor from the Government. They are citizens raising issues of profound public importance who have properly turned to the courts for the vindication of their constitutional rights. Second, the majority misapplies the test for ascertaining whether a restraint on speech qualifies as a reasonable time, place, and manner regulation. In determining what constitutes a sustainable regulation, the majority fails to subject the alleged interests of the Government to the degree of scrutiny required to ensure that expressive activity protected by the *First Amendment* remains free of unnecessary limitations.

I

The proper starting point for analysis of this case is a recognition that the activity in which respondents seek to engage -- sleeping in a highly public place, outside, in the winter for the purpose of protesting homelessness -- is symbolic speech protected by the *First Amendment*. The majority [*302] assumes, without deciding, that the respondents' conduct is entitled to constitutional protection. *Ante*, at 293. The problem with this assumption is that the Court thereby avoids examining closely the reality of respondents' planned expression. The majority's approach denatures respondents' asserted right and thus makes all too easy identification of a Government interest sufficient to warrant its abridgment. A realistic appraisal of the competing interests at stake in this case requires a closer look at the nature of the expressive conduct at issue and the context in which that conduct would be displayed.

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

In late autumn of 1982, respondents sought permission to conduct a round-the-clock demonstration in Lafayette Park and on the Mall. Part of the demonstration would include homeless persons sleeping outside in tents without any other amenities.¹ Respondents sought to begin their demonstration on a date full of ominous meaning to any homeless person: the first day of winter. Respondents were similarly purposeful in choosing demonstration sites. The Court portrays these sites -- the Mall [***233] and Lafayette Park -- in a peculiar fashion. According to the Court:

"Lafayette Park and the Mall . . . are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly [**3074] 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a 'garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches.' . . . The Mall is a [*303] stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area." *Ante*, at 290.

Missing from the majority's description is any inkling that Lafayette Park and the Mall have served as the sites for some of the most rousing political demonstrations in the Nation's history. It is interesting to learn, I suppose, that Lafayette Park and the Mall were both part of Major Pierre L'Enfant's original plan for the Capital. Far more pertinent, however, is that these areas constitute, in the Government's words, "a fitting and powerful forum for political expression and political protest." Brief for Petitioners 11.²

1 The previous winter respondents had held a similar demonstration after courts ruled that the Park Service regulations then in effect did not extend to respondents' proposed activities. *Community for Creative Non-Violence v. Watt*, 216 U. S. App. D. C. 394, 670 F.2d 1213 (1982) (CCNV I). Those activities consisted of setting up and sleeping in nine tents in Lafayette Park. The regulations at issue in this case were promulgated in direct response to CCNV I. 47 Fed. Reg. 24299 (1982).

2 At oral argument, the Government informed the Court "that on any given day there will be an average of three or so demonstrations going on" in the Mall-Lafayette Park area. Tr. of Oral Arg. 3-4. Respondents accurately describe Lafayette Park "as the American analogue to 'Speaker's Corner' in Hyde Park." Brief for Respondents 16, n. 25.

The primary³ purpose for making *sleep* an integral part of the demonstration was "to re-enact the central reality of [*304] homelessness," Brief for Respondents 2, and to impress upon public consciousness, in as dramatic a way as possible, that homelessness is a widespread problem, often ignored, that confronts its victims with life-threatening deprivations.⁴ [***234] As one of the homeless men seeking to demonstrate explained: "Sleeping in Lafayette Park or on the Mall, for me, is to show people that conditions are so poor for the homeless and poor in this city that we would actually sleep *outside* in the winter to get the point across." *Id.*, at 3.

3 Another purpose for making sleep part of the demonstration was to enable participants to weather the rigors of the round-the-clock vigil and to encourage other homeless persons to participate in the demonstration. As respondents stated in their application for a demonstration permit:

"If there was ever any question as to whether sleeping was a necessary element in this demonstration, it should be answered by now [in light of the previous year's demonstration]. No matter how hard we tried to get [homeless persons] to come to Reaganville [the name given to the demonstration by respondents], they simply would not come, until sleeping was permitted." App. 14.

4 Estimates on the number of homeless persons in the United States range from two to three million. See Brief for National Coalition for the Homeless as *Amicus Curiae* 3. Though numerically significant, the homeless are politically powerless inasmuch as they lack the financial resources necessary to obtain access to many of the most effective means of persuasion. Moreover, homeless persons are likely to be denied access to the vote since the lack of a mailing address or other proof of residence within a State disqualifies an otherwise eligible citizen from registering to vote. *Id.*, at 5.

The detrimental effects of homelessness are manifold and include psychic trauma, circulatory difficulties, infections that refuse to heal, lice infestations, and hypothermia. *Id.*, at 14-15. In

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

the extreme, exposure to the elements can lead to death; over the 1983 Christmas weekend in New York City, 14 homeless persons perished from the cold. See N. Y. Times, Dec. 27, 1983, p. A1., col. 1.

In a long line of cases, this Court has afforded *First Amendment* protection to expressive conduct that qualifies as symbolic speech. See, e. g., *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969) (black armband worn by students in public school as protest against United States policy in Vietnam war); *Brown v. Louisiana*, 383 U.S. 131 [*3075] (1966) (sit-in by Negro students in "whites only" library to protest segregation); *Stromberg v. California*, 283 U.S. 359 (1931) (flying red flag as gesture of support for communism). In light of the surrounding context, respondents' proposed activity meets the qualifications. The Court has previously acknowledged the importance of context in determining [*305] whether an act can properly be denominated as "speech" for *First Amendment* purposes and has provided guidance concerning the way in which courts should "read" a context in making this determination. The leading case is *Spence v. Washington*, 418 U.S. 405 (1974), where this Court held that displaying a United States flag with a peace symbol attached to it was conduct protected by the *First Amendment*. The Court looked first to the intent of the speaker -- whether there was an "intent to convey a particularized message" -- and second to the perception of the audience -- whether "the likelihood was great that the message would be understood by those who viewed it." *Id.*, at 410-411. Here respondents clearly intended to protest the reality of homelessness by sleeping outdoors in the winter in the near vicinity of the magisterial residence of the President of the United States. In addition to accentuating the political character of their protest by their choice of location and mode of communication, respondents also intended to underline the meaning of their protest by giving their demonstration satirical names. Respondents planned to name the demonstration on the Mall "Congressional Village," and the demonstration in Lafayette Park, "Reaganville II." App. 13.

Nor can there be any doubt that in the surrounding circumstances the likelihood was great that the political significance of sleeping in the parks would be understood by those who viewed it. Certainly the news media understood the significance of respondents' proposed activity; newspapers and magazines from around the Nation reported their previous sleep-in and their planned display.⁵ Ordinary citizens, too, would likely understand the political message intended by respondents. This likelihood stems from the remarkably apt fit between the activity [***235] in which respondents seek to engage [*306] and the social problem they seek to highlight.

By using sleep as an integral part of their mode of protest, respondents "can express with their bodies the poignancy of their plight. They can physically demonstrate the neglect from which they suffer with an articulateness even Dickens could not match." *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 34, 703 F.2d 586, 601 (1983) (Edwards, J. concurring).

5 See articles appended to Declaration of Mary Ellen Hombs, Record, Vol. 1.

It is true that we all go to sleep as part of our daily regimen and that, for the most part, sleep represents a physical necessity and not a vehicle for expression. But these characteristics need not prevent an activity that is normally devoid of expressive purpose from being used as a novel mode of communication. Sitting or standing in a library is a commonplace activity necessary to facilitate ends usually having nothing to do with making a statement. Moreover, sitting or standing is not conduct that an observer would normally construe as expressive conduct. However, for Negroes to stand or sit in a "whites only" library in Louisiana in 1965 was powerfully expressive; in that particular context, those acts became "monuments of protest" against segregation. *Brown v. Louisiana*, *supra*, at 139.

The Government contends that a foreseeable difficulty of administration counsels against recognizing sleep as a mode of expression protected by the *First Amendment*. The predicament the Government envisions can be termed "the imposter problem": the problem of distinguishing bona fide protesters from imposters whose requests for permission to sleep in Lafayette Park or the Mall on *First Amendment* [***3076] grounds would mask ulterior designs -- the simple desire, for example, to avoid the expense of hotel lodgings. The Government maintains that such distinctions cannot be made without inquiring into the sincerity of demonstrators and that "such an inquiry would itself pose dangers to *First Amendment* values because it would necessarily be content-sensitive. I find this argument unpersuasive. First, a [*307] variety of circumstances *already* require government agencies to engage in the delicate task of inquiring into the sincerity of claimants asserting *First Amendment* rights. See, e. g., *Wisconsin v. Yoder*, 406 U.S. 205, 215-216 (1972) (exception of members of religious group from compulsory education statute justified by group's adherence to deep religious conviction rather than subjective secular values); *Welsh v. United States*, 398 U.S. 333, 343-344 (1970) (eligibility for exemption from military service as conscientious objector status justified by sincere religious beliefs). It is thus incorrect to imply that any scrutiny of the asserted purpose of persons seeking a permit to display sleeping as a form of symbolic speech would import something altogether new

and disturbing into our *First Amendment* jurisprudence. Second, the administrative difficulty the Government envisions is now nothing more than a vague apprehension. If permitting sleep to be used as a form of protected *First Amendment* activity actually created the administrative problems the Government now envisions, there would emerge a clear factual basis upon which to establish the [***236] necessity for the limitation the Government advocates.

The Government's final argument against granting respondents' proposed activity any degree of *First Amendment* protection is that the contextual analysis upon which respondents rely is fatally flawed by overinclusiveness. The Government contends that the *Spence* approach is overinclusive because it accords *First Amendment* status to a wide variety of acts that, although expressive, are obviously subject to prohibition. As the Government notes, "[actions] such as assassination of political figures and the bombing of government buildings can fairly be characterized as intended to convey a message that it readily perceived by the public." Brief for Petitioners 24, n. 18. The Government's argument would pose a difficult problem were the determination whether an act constitutes "speech" the end of *First Amendment* analysis. But such a determination is not the end. If [*308] an act is defined as speech, it must still be balanced against countervailing government interests. The balancing which the *First Amendment* requires would doom any argument seeking to protect antisocial acts such as assassination or destruction of government property from government interference because compelling interests would outweigh the expressive value of such conduct.

II

Although sleep in the context of this case is symbolic speech protected by the *First Amendment*, it is nonetheless subject to reasonable time, place, and manner restrictions. I agree with the standard enunciated by the majority: "[Restrictions] of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Ante*, at 293 (citations omitted).⁶ I conclude, however, that the regulations at issue in this case, as applied to respondents, fail to satisfy this standard.

⁶ I also agree with the majority that no substantial difference distinguishes the test applicable to time, place, and manner restrictions and the test articulated in *United States v. O'Brien*, 391 U.S. 367 (1968). See *Ante*, at 298-299, n. 8.

According to the majority, the significant Government interest advanced by denying respondents' request to engage in sleep-speech is the interest in "maintaining the parks in the heart of our Capital in an [**3077] attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence." *Ante*, at 296. That interest is indeed significant. However, neither the Government nor the majority adequately explains how prohibiting respondents' planned activity will substantially further that interest.

The majority's attempted explanation begins with the curious statement that it seriously doubts that the *First* [*309] *Amendment* requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. *Ante*, [***237] at 296. I cannot perceive why the Court should have "serious doubts" regarding this matter and it provides no explanation for its uncertainty. Furthermore, even if the majority's doubts were well founded, I cannot see how such doubts relate to the problem at hand. The issue posed by this case is not whether the Government is constitutionally compelled to permit the erection of tents and the staging of a continuous 24-hour vigil; rather, the issue is whether any substantial Government interest is served by banning sleep that is part of a political demonstration.

What the Court may be suggesting is that if the tents and the 24-hour vigil are permitted, but not constitutionally required to be permitted, then respondents have no constitutional right to engage in expressive conduct that supplements these activities. Put in arithmetical terms, the Court appears to contend that if X is permitted by grace rather than by constitutional compulsion, X + 1 can be denied without regard to the requirements the Government must normally satisfy in order to restrain protected activity. This notion, however, represents a misguided conception of the *First Amendment*. The *First Amendment* requires the Government to justify every instance of abridgment. That requirement stems from our oft-stated recognition that the *First Amendment* was designed to secure "the widest possible dissemination of information from diverse and antagonistic sources," *Associated Press v. United States*, 326 U.S. 1, 20 (1945), and "to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U.S. 476, 484 (1957). See also *Buckley v. Valeo*, 424 U.S. 1, 49 (1976); *New York Times Co. v. Sullivan*, 376 U.S. 254, 266 (1964); *Whitney v. California*, 274 U.S. 357, 375-378 (1927) (Brandeis, J., concurring). Moreover, the stringency of that requirement is [*310] not diminished simply because the activity the Government seeks to restrain is supplemental to other activity that the Gov-

ernment may have permitted out of grace but was not constitutionally compelled to allow. If the Government cannot adequately justify abridgment of protected expression, there is no reason why citizens should be prevented from exercising the *first* of the rights safeguarded by our *Bill of Rights*.

The majority's second argument is comprised of the suggestion that, although sleeping contains an element of expression, "its major value to [respondents'] demonstration would have been facilitative." *Ante*, at 296. While this observation does provide a hint of the weight the Court attached to respondents' *First Amendment* claims,⁷ it is utterly irrelevant to [***238] whether [**3078] the Government's ban on sleeping advances a substantial Government interest.

7 The facilitative purpose of the sleep-in takes away nothing from its independent status as symbolic speech. Moreover, facilitative conduct that is closely related to expressive activity is itself protected by *First Amendment* considerations. I therefore find myself in agreement with Judge Ginsburg who noted that "the personal non-communicative aspect of sleeping in symbolic tents at a demonstration site bears a close, functional relationship to an activity that is commonly comprehended as 'free speech.'" *Community for Creative Non-Violence v. Watt*, 227 U.S. App. D. C. 19, 40, 703 F.2d 586, 607 (1983). "[Sleeping] in the tents rather than simply standing or sitting down in them, allows the demonstrator to sustain his or her protest without stopping short of the officially-granted round-the-clock permission." *Ibid*. For me, as for Judge Ginsburg, that linkage itself "suffices to require a genuine effort to balance the demonstrators' interests against other concerns for which the government bears responsibility." *Ibid*.

The majority's third argument is based upon two claims. The first is that the ban on sleeping relieves the Government of an administrative burden because, without the flat ban, the process of issuing and denying permits to other demonstrators asserting *First Amendment* rights to sleep in the parks "would present difficult problems for the Park Service." *Ante*, at 297. The second is that the ban on sleeping [*311] will increase the probability that "some around-the-clock demonstrations for days on end will not materialize, [that] others will be limited in size and duration, and that the purpose of the regulation will thus be materially served," *ante*, at 297, that purpose being "to limit the wear and tear on park properties." *Ante*, at 299.

The flaw in these two contentions is that neither is supported by a factual showing that evinces a real, as

opposed to a merely speculative, problem. The majority fails to offer any evidence indicating that the absence of an absolute ban on sleeping would present administrative problems to the Park Service that are substantially more difficult than those it ordinarily confronts. A mere apprehension of difficulties should not be enough to overcome the right to free expression. See *United States v. Grace*, 461 U.S. 171, 182 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S., at 508. Moreover, if the Government's interest in avoiding administrative difficulties were truly "substantial," one would expect the agency most involved in administering the parks at least to allude to such an interest. Here, however, the perceived difficulty of administering requests from other demonstrators seeking to convey messages through sleeping was not among the reasons underlying the Park Service regulations.⁸ Nor was it mentioned by the Park Service in its rejection of respondents' particular request.⁹

8 See 47 *Fed. Reg.* 24301 (1982).

9 App. 16-17.

The Court's erroneous application of the standard for ascertaining a reasonable time, place, and manner restriction is also revealed by the majority's conclusion that a substantial governmental interest is served by the sleeping ban because it will discourage "around-the-clock demonstrations for days" and thus further the regulation's purpose "to limit wear and tear on park properties." *Ante*, at 299. The majority cites no evidence indicating that sleeping engaged in as symbolic speech will cause *substantial* wear and tear on park property. [*312] Furthermore, the Government's application of the sleeping ban in the circumstances of this case is strikingly underinclusive. The majority acknowledges that a proper time, place, and manner restriction must be "narrowly tailored." Here, however, the tailoring requirement is virtually [***239] forsaken inasmuch as the Government offers no justification for applying its absolute ban on sleeping yet is willing to allow respondents to engage in activities -- such as feigned sleeping -- that is no less burdensome.

In short, there are no substantial Government interests advanced by the Government's regulations as applied to respondents. All that the Court's decision advances are the prerogatives of a bureaucracy that over the years has shown an implacable hostility toward citizens' exercise of *First Amendment* rights.¹⁰

10 At oral argument, the Government suggested that the ban on sleeping should not be invalidated as applied to respondents simply because the Government is willing to allow respondents to engage in other nonverbal acts of expression that

may also trench upon the Government interests served by the ban. Tr. of Oral Arg. 15, 23. The Government maintains that such a result makes the Government a victim of its own generosity. However the Government's characterization of itself as an unstinting provider of opportunities for protected expression is thoroughly discredited by a long line of decisions compelling the National Park Service to allow the expressive conduct it now claims to permit as a matter of grace. See, e. g., *Women Strike for Peace v. Morton*, 153 U. S. App. D. C. 198, 472 F.2d 1273 (1972); *A Quaker Action Group v. Morton*, 170 U. S. App. D. C. 124, 516 F.2d 717 (1975); *United States v. Abney*, 175 U. S. App. D. C. 247, 534 F.2d 984 (1976).

[**3079] III

The disposition of this case impels me to make two additional observations. First, in this case, as in some others involving time, place, and manner restrictions,¹¹ the Court [*313] has dramatically lowered its scrutiny of governmental regulations once it has determined that such regulations are content-neutral. The result has been the creation of a two-tiered approach to *First Amendment* cases: while regulations that turn on the content of the expression are subjected to a strict form of judicial review,¹² regulations that are aimed at matters other than expression receive only a minimal level of scrutiny. The minimal scrutiny prong of this two-tiered approach has led to an unfortunate diminution of *First Amendment* protection. By narrowly limiting its concern to whether a given regulation creates a content-based distinction, the Court has seemingly overlooked the fact that content-neutral restrictions are also capable of unnecessarily restricting protected expressive activity.¹³ To be sure, the general prohibition against content-based regulations is an essential tool of *First Amendment* analysis. It helps to put into operation the well-established principle [***240] that "government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views." *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972). The Court, however, has transformed the ban against content distinctions from a floor that offers all persons at least equal liberty under the *First Amendment* into a ceiling that restricts persons to the protection of *First Amendment* equality -- but nothing more.¹⁴ [**3080] The consistent [*314] imposition of silence upon all may fulfill the dictates of an evenhanded content-neutrality. But it offends our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S., at 270.¹⁵

11 See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981). But see *United States v. Grace*, 461 U.S. 171 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969); *Brown v. Louisiana*, 383 U.S. 131 (1966).

12 See, e. g., *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978). It should be noted, however, that there is a context in which regulations that are facially content-neutral are nonetheless subjected to strict scrutiny. This situation arises when a regulation vests standardless discretion in officials empowered to dispense permits for the use of public forums. See, e. g., *Lovell v. City of Griffin*, 303 U.S. 444 (1938); *Hague v. CIO*, 307 U.S. 496 (1939); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

13 See Redish, *The Content Distinction in First Amendment Analysis*, 34 Stan. L. Rev. 113 (1981).

14 Furthermore, a content-neutral regulation does not necessarily fall with random or equal force upon different groups or different points of view. A content-neutral regulation that restricts an inexpensive mode of communication will fall most heavily upon relatively poor speakers and the points of view that such speakers typically espouse. See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*, at 812-813, n. 30. This sort of latent inequality is very much in evidence in this case for respondents lack the financial means necessary to buy access to more conventional modes of persuasion.

A disquieting feature about the disposition of this case is that it lends credence to the charge that judicial administration of the *First Amendment*, in conjunction with a social order marked by large disparities in wealth and other sources of power, tends systematically to discriminate against efforts by the relatively disadvantaged to convey their political ideas. In the past, this Court has taken such considerations into account in adjudicating the *First Amendment* rights of those among us who are financially deprived. See, e. g., *Martin v. Struthers*, 319 U.S. 141, 146 (1943) (striking down ban on door-to-door distribution of circulars in part because this mode of distribution is "essential to the poorly financed causes of little people"); *Marsh v. Alabama*, 326 U.S. 501 (1946) (State cannot impose criminal sanction on person for distributing literature on sidewalk of town owned by private corporation).

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

Such solicitude is noticeably absent from the majority's opinion, continuing a trend that has not escaped the attention of commentators. See, e.g., Dorsen & Gora, Free Speech, Property, and The Burger Court: Old Values, New Balances, 1982 S. Ct. Rev. 195; Van Alstyne, The Recrudescence of Property Rights as the Foremost Principle of Civil Liberties: The First Decade of the Burger Court, 43 Law & Contemp. Prob. 66 (summer 1980).

15 For a critique of the limits of the equality principle in *First Amendment* analysis see Redish, *supra*, at 134-139.

Second, the disposition of this case reveals a mistaken assumption regarding the motives and behavior of Government officials who create and administer content-neutral regulations. The Court's salutary skepticism of governmental decisionmaking in *First Amendment* matters suddenly dissipates once it determines that a restriction is not [*315] content-based. The Court evidently assumes that the balance struck by officials is deserving of deference so long as it does not appear to be tainted by content discrimination. What the Court fails to recognize is that public officials have strong incentives to overregulate even in the absence of an intent to censor particular views. This incentive stems from the fact that of the two groups whose interests officials must accommodate -- on the one hand, the interests of the general public and, on the other, the interests of those who seek to use a particular forum for *First Amendment* activity -- the political [***241] power of the former is likely to be far greater than that of the latter.¹⁶

16 See Goldberger, Judicial Scrutiny in Public Forum Cases: Misplaced Trust in the Judgment of Public Officials, 32 Buffalo L. Rev. 175, 208 (1983).

The political dynamics likely to lead officials to a disproportionate sensitivity to regulatory as opposed to *First Amendment* interests can be discerned in the background of this case. Although the Park Service appears to have applied the revised regulations consistently, there are facts in the record of this case that raise a substantial possibility that the impetus behind the revision may have derived less from concerns about administrative difficulties and wear and tear on the park facilities, than from

other, more "political," concerns. The alleged need for more restrictive regulations stemmed from a court decision favoring the same *First Amendment* claimants that are parties to this case. See n. 1, *supra*. Moreover, in response both to the Park Service's announcement that it was considering changing its rules and the respondents' expressive activities, at least one powerful group urged the Service to tighten its regulations.¹⁷ The point of these observations is not to impugn the integrity of the National Park Service. Rather, my intention is to illustrate concretely that government agencies by their [*316] very nature are driven to overregulate public forums to the detriment of *First Amendment* rights, that facial viewpoint-neutrality is no shield against unnecessary restrictions on unpopular ideas or modes of expression, and that in this case in particular there was evidence readily available that should have impelled the Court to subject the Government's restrictive policy to something more than minimal scrutiny.

17 See Declaration of Mary Ellen Hombs, Exhibit 1kk, Record, Vol. 1.

For the foregoing reasons, I respectfully dissent.

REFERENCES

Restriction of use of public parks as violating freedom of speech or press under *First Amendment of Federal Constitution*

59 Am Jur 2d, Parks, Squares, and Playgrounds 33

USCS, *Constitution, 1st Amendment*

US L Ed Digest, Constitutional Law 934, 960

L Ed Index to Annos, Parks

ALR Quick Index, Parks and Playgrounds

Federal Quick Index, National Parks; Parks

Annotation References:

Restriction of use of public parks as violating freedom of speech or press under *First Amendment of Federal Constitution*. 82 L Ed 2d 958.

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1 of 100 DOCUMENTS

WILLIAM THOMAS, et al., Plaintiffs, v. THE UNITED STATES OF AMERICA,
et al., Defendants

Civil Action Nos. 84-3552-LFO, 87-1820-LFO

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

696 F. Supp. 702; 1988 U.S. Dist. LEXIS 10516

September 16, 1988, Decided
September 16, 1988, Filed

COUNSEL: [**1] Counsel for Plaintiffs: William Thomas, Pro Se, Washington, District of Columbia, Mark A. Venuti, Esq., Washington, District of Columbia.

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JUDGES: Louis F. Oberdorfer, United States District Judge.

OPINION BY: OBERDORFER

OPINION

[*703] MEMORANDUM

LOUIS F. OBERDORFER, UNITED STATES DISTRICT JUDGE.

Pro se plaintiffs William Thomas, Ellen Thomas, Concepcion Picciotto, Robert Dorrough, and others, individually and as organized, in various combinations, into the "White House Antinuclear Vigil" and the "Peace

Park Anti-Nuclear Vigil" sue President Reagan, the Secretary of the Interior, and numerous Interior and Park Police officials for injuries allegedly arising out of plaintiffs' communicative activities in Lafayette Park, Washington, D.C.

In 1984, plaintiffs filed suit against Department of the Interior officials challenging the constitutionality of several regulations regulating the time, place, and manner of *First Amendment* activity near the White House and in Lafayette Park. Plaintiffs also sought damages for injuries arising out of an alleged federal conspiracy to promulgate [**2] those regulations for the purpose of infringing plaintiffs' *First Amendment* freedoms. In 1987, plaintiffs filed a second action against many of the same federal defendants together with News World Communications, doing business as the *Washington Times*, the Reverend Sun Myung Moon, and others associated with the newspaper and with a political association known as the Young Americans for Freedom. The 1987 complaint reiterated the constitutional challenges launched against the regulations and against federal officials in 1984. At the same time, plaintiffs broadened their constitutional tort allegations to embrace the nonfederal defendants, on a theory that the *Washington Times* had engaged in a campaign to libel plaintiffs and to discredit and, eventually, to suppress their expressive activity.

An Order issued on February 23, 1988, dismissed all counts of the 1987 complaint against all but three of the named nonfederal defendants. Because the reasoning of the February 23 Order applies with equal force to plaintiffs' claims against these three defendants as to the claims against the *Times* defendants, those claims must

also be dismissed for failure to state a claim upon which relief [**3] can be granted.

The February 23 Order also consolidated plaintiffs' 1987 claims against the various Department of the Interior officials with plaintiffs' 1984 claims against those officials. Defendants in these consolidated cases move to dismiss or for summary judgment. For the reasons stated in this Memorandum, an accompanying Order grants that motion and dismisses both complaints without prejudice.

[*704] I.

Plaintiffs have attempted to maintain a continuous anti-nuclear demonstration in front of the White House, along Pennsylvania Avenue, and in Lafayette Park. One of the individual plaintiffs commenced his vigil in 1981; other plaintiffs joined throughout the following six years. The February 23, 1988 Order recounts in some detail the factual circumstances of plaintiffs' vigil and of the communicative activity in which they are engaged. The complete factual narrative is not repeated here.

Over the course of their vigil, plaintiffs and federal law enforcement officials have engaged in an ongoing confrontation arising from plaintiffs' exercise of *First Amendment* rights. At the core of this chronic struggle lie several Department of the Interior regulations that establish the time, [**4] place, and manner of *First Amendment* activity in Lafayette Park. See 36 C.F.R. § 7.96(g)(5) (1987). Among other things, these regulations specify the size and number of signs that may be in the possession of an individual in the park and require that someone "attend" the signs at all times. See 36 C.F.R. § 7.96(g) (5) (x) (B) (2). For purposes of the regulation, to "attend" one's sign is to remain within three feet of it. *Id.* Most importantly, for purposes of this litigation, the regulations proscribe "camping" in Lafayette Park. See 36 C.F.R. §§ 7.96(g) (5) (x), 7.96(i).

It is undisputed that plaintiffs have been repeatedly warned, cited, arrested, and convicted for violating one or another of these regulations. Plaintiff Thomas alone has been tried for such infractions in this Court at least a dozen times since 1982. See Federal Defendants' Motion to Dismiss or for Summary Judgment, Statement of Material Facts, paras. 1-10 (recounting specific instances of citation and arrest).

Plaintiffs challenge these regulations on two fronts. Claiming a cause of action under 42 U.S.C. §§ 1983, 1985(3), and 1986, as well as *Bivens v. Six Unknown Named Agents*, 403 U.S. 388, 29 L. Ed. 2d 619, 91 S. Ct. 1999 (1971), [**5] and various common law tort theories, plaintiffs seek damages both against those responsible for promulgating the regulations and against those who have enforced them against participants in the vigil. Moreover, plaintiffs pray for declaratory and injunctive

relief invalidating the regulations themselves on constitutional grounds.

II.

Plaintiffs' damage claims against the federal defendants must fail. Those claims center on a theory that the regulations themselves, and the emergent pattern of their enforcement, reveal a conspiracy among Department of the Interior and Park Police officials to quell plaintiffs' twenty-four hour *First Amendment* vigil in Lafayette Park. The 1987 complaint enlarged the conspiracy theory to embrace private defendants who allegedly contributed to the plot by publishing unflattering criticism of plaintiffs' demonstration and the content of their expression.

Neither the 1984 nor the 1987 complaint, however, satisfies the standards that govern the assertion of such constitutional tort claims under sections 1983 or 1985(3). As elaborated in some detail in the February 23, 1988 Order, section 1983 cannot support an action against federal actors arising out [**6] of actions taken under color of federal law, as is the case when federal officials promulgate and then enforce a federal regulation. See *Thomas v. News World Communications*, 681 F. Supp. 55, 67 (D.D.C. 1988), and cases there collected.

Moreover, again as discussed in the previous Order, the claims advanced in both actions fall short of the heightened pleading standard imposed on civil rights complaints under *Hobson v. Wilson*, 237 U.S. App. D.C. 219, 737 F.2d 1, 30 (D.C. Cir. 1984), cert. denied, 470 U.S. 1084, 85 L. Ed. 2d 142, 105 S. Ct. 1843 (1985), and *Martin v. Malhoyt*, 265 U.S. App. D.C. 89, 830 F.2d 237, 258 (D.C. Cir. 1987). Indeed, as *Martin* emphasizes, the policies underlying the imposition of a heightened pleading standard are most compelling where, as here, civil rights claims are brought against a public official. The requirement that plaintiffs asserting such claims "come forward with 'nonconclusory allegations of evidence [if they are] [*705] to proceed to discovery on the claim'" operates by design "to protect federal officials' freedom of [**7] action from the 'fear of damage suits.'" *Martin*, 830 F.2d at 257 (quoting *Hobson*, 737 F.2d at 29), 250 n.32 (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 814, 73 L. Ed. 2d 396, 102 S. Ct. 2727 (1982)). The heightened pleading standard in actions against government officials also serves to shield public officials from becoming unduly enmeshed in protracted discovery. See *id.* at 257. None of the damage claims can survive defendants' motion to dismiss.

III.

Plaintiffs' claim for injunctive and declaratory relief raises closer questions. Plaintiffs claim that the regula-

tion codified at 36 C.F.R. § 7.96(g)(5)(x)(B), which prohibits the placement of unattended signs in Lafayette Park, "plac[es] arbitrary, capricious, and unwarranted restrictions" on those who "wish[] to demonstrate" there. 1987 Complaint at para. 64. Plaintiffs imply that abusive and selective enforcement of this regulation, *id.* at para. 65, has resulted in an unconstitutional infringement of their *First Amendment* rights, *id.* at para. 107. Similarly, plaintiffs cite numerous arrests by Park Police officers [**8] for violations of the "camping" and "storage of property" regulations, codified at 36 C.F.R. § 7.96(i), to support a general allegation that these regulations are being enforced in a manner that violates the *First Amendment*. It is beyond question that all three regulations constitute valid time, place, and manner restrictions on the exercise of *First Amendment* rights in Lafayette Park. The constitutionality of the "camping" regulations has been explicitly upheld by the Supreme Court. *See Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 82 L. Ed. 2d 221, 104 S. Ct. 3065 (1984) ("CCNV"). Plaintiffs acknowledge the Supreme Court's ruling on this question. *See* Plaintiffs [sic] Opposition to Federal Defendants' Motion to Dismiss or for Summary Judgment [hereinafter Plaintiffs' Opposition (2)] at 26 n.10.

The challenged three-foot sign attendance requirement, codified at 36 C.F.R. section 7.96(g)(5)(x)(B)(2), was upheld against constitutional challenge in this Court in litigation brought by several of these same plaintiffs in *United States v. Musser*, Cr. No. 87-157 (D.D.C. June 17, 1987) (Richey, J.). *See* Federal Defendants' [**9] Opposition to Plaintiffs' Motion for a Preliminary Injunction and a Temporary Restraining Order at 4. Plaintiffs advance no argument compelling a contrary ruling in this action. It is important to note, in this regard, that the CCNV Court made it clear that the judiciary is not to substitute its own judgment for that of the Department of the Interior by evaluating the wisdom and necessity of protective parkland regulation such as the "unattended structure" proscription plaintiffs now challenge. CCNV, 468 U.S. at 299.

Plaintiffs' challenge to the Park Police's enforcement of these indisputably valid regulations against them raises more difficult questions. Plaintiffs allege a pattern of arrests and seizures of property that exceed, in their view, the appropriate scope of enforcement of the regulations. *See, e.g.*, Complaint (1) at paras. 64-71. Relying on that pattern, plaintiffs claim that defendant Hodel and two Assistant Solicitors for the Department of Interior, as the ultimate supervisors of the Park Police, have pursued a policy intended to prohibit demonstrations and protests altogether in Lafayette Park "on an incremental basis." [**10] *See id.* at paras. 84-86. Yet, central to plaintiffs' claims, as expressed in both actions, lies their contention that

the [Lafayette Park] regulations have . . . had the propensity or effect to be enforced in such a manner as to effectively disrupt or terminate every . . . form of legitimate communication in which plaintiffs were engaged . . . , as well as subjecting plaintiffs to unend[ing] mental anguish, and a judicial system whose patience for "repeat offenders" might be wearing a bit thin.

Plaintiffs' Statement of Material Facts in Dispute, filed with Plaintiffs' Opposition to Federal Defendants' Motion to Dismiss, or for Summary Judgment (No. 87-1820) [*706] (filed Oct. 28, 1987) [hereinafter Plaintiffs' 2d Statement of Facts] at para. 22.

Plaintiffs thus raise a serious vagueness challenge to the regulations. Regulations of the sort at issue here are *criminal laws*. "No one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes. All are entitled to be informed as to what the State commands or forbids." *Bouie v. City of Columbia*, 378 U.S. 347, 351, 12 L. Ed. 2d 894, 84 S. Ct. 1697 (1964) [**11] (quoting *Lanzetta v. New Jersey*, 306 U.S. 451, 453, 83 L. Ed. 888, 59 S. Ct. 618 (1939)). In order to conform to the due process component of the *Fifth Amendment*, a criminal provision must

define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.

Kolender v. Lawson, 461 U.S. 352, 357, 75 L. Ed. 2d 903, 103 S. Ct. 1855 (1983) (citing, *inter alia*, *Grayned v. City of Rockford*, 408 U.S. 104, 33 L. Ed. 2d 222, 92 S. Ct. 2294 (1972) and *Papachristou v. City of Jacksonville*, 405 U.S. 156, 31 L. Ed. 2d 110, 92 S. Ct. 839 (1972)). Accordingly, under the void-for-vagueness doctrine, criminal statutes, as well as administrative regulations carrying penal sanctions, must be held unconstitutional when they fall short of this standard. *See Grayned*, 408 U.S. at 108. Vagueness is an especial evil where the criminal provision "abut[s]" [**12] upon sensitive areas of basic *First Amendment* freedoms' [because] it 'operates to inhibit the exercise of [those] freedoms.'" *Id.* at 109 (quoting *Baggett v. Bullitt*, 377 U.S. 360, 372, 12 L. Ed. 2d 377, 84 S. Ct. 1316 (1964), and *Cramp v. Board of Public Instruction*, 368 U.S. 278, 287, 7 L. Ed. 2d 285, 82 S. Ct. 275 (1961)). Vague time, place, and manner regulations cause citizens to steer wider of the

unlawful zone than they would if the boundaries of the forbidden areas were clearly marked. *See United States Civil Serv. Comm'n v. National Ass'n of Letter Carriers*, 413 U.S. 548, 577-81, 37 L. Ed. 2d 796, 93 S. Ct. 2880 (1973) (hereinafter *Letter Carriers*) (subjecting Civil Service regulation that prohibits participation in partisan politics to scrutiny under vagueness doctrine and concluding that regulation is constitutional); *Keeffe v. Library of Congress*, 250 U.S. App. D.C. 117, 777 F.2d 1573, 1581 (D.C. Cir. 1985) (applying "the degree of precision required by *Letter* [**13] *Carriers*" to all regulations "validly promulgated under an enabling statute").

In *Kolender v. Lawson*, *supra*, the Supreme Court observed that, although the vagueness doctrine "focuses both on actual notice to citizens and arbitrary enforcement," its most important aspect "is not actual notice, but . . . the requirement that a legislature establish minimal guidelines to govern law enforcement." 461 U.S. at 357-58 (quoting *Smith v. Goguen*, 415 U.S. 566, 574, 39 L. Ed. 2d 605, 94 S. Ct. 1242 (1974)). *Kolender* held unconstitutionally vague a California penal statute that required persons who loitered or wandered on the streets to provide a "credible and reliable" identification and to account for their presence when detained by a police officer. Finding that the "credible and reliable" standard provided insufficient particularity "for determining what a suspect has to do in order to satisfy the requirement," the Court ruled the statute "unconstitutionally vague on its face because it encourages arbitrary enforcement. . . ." *Id.* at 358, 361.

Plaintiffs [**14] here report a series of incidents over the past six years in which one, some, or all of them were arrested, threatened with arrest, or otherwise confronted by Park Police officers regarding alleged violations of the Lafayette Park regulations. *See Memorandum Opinion, Report & Recommendation of Magistrate Burnett* (No. 84-3552, filed Jan. 23, 1987) at 8-14 (summarizing factual allegations contained in 1984 complaint); Plaintiffs' Motion for Additional Discovery and for Leave to Perfect Service of Process, Statement of Claims and Issues for Trial, and Response to Magistrate's Report and Recommendations (filed in 84-3552 on March 6, 1987 by [*707] counsel Mark Venuti) at 17-20 (characterizing defendants' reaction over time to plaintiffs' persistent demonstration as a "campaign of harassment and unlawful arrest"); Plaintiffs' 2d Statement of Material Facts at paras. 2-12 (narrating incidents in 1986 and 1987). Defendants do not contest the claim that plaintiffs have been repeatedly arrested for violations of the "camping" and other regulations and have had property seized by Park Police in conjunction with their expressive activities in Lafayette Park. *See Federal Defendants' [**15] Statement of Material Facts Not in*

Dispute (filed August 29, 1986, in C.A. No. 84-3552) [hereinafter Defendants' 1st Statement of Facts] at para. 2; Federal Defendants' Statement of Material Facts Not in Dispute (filed in C.A. No. 87-1820) [hereinafter Defendants' 2d Statement of Facts] at paras. 1-10. Defendants do, however, deny that the regulations, as written or as enforced against plaintiffs, are unconstitutionally vague. *See Federal Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction and Temporary Restraining Order* at 23.

Plaintiffs maintain that they sincerely want to conduct their demonstration within the boundaries of legitimate time, place, and manner restrictions. They contend that they have attempted to "clarify with the Secretary of Interior or his delegates the terms and conditions which would have enabled a law abiding person to accommodate a protest like [plaintiffs'] with the valid laws regulating the use of public parks." Memorandum in Support of Plaintiffs [sic] Notice of Filing [hereinafter Notice of Filing] at 3. Indeed, plaintiffs proffer evidence of persistent correspondence to this end with, among others, the Assistant Secretary for [**16] Fish and Wildlife and Parks, *id.* at Exhibit 6 (letter from plaintiffs dated July 21, 1984), defendant Secretary of the Interior, *id.* at Exhibit 10 (letter from plaintiffs dated April 28, 1986), the Director of Public Affairs for the National Park Service, *id.* at Exhibit 13 (letter from plaintiffs dated May 17, 1986), and defendants' counsel, *id.* at Exhibit 19 (letter from plaintiffs' counsel dated March 26, 1987). These letters reveal a sustained effort by plaintiffs to ascertain the precise meaning and scope of the Lafayette Park regulations in order to avoid both criminal sanctions and the concomitant interruption of their expressive demonstration.

Plaintiffs' uncertainty centers on two particular elements of the Park regulations: the ban on "camping" codified at 36 C.F.R. section 7.96(i) and the ban on the storage of personal property, contained within the ban on camping. *See Plaintiffs' Response to Federal Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction and Temporary Restraining Order* (filed in 87-1820, July 27, 1987 at 2-3). The regulation provides:

Camping is defined as the use of park land for living accommodation purposes such [**17] as sleeping activities, or making preparations to sleep . . . , or storing personal belongings. . . .

36 C.F.R. § 7.96(i).

Defendants and others associated with the Department of the interior have made a considerable effort to specify the acts that, in their view, fall within the area of

legitimate expressive activity untouched by these regulations. Although they have refused to meet with plaintiffs to discuss the restrictions in person, defendants have engaged in extensive correspondence with plaintiffs and their representatives regarding the precise requirements imposed by the "camping" and "storage of property" rules. *See* Federal Defendants' Opposition to Motion for Preliminary Injunction at Exhibits 3-9. For example, towards the end of March 1987, the Department of the Interior issued a memorandum entitled "Permit Conditions" to demonstrators in Lafayette Park, which memorandum plaintiffs acknowledge having received. *Id.* at Exhibit 3; *see* Plaintiffs' Notice of Filing at Exhibit 15 (letter dated March 27, 1987 from plaintiffs to official who signed memorandum and referring to contents). The memorandum reminds all demonstrators that their activities are subject to, among [**18] other things, the proscription of "camping or using park land for living accommodations purposes." Further, the memorandum gives notice that the Regional Director of [**708] National Capital Parks had imposed additional conditions on all demonstrations, including the following:

Property may not be stored in the Park, including, but not limited to construction materials, lumber, paint, tools, household items, food, tarps, bedding, blankets, sleeping bags, luggage, and other personal property. (In this regard, certain personal property that is reasonably required by a demonstration participant during any one 24-hour period will not be considered to violate this permit condition. Such property may include items such as a coat, a thermos, and a small quantity of literature. However, the quantity of these items may not exceed that which is reasonably necessary in a 24-hour period)

Defendants' Opposition, Exhibit 3 at 2.

Defendant Robbins, Assistant Solicitor for National Capital Parks, Department of the Interior, communicated a similar definition in May of 1986 to plaintiff Picciotto in response to her letter of April 28, 1986 requesting a statement about "precisely what is [**19] meant by the term 'storage of personal property.'" Robbins replied:

The storage of property regulations . . . do not prohibit the storage of a modest quantity of . . . items Specifically, it is my position that you are permitted to have a limited quantity of literature, writing material, rainwear, an umbrella, and a couple of thermoses containing coffee and

lunch, and a camera and a tape recorder, if you choose. Also I do not believe that it is unreasonable to have small quantities of plastic to cover those items in inclement weather.

Id. at Exhibit 4. This letter appears to summarize the Department of Interior's position with respect to the *nature* of personal property acceptable under the "storage" regulations. Moreover, Interior officials made clear that "personal property and literature that is actually in use or that will be reasonably required during any one 24-hour period is not considered to violate the storage violations." *Id.* at Exhibit 6 (letter dated May 15, 1986, from Interior Solicitor to Arthur B. Spitzer, Legal Director, ACLU). This position is repeated in letters from the Department to various plaintiffs and to interested parties throughout [**20] May of 1986. *See id.* at Exhibits 5-7. This correspondence suggests that, at least as between plaintiffs and policymakers within the Department of the Interior, an understanding has been attempted concerning which items of personal property demonstrators may possess.

Yet, a crucial area of uncertainty remains. Resolving *which* items may accompany a demonstrator does not clarify the *quantity* of possessions a demonstrator may maintain in Lafayette Park. Responding to a letter from the ACLU to the Chief of the United States Park Police questioning plaintiffs' repeated arrests, an Assistant Solicitor, National Capital Parks, asserted that

[plaintiff] Picciotto frequently has in her possession a large quantity of bags and boxes containing numerous personal belongings. The problem is not so much the nature of the items Ms. Picciotto has in her possession but the quantity of items, a quantity that could not realistically be used in the space of one day. When Ms. Picciotto has a quantity of these items in her possession in the Park, she is in violation of the storage regulations and is subject to appropriate enforcement action.

Id. at Exhibit 6. The Solicitor could be no [**21] more explicit in defining the precise "quantity" of permitted items that would render a demonstrator vulnerable to criminal sanctions than to suggest that Picciotto "limit the quantity of materials she keeps in Lafayette Park." *Id.* Nonetheless, he maintained, the position that literature or personal property "reasonably required during any one 24-hour period is not considered to violate the storage

regulations . . . has been communicated to Park Police and forms the touchstone for their enforcement of the storage regulations." *Id.*

A similar problem persists with respect to the element of the regulation which bars use of the park "for living accommodation purposes such as sleeping activities, or making preparations to sleep." Several bench trials of plaintiffs charged with illegal [*709] camping have featured swearing matches between police testifying that one of the plaintiffs was observed to be sleeping and the alleged camper testifying that he or she was not asleep. The sleeping-therefore-camping issue is troubling because, if a person is in the park 24 hours per day, for days on end, it is judicially noticeable that some of that time must be consumed by sleeping. It is [**22] also judicially noticeable that casual dozing in a park is a generally accepted American tradition but for the regulation which forbids use of a national park for living accommodations. An alleged camper's claim to living accommodations elsewhere does not yield a clean cut issue for decision because, for example, it is entirely possible for a person to maintain more than one living accommodation. As the regulation is drawn and administered, a decision by a plaintiff, the police, or a court as to whether one of the plaintiffs is maintaining an impermissible living accommodation in the park is seldom free from reasonable doubt.

Thus, like the identification regulation at issue in *Kolender, supra*, the camping and storage regulation presently in dispute vests significant discretion in the police to determine whether an individual demonstrator's conduct conforms to the law being enforced. According to the California Court of Appeals, "credible and reliable" identification was "identification 'carrying reasonable assurance that the identification is authentic and providing means for later getting in touch with the person who has identified himself.'" [**23] *Kolender*, 461 U.S. at 357 (quoting *People v. Solomon*, 33 Cal. App. 3d 429, 108 Cal. Rptr. 867 (1973)). It was left to the California police to decide whether a suspect had provided "credible and reliable" identification, just as the Lafayette Park regulations delegate to the U.S. Park Police the decisions as to how much personal property one "reasonably require[s] during one 24-hour period" or what constitutes a living accommodation. *Kolender* held that this delegation "necessarily 'entrust[s] lawmaking 'to the moment-to-moment judgment of the policeman on his beat.'" *Id.* at 361 (quoting *Smith*, 415 U.S. at 575, quoting *Gregory v. Chicago*, 394 U.S. 111, 120, 22 L. Ed. 2d 134, 89 S. Ct. 946 (1969) (Black, J., concurring)).

The same flaw threatens to render the camping and storage regulations unconstitutionally vague. As was true of the *Kolender* statute, the Park regulations

"furnish[] a convenient tool for 'harsh and discriminatory enforcement by local prosecuting officials, against particular groups deemed to [**24] merit their displeasure'" . . . and "confers on police a virtually unrestrained power to arrest and charge persons with a violation."

Id. at 360 (quoting, *inter alia*, *Papachristou*, 405 U.S. at 170, and *Lewis v. City of New Orleans*, 415 U.S. 130, 135, 39 L. Ed. 2d 214, 94 S. Ct. 970 (1974) (Powell, J., concurring in the result)). Even absent a finding that the Park Police officers have taken advantage of such opportunity in dealing with plaintiffs, the Department of the Interior, like the State of California, must "establish standards by which the officers may determine whether the suspect has complied with the . . . [regulations]." *Id.* at 361.

Plaintiffs' experience proves that violation of the Lafayette Park regulations results in repeated deprivation of liberty through arrest, seizure of property, and, perhaps most seriously, deprivation of access to an important public forum for the exercise of *First Amendment* rights. Were the camping regulation to stand only on its own terms, the regulation's enforcement might well be enjoined on the grounds that its proscription is too vague to serve [**25] the interest, emphasized in *Kolender*, of restraining the prosecutorial discretion exercised by the individual Park Police officer on his or her own beat.

Nonetheless, precedent in this area teaches that the potentially unconstitutional vagueness of a regulation may be ameliorated through procedures providing an avenue whereby an authoritative interpretation of the restriction may be obtained [*710] before an individual hazards conduct that may fall within its proscriptive scope. In *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 71 L. Ed. 2d 362, 102 S. Ct. 1186 (1982), the Supreme Court rejected a pre-enforcement facial challenge on *First Amendment* overbreadth and vagueness grounds to a municipal ordinance that required businesses wishing to sell drug paraphernalia to secure a license to do so. Sale of such items without a license exposed the vendor to daily fines. Reversing a Court of Appeals decision that the regulation was unconstitutionally vague, the Court observed:

The degree of vagueness that the Constitution tolerates -- as well as the relative importance of fair notice and fair enforcement -- [**26] depends in part on the nature of the enactment.

Id. at 498. The Court listed several factors that should be considered when evaluating the constitutional significance of a regulation's vagueness. Included among these was whether

the regulated enterprise may have the ability to clarify the meaning of the regulation by its own inquiry, or by resort to an administrative process.

Id. (footnote omitted).

Similarly, in *Letter Carriers*, the Court upheld against a vagueness challenge a regulation implementing the Hatch Act's restrictions on political activity by federal civil servants. Acknowledging that "there might be quibbles about the meaning of" particular phrases defining the proscribed political activity, 413 U.S. at 577-78, the Court determined that the challenged regulations met constitutional standards of clarity. The Court emphasized the availability to individual civil servants of interpretive rulings regarding the permissibility of particular forms of political activity:

It is also important in this respect that the Commission has established a procedure by which an employee in [**27] doubt about the validity of a proposed course of conduct may seek and obtain advice from the [Civil Service] Commission and thereby remove any doubt there may be as to the meaning of the law, at least insofar as the Commission itself is concerned.

Id. at 580. Cf. *Houston v. Hill*, 482 U.S. 451, 107 S. Ct. 2502, 2513, 96 L. Ed. 2d 398 (1987) (holding invocation of *Pullman* abstention doctrine inappropriate where local ordinance's language "is plain and its meaning unambiguous").

As there was for the civil servants in *Letter Carriers* and for the drug paraphernalia vendors in *Hoffman Estates*, there exists in the present situation an avenue for particularized interpretation of the regulations restricting the time, place, and manner of plaintiffs' *First Amendment* activity in Lafayette Park. Department of the Interior regulations establish a permit procedure whereby those who wish to demonstrate in areas designated as the "National Capital Region parks," which areas include Lafayette Park and other memorial sites, may apply for and receive authorization to carry out a specific activity within [**28] those areas.

Although not required to obtain a permit because their vigil involves fewer than twenty-five participants,

see 36 C.F.R. § 7.96(g)(2)(i), plaintiffs could pursue this avenue and have in the past availed themselves of the permit procedure for finite periods. Moreover, they have gained authorization thereby to conduct their demonstration according to standards that refine the rather amorphous definition of "camping" found in the regulation itself. See Permit Application Form attached as Appendix A. Specifically, the standard permit application requests "plans for the proposed activity," including "the complete time schedule for the activity." *Id.* at para. 10. In addition, the application directs potential demonstrators to "list all props, stages, sound equipment, and other items to be provided . . . (Include approximate number and size(s) of supports, standards, . . . necessary medical/sanitary facilities and other similar items)." *Id.* at para. 11(a). The permit that is ultimately issued if such an application is granted, as was the case with plaintiffs' permit in December of 1987, bears the same reference number that appears [**711] on the application [**29] and would seem to reflect authorization of the particular demonstration described by the applicants in the application itself. See Permit attached as Appendix B.

The permit procedure reflects a fact-specific communication between a potential demonstrator and the law enforcement agency that carries the responsibility as well as the authority to enforce the time, place, and manner regulations that constitute the background rules for all demonstrations in National Park areas. Hence, the permit procedure provides a mechanism for generating practical and comprehensible standards for plaintiffs' conduct of a twenty-four hour vigil. As indicated, the application itself invites a detailed catalogue of the type and quantity of personal property the demonstrator wishes to possess in the park. Moreover, the applicant may indicate the length of time he or she desires to continue the expressive activity. In the course of processing these applications, the Park Service has the opportunity to reject certain aspects of the proposed demonstration and to authorize only those belongings or the duration of demonstration that the Department of the Interior deems appropriate under the regulations.

Given [**30] the availability of this individualized interpretative mechanism, the Lafayette Park camping regulation, although certainly less than clear when considered in isolation, escapes the twin evils of vagueness examined in *Kolender*. Not only may plaintiffs and other prospective demonstrators conform their prospective conduct to a standard that is specific and comprehensible, but they should be shielded by grant of a specific permit from arbitrary and discriminatory enforcement in the form of "a standardless sweep [that] allows [Park Police], prosecutors, and juries to pursue their personal predilections." *Kolender*, 461 U.S. at 358 (quoting *Smith*, 415 U.S. at 575).

An example is the permit system implementing regulations that address demonstrations on the grounds of the U.S. Capitol. *Community for Creative Non-Violence v. Carvino*, 660 F. Supp. 744 (D.D.C. 1987), approved a regulation issued by the Capitol Police Board creating a permit system for demonstrations requiring props on Capitol grounds. Permits issued under that regulation required demonstrators to absent themselves [**31] and to remove their props from the demonstration site for some time during each twenty-four hour period as evidence that they were not installing themselves on the grounds in a continuous or permanent way. So here, plaintiffs may wish to include in their permit applications, or defendants may wish to include in the permits ultimately issued, some condition relating to a period of time each week during which the demonstrators will remove themselves from Lafayette Park and a specific list of the quantity or dimension of each item in the possession of each demonstrator. Such a permit conditioned on an itemized list of possessions and a prescribed period of absence from the park could provide a crystal clear basis for determination by plaintiffs, law enforcement authorities and courts as to whether or not a particular plaintiff (or a person similarly situated) is "us[ing] park land for living accommodation purposes" and, therefore, "camping" there under the terms of 36 C.F.R. § 7.96(i). Plaintiffs in the present actions may pursue definitive interpretation of the camping proscription *as it relates specifically to their twenty-four hour vigil* through the existing permit procedure. The [**32] permit application's acceptance or rejection will reflect the Department of the Interior's authoritative ruling that the demonstration plaintiffs describe does or does not constitute "camping." Thus, the grant of that permit could operate as a commitment by the agency and by the Park Police that, at least during the period covered by the permit, the plaintiffs' activity, if confined within the bounds described in the application, will not constitute a "camping" violation. Refusal of a particular permit could be tested in court in a civil context, a forum much more appropriate than criminal court for adjudication of the delicate balance required by the Constitution in cases of this kind.

Until plaintiffs have applied for such a permit and the Department of Interior or [**712] its delegate have acted on such a permit, plaintiffs' constitutional challenge to the Lafayette Park regulations on vagueness grounds must fail. Accordingly, an accompanying Order dismisses both complaints, without prejudice.

ORDER

For the reasons stated in the memoranda filed on February 23, 1988, and on today's date, it is this 16th day of September, 1988, hereby

ORDERED: that the complaints in Civil Action [**33] No. 84-3552-LFO and Civil Action No. 87-1820-LFO should be, and are hereby, dismissed without prejudice.

Appendix A

NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION APPLICATION FOR A PERMIT TO CONDUCT A DEMONSTRATION OR SPECIAL EVENT IN PARK AREAS AND APPLICATION FOR A WAIVER OF NUMERICAL LIMITATIONS ON DEMONSTRATIONS FOR WHITE HOUSE SIDEWALK * AND/OR LAFAYETTE PARK

* (The "White House Sidewalk" is the sidewalk between East and West Executive Avenues, on the south side of Pennsylvania Avenue N.W.)

Dec. 18, 1987

Date of this application

1. Individual and/or organization sponsor(s) W. THOMAS and ELLEN THOMAS Address(es) 1440 N. ST. NW. # 410, WASHINGTON, DC 20005 Telephone Nos. (include area code) Day (202) 462-0757 Evening 462-0757

2. This is an application for a permit to conduct a DEMONSTRATION XX SPECIAL EVENT (For definitions, see instructions.)

3. This is an application for a WAIVER OF THE NUMERICAL LIMITATIONS on certain demonstrations. Yes No X. (A waiver is required if it is expected that a demonstration on the White House Sidewalk * will include more than 750 participants or that a demonstration in Lafayette Park will include more than [**34] 3000 participants.)

* (The "White House Sidewalk" is the sidewalk between East and West Executive Avenues, on the south side of Pennsylvania Avenue N.W.)

4. Date(s) of proposed activity: From 12-21-87/Month Day Year To 12-28-87/Month Day Year

Time: Begin 00:01 (a.m.) (xxx) Terminate: 24:00 (xxx) (p.m.)

5. Location(s) of proposed activity. (Include assembly and dispersal areas.) 24 SQ. FT. ON the SOUTH SIDEWALK of LAFAYETTE PARK, WEST of the CENTER PANEL

6. Purpose of proposed activity. TO PROMOTE and DEMONSTRATE the RESOLUTION of CONFLICT

THROUGH PATIENCE, UNDERSTANDING, and REASON.

7. Estimated maximum number of participants. (If more than one park area is to be used, list numbers separately for each area.) THREE

8. Will cleanup people be provided for the area? XX yes no How will they be identified? BY NAME (SEE ABOVE PARA. 1.)

9. Person(s) in charge of activity. (One person must be listed as in charge of the activity. If different individuals are to be in charge of various activities at different locations, each must be listed.)

Person in charge W. THOMAS

Address [**35] 1440 N. St. NW # 410, WASHINGTON, DC 20005

Telephone Nos. (Include area code) Day (202) 462-0757 Evening 462-0757

10. Plans for proposed activity. (Include a list of all principal speakers and the complete time schedule for the activity. Include proposed route of any march or parade, and [*713] plans for the orderly termination and dispersal of the proposed activity which might affect the regular flow of city traffic.)

We propose to demonstrate individual responsibility and moral commitment to our religious principle that "sin is to value one's own pleasure or comfort above the life of another" by maintaining a continuous, 24-hour presence WITHOUT what might reasonably be considered living accommodations, to illustrate that the value of a human being is best measured by the being's spirit (i.e. soul/mind) rather than its monetary net worth. We will seek and/or welcome public dialogue at all hours, day and night.

NOTE: Our "presence" will be "continuous" excepting we will leave the Park area to wash, launder our clothes, prepare food, store personal property, and perform all eliminatory and other biological bodily functions. None of the aforesaid functions [**36] will be performed in the Park. We may engage in short-term, intermittent, INVOLUNTARY sleep during the course of our presence, but only as nature demands.

11. (a) List all props, stages, sound equipment, and other items to be provided by applicant/sponsor. (Include approximate number and size(s) of supports, standards, and handles; necessary medical/sanitary facilities and other similar items.)

2 signs; 1 flag; 1 insulated bag per person (during cold weather, to be removed when not in use); literature (not to exceed 2,500 pieces at any one time); literature

trays; one piece of 20 mm. plastic (10 ft. x 12 ft.); pencils, pens, writing and editing materials (to be contained in one box measuring 4 in. x 6 in. x 18 in.); books (not to exceed 10); camera; tape recorder; umbrellas (1 per person); 1 water jug; 1 broom; 1 blanket per person to sit on; 1 plastic "Great Peace March" crate (12" x 12" x 18", approx.); no more food than might reasonably be consumed during a 24-hour period.

(b) If boxes, crates, coffins, or similar items will be used, state whether they are to be carried opened or closed, their proposed size, the materials constructed from, and their proposed [**37] contents and use. SMALL SPEAKER'S PLATFORM

12. (a) Do you have any reason to believe or any information indicating that any individual, group, or organization might seek to disrupt the activity for which this application is submitted? YES

(b) If YES, list each such individual, group, or organization, with all information as to each, including addresses and telephone numbers.

Washington TIMES (and/or the Unification Church), 3600 New York Avenue NE, Washington, D.C. Upon information published and from personal experience we believe this organ will place our form above our substance and attempt to disrupt our activities by telling the public that we are ugly and "anti-American," because of editorial ideological opposition to the substance of our message.

Young Americans for Freedom, national headquarters in Wilmington, Delaware, precise local address currently unknown. Upon personal experience we believe members of this organization may resort to actual physical violence against us because of ideological opposition to the substance of our message.

Nevertheless, in spite of potential unpleasantness, we do not require any special protection or surveillance, convinced (from [**38] experience) that God, and our commitment to nonviolence as the only path to peace, protect us.

13. Marshals: (a) Will applicant/sponsor furnish marshals? (Required for waivers of numerical limitations and for demonstration activities held simultaneously on White House sidewalk and Lafayette Park.) Yes No X. If YES how many marshals will be furnished?

(b) Person(s) responsible for supervision of marshals
(for each location): Location(s) NOT APPLICABLE
/APPLICATION NOT VALID UNLESS SIGNED

[*714] Middle of the Road/Position of person
diling application

W. Thomas/Signature of person filing application

Day 462-0757

Evening SAME

Telephone Nos. of person filing application

W. THOMAS/Typed or printed name of person diling
application

1440 N. ST. NW # 410, D.C. 20005/Address of
person filing application

Appendix B

United States Department of the Interior

NATIONAL PARK SERVICE

NATIONAL CAPITAL REGION

1100 OHIO DRIVE, S. W.

WASHINGTON, D.C. 20242

87-1024

PUBLIC GATHERING PERMIT

[**39] Date: December 21, 1987

In accordance with Park Regulations as contained in
C.F.R., Title 36, Chapter 1, Section 50.19, permission is
granted to conduct a public gathering to the following:
W. Thomas and Ellen Thomas

(Person(s) and, or Organization(s))

Date(s) December 21, 1987 to December 28, 1987

Time: Starting: 12:01 a.m. Ending: 11:59 p.m. (con-
tinuous)

Location(s) 24 sq. ft. on the south sidewalk of Lafa-
yette Park, west of the center panel.

Purpose(s) To promote and demonstrate the resolu-
tion of conflict through patience, understanding and rea-
son.

Anticipated Number of Participants 3

Person(s) in Charge W. Thomas

Address(es) 1440 N. St., NW # 410, Washington, D.
C. 20005

Telephone Nos. Day 462-0757 Evening 462-0757

This permit is granted subject to the following con-
ditions:

1. Permittee and all participants authorized herein
must comply with all of the conditions of this permit and
with all reasonable directions of the United States Park
Police.

2. All sidewalks, walkways, and roadways must re-
main unobstructed to allow for the reasonable use of
these areas by pedestrians, vehicles, and other park visi-
tors. PLEASE [*40] READ ATTACHED REGU-
LATIONS REGARDING SIGNS & STRUCTURES IN
LAFAYETTE PARK AND ADDITIONAL PERMIT
CONDITIONS APPLICABLE TO YOUR DEMON-
STRATION ACTIVITIES.

3. All laws, rules, and regulations applicable to the
area covered by this permit remain in effect.

4. No fee may be collected, donations solicited, nor
commercial activity conducted, and no articles, except
those expressing views through printed matter, such as
newspapers, pamphlets, posters, buttons, or bumper
stickers, may be offered for sale.

5. The area must be left in substantially the same
condition as it was prior to the activities authorized
herein, and all litter shall be placed in the trash contain-
ers provided.

[*715] 6. This permit is applicable only for the
use of the area designated above, and during the times
designated above, or in any area as may hereafter be
designated by the United States Park Police.

7. The use of sound amplification equipment, other
than hand-portable sound amplification equipment to be
used for crowd control purposes only, is prohibited on
the White House Sidewalk (South 1600 Pennsylvania
Avenue, N.W., sidewalk between East Executive Avenue
and West Executive Avenue). All sound [*41] am-
plification equipment shall be limited so that it will not
unreasonably disturb nonparticipating persons in, or in
the vicinity of, the area.

8. The National Park Service reserves the right to
immediately revoke this permit at any time should it
reasonably appear that the public gathering presents a
clear and present danger to the public safety, good order
or health, or if any conditions of this permit are violated.

Manus J. Fish

Regional Director,

National Capital Region

By: R. Merryman

Al Dale

Chief, Division of

Public Events

United States Department of the Interior

NATIONAL PARK SERVICE

NATIONAL CAPITAL REGION

1100 OHIO DRIVE, S. W.

WASHINGTON, D.C. 20242

PERMIT CONDITIONS

This is to notify you of restrictions applicable to your demonstration activities. Whether you are demonstrating under permit or pursuant to the small-group exemption to permit requirements, you must comply with regulations applicable to park lands and demonstrations found at 36 C.F.R. Parts 1 through 7. We would especially note the following activities that are prohibited [**42] in all park areas:

1. Injuring federal property, including snow fencing, grass, and other vegetation or structures (See 36 C.F.R. § 2.1(a) and § 2.31);

2. Failing to have dogs or cats entirely under control and caged or on a leash not more than six feet long (See 36 C.F.R. § 2.15); and

7. Camping or using park land for living accommodation purposes (See 36 C.F.R. § 7.96(i)).

Further, special regulations applicable to Lafayette Park, found at 36 C.F.R. § 7.96(g)(5)(x), impose additional restrictions on demonstrations in that park area. These regulations restrict the size, number, and use of stationary signs in Lafayette Park and prohibit the use of structures, except certain speaker's platforms, there. These regulations should be carefully studied before carrying on a demonstration in Lafayette Park.

In addition, pursuant to 36 C.F.R. § 7.96(g)(5)(xii)(B) and § 7.96(g)(5)(xiii), the Regional Director, National Capital Parks, imposes the following additional conditions on all demonstrations occurring in Lafayette Park:

[*716] 1. Property may not be stored in the Park, including, but not limited to construction materials, lumber, paint, tools, household items, food, tarps, [**43] bedding, blankets, sleeping bags, luggage, and other personal property. (In this regard, certain personal property that is reasonably required by a demonstration participant during any one 24-hour period will not be considered to violate this permit condition. Such property may include items such as a coat, a thermos, and a small quantity of literature. However, the quantity of these items may not exceed that which is reasonably necessary in a 24-hour period);

2. Signs or other objects may not be attached to lamp posts, trees, or structures in the Park;

3. Construction activities, including, but not limited to painting of signs, may not be undertaken in the Park;

4. All materials used in demonstration activities must be safe for use in public areas, for example, signs must be held or secured so as not to fall on pedestrians and supports must not pose a tripping, or other hazard;

5. Sound equipment may not be used at such a volume as to unreasonably disturb nonparticipating persons in the area;

6. Activity on the sidewalks must allow for an eight-foot clearance for the passage of pedestrians, emergency vehicles, and trash removal carts;

7. Activities on the sidewalks may [**44] not result in damage to or loosening of sidewalk bricks, such prohibited activities include but are not limited to: staking, chipping, nailing or wedging materials to or between bricks;

8. Activities may not obstruct access to park benches, trash receptacles or adjacent lawn areas; and

9. Demonstrators will be required to move their materials upon the request of National Park Service personnel when park maintenance is necessary.

If you have questions regarding these regulations or permit conditions, please contact Sandra Alley, Associate Regional Director, Public Affairs, at 485-9666, or Rick Merryman on her staff at 485-9660.

Associate Regional Director Public Affairs

10922M

***** Print Completed *****

Time of Request: Thursday, October 13, 2011 13:50:03 EST

Print Number: 1828:311836650

Number of Lines: 604

Number of Pages:

Send To: FONDREN, KIMBERLY
DOI OFFICE OF THE SOLICITOR
1849 C ST NW RM 7440
WASHINGTON, DC 20240-0001



Teresa Chambers/USPP/NPS
12/04/2011 01:53 PM

To Robert MacLean/USPP/NPS@NPS, David
Schlosser/USPP/NPS@NPS, Peggy
O'Dell/WASO/NPS@NPS, Bob Vogel/NAMA/NPS@NPS,
cc Jon Jarvis/WASO/NPS@NPS, Maureen
Foster/WASO/NPS@NPS, Kathleen
Harasek/USPP/NPS@NPS, Charles
bcc
Subject Re: : Press statements

Thanks, all. I'm monitoring from this end as well. Seems as if we have enough uniformed officials on the scene or en route.

TC

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 01:51 PM EST
To: David Schlosser; Peggy O'Dell; Bob Vogel; William Line; Teresa Chambers
Cc: Jon Jarvis; Maureen Foster; Kathleen Harasek; Charles Guddemi
Subject: : Press statements

Copy. On my way from home.

What is the location of the CP?

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: David Schlosser
Sent: 12/04/2011 01:48 PM EST
To: Peggy O'Dell; Robert MacLean; Bob Vogel; William Line
Cc: Jon Jarvis; Maureen Foster
Subject: Re: Press statements

USPP PIO on scene at command.

David

----- Original Message -----

From: Peggy O'Dell

Sent: 12/04/2011 01:47 PM EST

To: Robert MacLean; David Schlosser; Bob Vogel; William Line

Cc: Jon Jarvis; Maureen Foster

Subject: Fw: Press statements

Hi all,

Adam is going to reach out to Schlosser. All, please work with Adam for our messaging.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Lee-Ashley, Matt" [Matt_Lee-Ashley@ios.doi.gov]

Sent: 12/04/2011 01:37 PM EST

To: Peggy O'Dell

Cc: Laura Davis; Adam Fetcher

Subject: Press statements

Peggy,

Could you keep us up to speed on what Park Police will be telling the media this afternoon? From Laura's report, it sounds like this is an enforcement action in response to the construction of a structure that is in clear violation of Park Service policies.

Is that accurate? Also, is it accurate that NPS and PP enforcement actions are not currently aimed at clearing the entire park, but simply responding to the structure?

We're getting some interest from WH comms.

Thanks,

Matt



Peggy O'Dell/WASO/NPS
12/04/2011 06:18 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>

cc

bcc

Subject Fw: SitRep #4

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt

Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division

United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 04:25 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@uss.s.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.p.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.p.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo
Subject: SitRep #1
Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:
D/C MacLean - IC
Sgt. Schlosser - PIO
DC FEMS - Safety
Capt. Harasek - OPS
Capt. Guddemi - Plans and Logistics
Lt. Lachance - Tactical Branch
Lt. Felt - Transportation
Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek
Sent: 12/04/2011 09:10 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen
Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Square overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>

11/23/2011 03:45 PM

To "Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>,
"Kelly, Kate P" <Kate_Kelly@ios.doi.gov>
cc "Ripps, Alma" <Alma_Ripps@nps.gov>, "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Carol_B_Johnson@nps.gov" <Carol_B_Johnson@nps.gov>, "Barna, David"

bcc

Subject RE: DRAFT ATTACHED -- Occupy DC public inquiry

Apologies for the delay.

I've suggested a somewhat different structure.

The first page is a set of draft talking points that potentially could be used for a wide range of audiences, including the media, the Hill, the public, and local leaders.

The second page is a first cut at a Q and A document. It has a number of holes that would need to be filled by people who know the details better than I.

I know it's important to respond to the constituent's questions and concerns, but rather than handling it through a written response, perhaps someone could give her a call? That may be the quickest way of getting back to her.

Thanks,
Matt

-----Original Message-----

From: Lisa_Mendelson-Ielmini@nps.gov [mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Wednesday, November 23, 2011 2:39 PM
To: Kelly, Kate P
Cc: Ripps, Alma; Vogel, Bob A.; 'Carol_B_Johnson@nps.gov'; Barna, David; Schlosser, David; Olson, Jeffrey; Lyle, Jody; Lee-Ashley, Matt; Foster, Maureen; O'Dell, Peggy; Whitesell, Steve E.; Line, William
Subject: Re: DRAFT ATTACHED -- Occupy DC public inquiry

I appreciate the comments from Chief Chambers, Randy Myers, and Jeff Olson --- holding on for any others -- pls let me know if you have or don't have comments, thanks. Thanks.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>

11/23/2011 01:10
PM

To
"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>,
"Ripps, Alma" <Alma_Ripps@nps.gov>,
"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"Schlosser, David"

<David_Schlosser@nps.gov>, "Olson,
Jeffrey" <Jeffrey_Olson@nps.gov>,
"Lyle, Jody" <Jody_Lyle@nps.gov>,
"Foster, Maureen"
<Maureen_Foster@nps.gov>, "O'Dell,
Peggy" <Peggy_O'Dell@nps.gov>,
"Line, William"
<William_Line@nps.gov>, "Barna,
David" <David_Barna@nps.gov>,
"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>,
"Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Whitesell,
Steve E." <Steve_Whitesell@nps.gov>
cc

Subject
Re: DRAFT ATTACHED -- Occupy DC
public inquiry

Thanks - we'll take a look and send back edits.

----- Original Message -----

From: Lisa Mendelson-Ielmini@nps.gov
[mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Wednesday, November 23, 2011 11:53 AM
To: Ripps, Alma; Carol_B_Johnson@nps.gov <Carol_B_Johnson@nps.gov>;
Schlosser, David; Olson, Jeffrey; Lyle, Jody; Kelly, Kate P; Foster,
Maureen; O'Dell, Peggy; Line, William; Barna, David; Lee-Ashley, Matt;
Lee-Ashley, Matt; Vogel, Bob A.; Whitesell, Steve E.
Subject: DRAFT ATTACHED -- Occupy DC public inquiry

Thanks everyone for coming together for the call this morning.

Karen Cucurullo, Kathy Harasek, and I just wrapped up this DRAFT for everyone's review. As we discussed on the call, this is intended to be broad so that it may be repurposed for other inquiries.

(See attached file: 2011 11 23 Community Response DRAFT.docx)

If you do have comments, please use TRACK CHANGES so we'll be able to pick them out. In order to respond today, I'd ask that everyone read and review as soon as possible, no later than 2 pm.

I'm in the office and you can reach me at the numbers below if you'd like to talk about this.

Thanks everyone for your participation and thoughts,

~Lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

David Barna
<david_barna@nps.gov>

11/22/2011 08:16
PM

To
Lisa Mendelson-Ielmini
<lisa_mendelson-ielmini@nps.gov>
cc
"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>,
"William_Line@nps.gov"
<William_Line@nps.gov>,
"Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>,
"Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>,
"Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>,
"Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>,
"Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>,
KatherineKelly
<Kate_Kelly@ios.doi.gov>
Subject
9:30 okay for call Wednesday
morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov> wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
The Region is starting to get emails from the public like the one below
I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?
Here's our office call in line that we can use for a conference call
[REDACTED] [FOIA5D]

Code [REDACTED] participant
Code [REDACTED] leader
[FOIA5A]

David

Carter DeWitt

<cdewitt@taxfound

ation.org>

To

lisa_mendelson-ielmini@nps.gov"

11/22/2011 01:49

lisa_mendelson-ielmini@nps.gov>

PM

cc

Subject

other park users -

"

<

Occupy Dc versus

I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the book and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is

horrendous and the rat population has at least tripled.
At night I get to
listen to their parties, I see under age minors camping
there without adult
supervision. I get to hear sex, see public urination and
be subjected to
early morning drums when I have my one day off -
Saturday. Even worse is
the knowledge that my tax dollars support this
irresponsible behavior by
the city and federal park service and that you provide
police protection to
them as they march and as they disturb my peace, my
travel to and from
work.

Sounds to me like you don't recognize who votes for you -
and who butters
your bread with their labor. It isn't Occupy DC - it
isn't the new
generation of class warfare you are propping up - it is
me. I am
disgusted. I am angry and want this to end. Yesterday I
read that the
Occupy DC residents at McPherson Square expect to stay
into next year. I
sincerely hope this is not the case. They need to go home
and have someone
else support them if they are not willing to work. I have
no desire to pay
for this via my tax dollars you take from me in so many
ways. They do not
have a permit and it is unlawful for them to be there. If
I tried to camp
in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about
them - why are you
not hearing us?

Laurie Carter DeWitt



Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org
The Tax Foundation is guided by the principles of sound
tax policy --
neutrality, simplicity, transparency, and stability



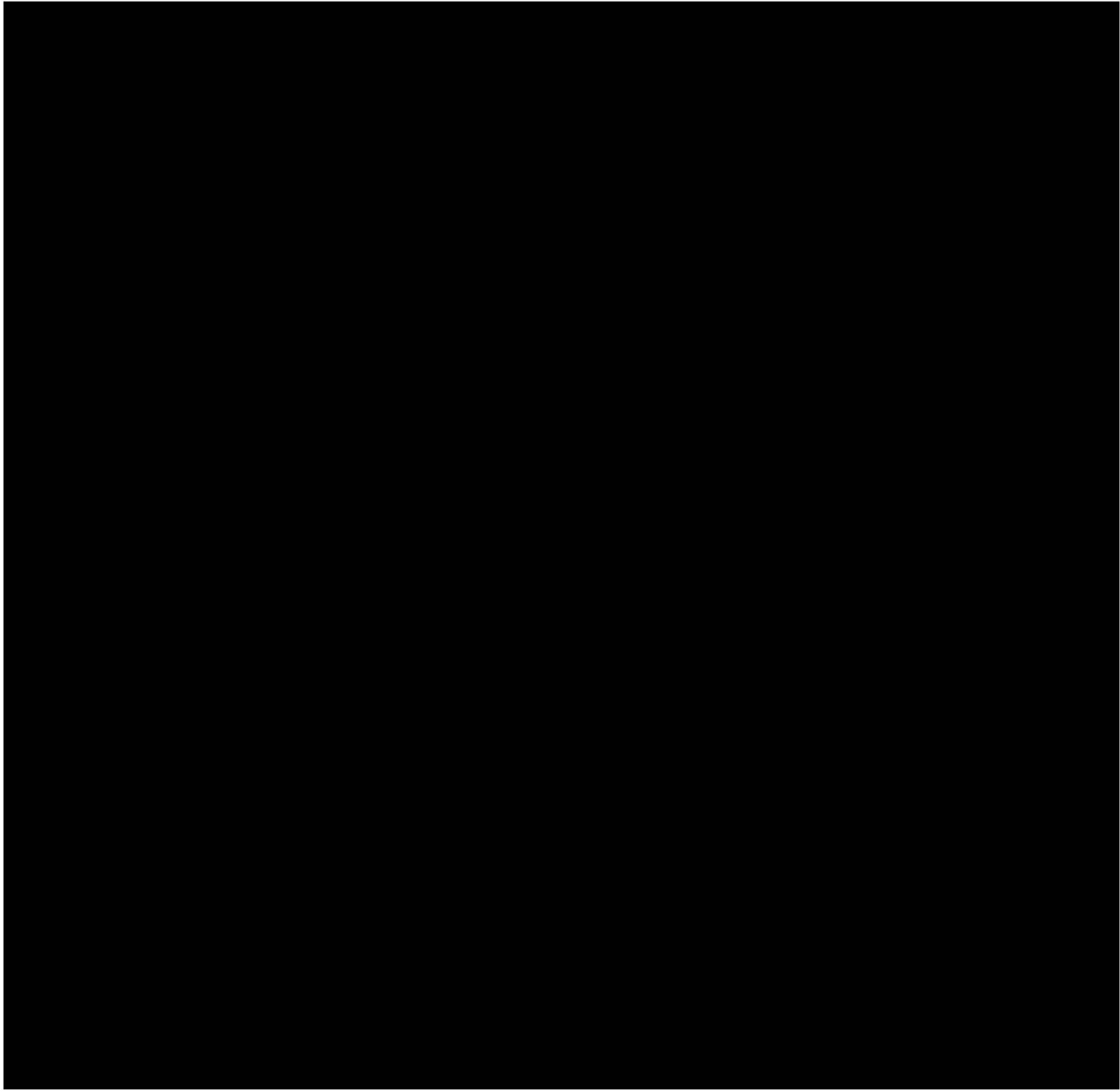
2011 11 23 TP and Q and A_Occupy.docx

Talking Points – ‘Occupy’ Demonstrations



FOIA5A

Frequently Asked Questions



FOIA5A

Davis, Laura

From: Davis, Laura
Sent: Sunday, December 04, 2011 9:23 PM
To: Teresa_Chambers@nps.gov
Subject: Re: SitRep #7

You never know...

Sent from my iPad

On Dec 4, 2011, at 9:22 PM, "Teresa_Chambers@nps.gov" <Teresa_Chambers@nps.gov> wrote:

> Thjanks! :). Hopefully, it won't rise to your level.

> Teresa Chambers, Chief

> United States Park Police

> Work: 202-619-7350

> Cell: 202-903-9256

>

>

>

> ----- Original Message -----

> From: "Davis, Laura" [Laura_Davis@ios.doi.gov]

> Sent: 12/04/2011 09:14 PM EST

> To: Teresa Chambers

> Subject: Re: SitRep #7

>

>

>

> If it can wait til tomorrow that might be easier, as we are doing some other follow-up for the next little bit. Would that be ok?

>

> Sent from my iPad

>

> On Dec 4, 2011, at 9:12 PM, "Teresa_Chambers@nps.gov" <Teresa_Chambers@nps.gov> wrote:

>

>> Laura - Do u want to do that tonight now that we're off the most recent call? If so, we'll want Peggy on the phone as well.

>> Teresa Chambers, Chief

>> United States Park Police

>> Work: 202-619-7350

>> Cell: 202-903-9256

>>

>>

>>

>> ----- Original Message -----

>> From: "Davis, Laura" [Laura_Davis@ios.doi.gov]

>> Sent: 12/04/2011 08:55 PM EST

>> To: Teresa Chambers

>> Subject: Re: SitRep #7

>>

>>

>>

>> We can do next steps call with SOL after if we need to.

>>

>> Sent from my iPad

>>
>> On Dec 4, 2011, at 8:52 PM, "Teresa_Chambers@nps.gov" <Teresa_Chambers@nps.gov> wrote:
>>
>>> Laura - Could you see if the Secretary would mind our having the Solicitor's Office on the call? We'd like to brief the Secretary on next steps and possible nuisance abatement. Rob MacLean and I are at Mobile Command with Kin Fondren of the Solicitor's Office, and we'd like to have Randy Meyers call in or for someone there to call Randy at a # we will provide. Thanks.
>>>
>>> Teresa Chambers, Chief
>>> United States Park Police
>>> Work: 202-619-7350
>>> Cell: 202-903-9256
>>>
>>>
>>>
>>> ----- Original Message -----
>>> From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
>>> Sent: 12/04/2011 08:25 PM EST
>>> To: Laura Davis; Teresa Chambers
>>> Cc: Robert MacLean; Peggy O'Dell
>>> Subject: Re: SitRep #7
>>>
>>>
>>>
>>> Trying again to loop Chief Chambers with correct spelling of name.
>>>
>>> Sent from my iPad
>>>
>>> On Dec 4, 2011, at 8:14 PM, "Davis, Laura" <Laura_Davis@ios.doi.gov> wrote:
>>>
>>>> Rob,
>>>> Thank you for the ongoing reports. I see the action is nearly complete. The Secretary would like to get back on the phone at 9 pm for a debrief if that is possible, with those of us on this email. Peggy can we use the same number?
>>>> Laura
>>>>
>>>>
>>>> Sent from my iPad
>>>>
>>>> On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov" <Robert_MacLean@nps.gov> wrote:
>>>>
>>>>> NPS lift (cherry picker) on scene. USPP personnel secured in the
>>>>> bucket has recovered two of the remaining 4.
>>>>>
>>>>> -----
>>>>> Sent from my BlackBerry Wireless Handheld
>>>>>
>>>>> Deputy Chief Robert D. MacLean
>>>>> Commander, Homeland Security Division United States Park Police
>>>>>
>>>>> Robert_MacLean@nps.gov - Email
>>>>> 202.619.7085 - Office
>>>>> 202.438.6656 - Nextel
>>>>> 202.205.7983 - Fax
>>>>>
>>>>>

>>>> ----- Original Message -----
>>>> From: Robert MacLean
>>>> Sent: 12/04/2011 06:48 PM EST
>>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
>>>> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel;
>>>> Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith;
>>>> Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS"
>>>> <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck;
>>>> Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov;
>>>> "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
>>>> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
>>>> <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>>> Subject: Re: SitRep #6
>>>> Waiting on NPS lift for the remaining 6.
>>>> -----
>>>> Sent from my BlackBerry Wireless Handheld
>>>>
>>>> Deputy Chief Robert D. MacLean
>>>> Commander, Homeland Security Division United States Park Police
>>>>
>>>> Robert_MacLean@nps.gov - Email
>>>> 202.619.7085 - Office
>>>> 202.438.6656 - Nextel
>>>> 202.205.7983 - Fax
>>>>
>>>>
>>>> ----- Original Message -----
>>>> From: Robert MacLean
>>>> Sent: 12/04/2011 06:07 PM EST
>>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
>>>> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel;
>>>> Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith;
>>>> Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS"
>>>> <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck;
>>>> Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov;
>>>> "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
>>>> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
>>>> <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>>> Subject: Re: SitRep #5
>>>> 16 arrested thus far from the interior of the structure. 6 still
>>>> perched on the roof.

>>>>
>>>> MPD SOD will insert the inflatable device within the structure as
>>>> a precaution. Then the NPS/USPP will attempt to remove the
>>>> remaining 6 with a lift device.
>>>> -----
>>>> Sent from my BlackBerry Wireless Handheld
>>>>
>>>> Deputy Chief Robert D. MacLean
>>>> Commander, Homeland Security Division United States Park Police
>>>>
>>>> Robert_MacLean@nps.gov - Email
>>>> 202.619.7085 - Office
>>>> 202.438.6656 - Nextel
>>>> 202.205.7983 - Fax
>>>>
>>>>
>>>> ----- Original Message -----
>>>> From: Robert MacLean
>>>> Sent: 12/04/2011 05:46 PM EST
>>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
>>>> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel;
>>>> Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith;
>>>> Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS"
>>>> <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck;
>>>> Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov;
>>>> "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
>>>> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
>>>> <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>>> Subject: Re: SitRep #4
>>>> 3rd and final warning issued. Noone left the structure.
>>>> -----
>>>> Sent from my BlackBerry Wireless Handheld
>>>>
>>>> Deputy Chief Robert D. MacLean
>>>> Commander, Homeland Security Division United States Park Police
>>>>
>>>> Robert_MacLean@nps.gov - Email
>>>> 202.619.7085 - Office
>>>> 202.438.6656 - Nextel
>>>> 202.205.7983 - Fax
>>>>
>>>>
>>>> ----- Original Message -----
>>>> From: Robert MacLean
>>>> Sent: 12/04/2011 05:41 PM EST
>>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
>>>> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel;
>>>> Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith;
>>>> Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS"

>>>> <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck;
>>>> Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov;
"Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
>>>> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
>>>> <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>>> Subject: Re: SitRep #3
>>>> Here is the URL for the live stream:
>>>>
>>>> www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9
>>>> 730881&utm_medium=social
>>>>
>>>> Perimeter has been established on 3 sides. The south side will be
>>>> available for any protesters that wish to leave upon the issuance
>>>> of the warnings.
>>>>
>>>> Light towers on scene.
>>>>
>>>> First warning issued (1741 hours). 22 remain in or on the structure.
>>>> -----
>>>> Sent from my BlackBerry Wireless Handheld
>>>>
>>>> Deputy Chief Robert D. MacLean
>>>> Commander, Homeland Security Division United States Park Police
>>>>
>>>> Robert_MacLean@nps.gov - Email
>>>> 202.619.7085 - Office
>>>> 202.438.6656 - Nextel
>>>> 202.205.7983 - Fax
>>>>
>>>>
>>>> ----- Original Message -----
>>>> From: Robert MacLean
>>>> Sent: 12/04/2011 04:46 PM EST
>>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
>>>> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel;
>>>> Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith;
>>>> Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS"
>>>> <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck;
>>>> Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov;
"Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
>>>> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
>>>> <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"

>>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>>> Subject: Re: SitRep #2
>>>> DCRA just deemed the structure unsafe, thus posted it as such.
>>>>
>>>> NPS in route with a maintenance crew to dismantle the structure.
>>>> -----
>>>> Sent from my BlackBerry Wireless Handheld
>>>>
>>>> Deputy Chief Robert D. MacLean
>>>> Commander, Homeland Security Division United States Park Police
>>>>
>>>> Robert_MacLean@nps.gov - Email
>>>> 202.619.7085 - Office
>>>> 202.438.6656 - Nextel
>>>> 202.205.7983 - Fax
>>>>
>>>>
>>>> ----- Original Message -----
>>>> From: Robert MacLean
>>>> Sent: 12/04/2011 04:25 PM EST
>>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
>>>> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel;
>>>> Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith;
>>>> Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS"
>>>> <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck;
>>>> Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov;
>>>> "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
>>>> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
>>>> <mrusso1@leo.gov>; Michael Russo
>>>> Subject: SitRep #1
>>>> Unified Command in place: USPP, MPD, NAMA, DOI SOL.
>>>>
>>>> USPP just established the perimeter, which is the southern portion
>>>> of the park. React Team is assisting with the SE quadrant.
>>>>
>>>> DCRA will determine if the structure is safe/permitted. After
>>>> this determination is made the remaining protesters in the
>>>> structure (Approx. 12
>>>> persons) will be given warnings to evacuate the structure.
>>>>
>>>>
>>>> Approx. 12 arrests made thus far (majority of the charges are for
>>>> crossing a police line).
>>>>
>>>> ICS in place:
>>>> D/C MacLean - IC
>>>> Sgt. Schlosser - PIO
>>>> DC FEMS - Safety
>>>> Capt. Harasek - OPS
>>>> Capt. Guddemi - Plans and Logistics Lt. Lachance - Tactical Branch
>>>> Lt. Felt - Transportation Sgt. Steinheimer - Investigations/Arrest

>>>>
>>>> CP - Mobile Command on Madison Pl. South of H (within the White
>>>> House Zone).
>>>>
>>>> DCRA entering the park.
>>>> -----
>>>> Sent from my BlackBerry Wireless Handheld
>>>>
>>>> Deputy Chief Robert D. MacLean
>>>> Commander, Homeland Security Division United States Park Police
>>>>
>>>> Robert_MacLean@nps.gov - Email
>>>> 202.619.7085 - Office
>>>> 202.438.6656 - Nextel
>>>> 202.205.7983 - Fax
>>>>
>>>>
>>>> ----- Original Message -----
>>>> From: Kathleen Harasek
>>>> Sent: 12/04/2011 09:10 AM EST
>>>> To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa
>>>> Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel;
>>>> Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith;
>>>> Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David
>>>> Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul
>>>> Kemppainen
>>>> Subject: #12 McPherson/Freedom Daily Within the past 24 hours the
>>>> following incidents were noted Officers responded to McPherson
>>>> Sqare overnight for a report of an assault. Officers were
>>>> directed to a female who had superficial injuries to arm, hand and
>>>> face. The victim did not want to talk to police. Officers
>>>> convinced her to come to the D-1 station to be interviewed.
>>>> Investigation revealed that she was in a verbal argument with her
>>>> boyfriend which led to a physical altercation resulting in her
>>>> injuries. The victim was intoxicated at the time of the report
>>>> and did not want to press charges. USPP Detectives went to the
>>>> area in an attempt to locate the suspect, but were unsuccessful in doing so.
>>>> Follow-up to be conducted.
>>>>
>>>> Schedule of events
>>>> There are no scheduled events other than on site meetings and
>>>> lectures at both locations. Freedom Plaza will be collecting
>>>> material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday.
>>>> Information will be passed to Park Programs for follow up.
>>>>
>>>> Articles of interest
>>>> Washington Post Article which compares Occupy DC to the 1968
>>>> Resurrection City. Resurrection City occurred around the
>>>> Reflecting Pool and was the encampment for approximately 3000 demonstrators.
>>>> (http://www.washingtonpost.com/local/before-occupy-dc-there-was-re-surrection-city/2011/12/01/gIQAoNqcPO_story.html)
>>>>
>>>>
>>>>
>>>> Captain Kathleen Harasek
>>>> Commander, Central District

>>>> U.S. Park Police
>>>> 202-426-6710 (office)
>>>> 202-438-1593 (cell)
>>>> Kathleen_Harasek@nps.gov
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>

Davis, Laura

From: Davis, Laura
Sent: Monday, December 05, 2011 2:54 PM
To: 'Teresa_Chambers@nps.gov'
Cc: Jarvis, Jon; O'Dell, Peggy
Subject: RE: Great Column in Today's Washington Post

Teresa-

Thank you. This is indeed a great - and spot on - column. You and your team did truly outstanding work yesterday (and every day). Appreciate your passing this along.
Laura

-----Original Message-----

From: Teresa_Chambers@nps.gov [mailto:Teresa_Chambers@nps.gov]
Sent: Monday, December 05, 2011 2:30 PM
To: Davis, Laura
Cc: Jarvis, Jon; O'Dell, Peggy
Subject: Great Column in Today's Washington Post

In addition to the article in the WP this morning, I just discovered this column. I couldn't be more pleased with the tactful manner in which our officers comported themselves and the effective tactics they deployed during this lengthy situation yesterday. : o)

Teresa

PS -- If one goes to the link on line, video and a photo gallery of yesterday's events are available.

http://www.washingtonpost.com/local/police-maintain-professionalism-in-occupy-dc-confrontation/2011/12/05/gIQAXwsXWO_story.html

(Embedded image moved to file: pic26353.jpg)

Petula Dvorak

Columnist

Police maintain professionalism in Occupy D.C. confrontation
(Embedded image moved to file: pic18409.jpg)

By Petula Dvorak, Monday, December 5, 12:18 PM

All day and into the night, the police were being taunted. Insults and sometimes water bottles were hurled their way. Cameras were pointed at them from every direction.

Yet, as they have done throughout the downtown drama known as Occupy D.C., the U.S. Park Police and D.C. officers displayed remarkable discipline and restraint Sunday during their confrontation with protesters in McPherson Square. Even as they arrested 31 Occupiers, the officers didn't become a laughing stock Internet meme. They didn't succumb to the brutality we witnessed in Oakland, or the appallingly brazen pepper-spraying that was filmed at the University of California at Davis.

And that's saying something, given the reality show-style stunt the police were asked to pull off Sunday night, after park protesters living in tents erected the bones of a small barn.

For any structure in the square to be legal, it has to be temporary. But there was nothing temporary about the sturdy two-by-fours that made up the new building's bones.

Its construction was pure provocation of a police force that has already been stunningly accommodating and patient with the Occupy protesters.

Police asked them to take the barn down. They said no. Instead, some of them climbed up to the top, where they prostrated themselves, crucifixion style, on the rafters or straddled them like jungle gym bars and occasionally fist-pumped to the crowd below.

So authorities called in a building inspector to check it for safety.

Within minutes of arriving, the inspector slapped orange "Danger" stickers on the building and police closed in to take it down. The protesters got a few more warnings to leave.

Like a game of wills between parent and toddler, the police counted – one, two, three. And they began arresting the ones who remained inside the barn.

Then there was the challenge of safely arresting the ones who remained clinging to the rafters while dozens of cameras recorded their every move. The police pulled up a tactical vehicle and stood on the roof, hoping to get them off that way. No dice. The Occupiers scrambled to the other side.

They had a giant inflatable mattress that two guys eventually jumped into (that would've been my choice, it looked fun). Finally, there was a huge cherry picker, which maneuvered around the structure cornering each protester. The two cops inside it harnessed, roped and very precariously hauled each remaining Occupier into the bucket.

It was sort of like rodeo meets Cirque du Soleil.

The cost of this little passion play had to be staggering, though no one has put a dollar figure on it yet. I counted dozens of officers, a tiny herd of horses, at least two tactical vehicles, a forklift, a cherry picker, plus that moonbounce thing.

Mark Francis Nickens, 51, stood outside the police barricade, watching the confrontation get more and more tense. Nickens has been hanging with the protesters for weeks. In fact, he's got one of the most visible structures; the tepee that's closest to the White House is his doing. But on Sunday, he was fuming, certain that the hubris of lumber and nails would spell the end of their stay.

"Damn thing. This was not what was supposed to happen," said the musician and dog walker from Takoma Park. "You don't just go and antagonize the cops for nothing."

But that's exactly what they were doing. Young protesters hopped up on empowerment and anything else that could be found in those tents randomly spit insults at officers who were standing nearby, simply doing their jobs. Park Police officers, who make starting salaries of \$52,000 a year, are firmly part of that 99 percent the movement keeps talking about.

U.S. Park Police spokesman Sgt. David Schlosser said the officers are trained to stay professional, to see the insults as "meaningless." They got called pigs and po-po, but the officers were as poker-faced as beefeaters.

The protesters are blatantly violating the law on a daily basis in the park, cooking, showering, sleeping, occupying. Yet they also have a righteous message about the nation's widening wealth gap that a good chunk of the 99 percent agree with. The protests are making people think and talk about the nation's housing and unemployment crises. Many people are just as angry as the protesters. They are ready for change and hungry for solutions.

The protesters have a powerful platform and a silent blessing from a police force that has looked the other way on loads of petty stuff. Taunting those officers undermines the very message the Occupiers are trying to deliver. It's cowardly and ridiculous, especially when there are so many real villains to holler at.

E-mail me at dvorakp@washpost.com.

Davis, Laura

From: Davis, Laura
Sent: Wednesday, December 07, 2011 9:52 AM
To: 'Peggy_O'Dell@nps.gov'; Lee-Ashley, Matt
Subject: RE: #15 McPherson/Freedom Daily

Thanks. Any further word on the potential move of parts of Occupy to Smithsonian land at 14th and Constitution?

-----Original Message-----

From: Peggy_O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]
Sent: Wednesday, December 07, 2011 9:47 AM
To: Davis, Laura; Lee-Ashley, Matt
Subject: Fw: #15 McPherson/Freedom Daily

Today's report...

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Kathleen Harasek
Sent: 12/07/2011 09:21 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; [RANDOLPH MYERS@sol.doi.gov](mailto:RANDOLPH.MYERS@sol.doi.gov); David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Marisa Richardson; Polly Hanson
Subject: #15 McPherson/Freedom Daily

Significant incidents within the last 24 hours

Sexual Assault at McPherson Square - female reported that she was groped by a male demonstrator against her will. Investigation continues.
Sexual Assault (under investigation) Leadership at Freedom Plaza reported that a demonstrator heard a female being assaulted. The "victim" left the encampment the next day. The accused "suspect" remains at the site. Investigation will attempt to locate the victim.
Protestors from the McPherson group held an impromptu demonstration at the Washington Monument. USPP resources from outer districts were brought in to maintain integrity of inner circle. 1 individual was arrested for urinating in public and possession of marijuana

Events scheduled today

The McPherson Group will be marching to an undisclosed location to stage a protest. USPP/MPD and US Capitol PD will monitor group's movements
McPherson and Freedom Plaza group will join with the "Our DC" (permitted group on Mall) to hold a block party on K St.
The McPherson Group intends to march to the White House @ 1700 hours.
This non-permitted event will be monitored by USPP/USSS and MPD

NAMA and USPP Outreach

Capt. Harasek and Lt. Marshall met with Freedom Plaza organizers Kevin Zeese and Margaret Flowers.
McPherson Square- 9:30 Marisa Richardson (NAMA)

Spoke with the gentleman selling his artwork in the Park and informed him again that the selling of artwork in the park is prohibited

Spoke with the guy who runs the kitchen and informed him that they should not store extra containers of propane in the park

Counted 3 generators in the park

Noticed that tents are now numbered - and there seems to be less tents

Observed a bucket of urine and the smelled human feces

Don John's brought in a hand washing unit near the kitchen area

Number of portable restrooms has increased from 2 to 3

An arts tent has been erected in the general assembly area (where a couple was sleeping)

Freedom Plaza

Approved the erection of 3 -16x32 winter tents after receiving drawings and calculations from demonstrators. NPS engineer reviewed calculations and drawings and found them adequate an amended permit will be issued.

Tents will be erected maybe on Thursday in the west end of the plaza maybe on Thursday (weather dependent)

The (3) 16 x 32 tents will be used as food tent, gathering area, first aid and media areas (the current media, food and first aid tents will be dismantled)

They will keep the biodome tent as a smoking area (it has four ventilation vents)

Articles of particular interest

Occupy Chicago heads to Occupy DC

http://www.washingtonpost.com/blogs/the-buzz/post/occupy-chicago-heads-to-occupy-dc/2011/12/02/gIQAfNLpZO_blog.htm

1

McPherson Square Businesses getting fed up

<http://washingtonexaminer.com/local/dc/2011/12/mcpherson-businesses-getting-fed-occupy-dc/1980756>

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen.Harasek@nps.gov

Davis, Laura

From: Davis, Laura
Sent: Wednesday, December 07, 2011 5:07 PM
To: 'Patrick_Smith@nps.gov'
Subject: RE: Search Warrant on tent today for handgun

Thank you.

-----Original Message-----

From: Patrick Smith@nps.gov [mailto:Patrick_Smith@nps.gov]
Sent: Wednesday, December 07, 2011 4:47 PM
To: Davis, Laura
Cc: Vogel, Bob A.; O'Toole, Jeanne; Marshall, Jerry; Cucurullo, Karen; Harasek, Kathleen; Mendelson, Lisa; O'Dell, Peggy; Myers, Randolph; Maclean, Robert; Whitesell, Steve E.; [Teresa Chambers@nps.gov](mailto:Teresa_Chambers@nps.gov)
Subject: RE: Search Warrant on tent today for handgun

Search Warrant completed. Two subjects were inside the tent and were temporarily detained on the scene. There were no handguns or other weapons found in the tent. Two bottles of liquor were found in the tent and the male occupant was issued a citation for the alcohol. US Park Police operations in McPherson Square have returned to normal.

Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
202-610-7089
(patrick_smith@nps.gov)

"Davis, Laura"
<Laura_Davis@ios.doi.gov>

12/07/2011 02:10
PM

To
"Smith, Patrick C."
<Patrick_Smith@nps.gov>, "Harasek, Kathleen"
<Kathleen_Harasek@nps.gov>

cc
"Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Marshall, Jerry" <Jerry_Marshall@nps.gov>,
"Cucurullo, Karen"
<Karen_Cucurullo@nps.gov>,
"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>,
"O'Dell, Peggy"
<Peggy_O'Dell@nps.gov>, "Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>,
"Maclean, Robert"
<Robert_MacLean@nps.gov>,
"Whitesell, Steve E."
<Steve_Whitesell@nps.gov>,

"Teresa Chambers@nps.gov"
<Teresa Chambers@nps.gov>,
"O'Toole, Jeanne"
<Jeanne_O'Toole@nps.gov>

Subject

RE: Search Warrant on tent today
for handgun

Thank you. Please keep me updated.

-----Original Message-----

From: Patrick Smith@nps.gov [<mailto:Patrick.Smith@nps.gov>]

Sent: Wednesday, December 07, 2011 2:03 PM

To: Harasek, Kathleen

Cc: Vogel, Bob A.; Marshall, Jerry; Cucurullo, Karen; Mendelson, Lisa; O'Dell, Peggy; Myers, Randolph; Maclean, Robert; Whitesell, Steve E.; Teresa Chambers@nps.gov; O'Toole, Jeanne; Davis, Laura

Subject: Search Warrant on tent today for handgun

To all:

A search warrant will be conducted at approximately 3 PM on a tent . The search warrant, issued by the US Attorney's Office, is for a pistol and is based on information provided by a reliable informant.

Major Patrick C. Smith
U.S. Park Police
Commander, Icon Protection Branch
1100 Ohio Drive, SW
Washington, DC 20042
202-610-7089
(patrick.smith@nps.gov)

Davis, Laura

From: Davis, Laura
Sent: Thursday, December 08, 2011 9:43 AM
To: 'Peggy_O'Dell@nps.gov'
Subject: RE: #16 McPherson/Freedom Daily

Thanks. Good to talk at 10? In particular would be important to discuss how the dialogue is going with Smithsonian over potential move of parts of Occupy to 14th and Const. area.

-----Original Message-----

From: Peggy_O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]
Sent: Thursday, December 08, 2011 9:37 AM
To: Davis, Laura; Lee-Ashley, Matt
Subject: Fw: #16 McPherson/Freedom Daily

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Kathleen Harasek
Sent: 12/08/2011 09:10 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Marisa Richardson; Polly Hanson; Kimberly.Fondren@sol.doi.gov; Scott Fear; Richard Pope
Subject: #16 McPherson/Freedom Daily

The following significant incidents occurred within the last 24 hours
Search warrant executed based on information from an informant that indicated there was a gun in the tent. Warrant was served without incident; no weapon was located. Open containers of alcohol were observed in tent and owner was issued DCMR (citation). Owner of tent is wanted out of Fairfax County but is non-extraditeable.
Arrest warrant served on subject who made threats to another protestor on 12/5/11. Individual was arrested without incident.
CFR Violation - Sign attached to NPS property (lightpole) was taken down and documented.
MPD arrested 63 persons blocking intersections in the K St. corridor (approximately 50 were Occupy DC) another 13 were arrested at the U.S. Supreme Court. SIEU reportedly posted collateral for several of the demonstrators.

Today's events

McPherson has on site meetings only, but it is anticipated that some members of the group will join with the Our DC group on the National Mall to march to the U.S. Capitol. USPP/USCP/MPD will monitor the group's movements.
Freedom Plaza group does not list anything specific today, it is expected that they too will join with the Our DC group. They do plan to

protest at the Dept of Justice on Friday (12/9)

NAMA/USPP Outreach

USPP spoke with Freedom Plaza organizers about previous report (3rd party) of sexual assault. Organizers located the female who was reported to be the victim. The victim suffers from mental illness and claims that she is okay and there was no sexual assault. USPP will discontinue investigation of incident.

NAMA Permit office issued amended permit to Freedom Plaza Organizers

Media Reports/Articles of Interest

Dozens arrested in Occupy DC protests

http://www.washingtonpost.com/local/at-least-11-arrests-so-far-in-occupy-dc-protests/2011/12/07/gIQAY5f3c0_story.html?tid=pm_local_pop

Occupy DC protestors to launch hunger strike

http://www.washingtonpost.com/local/occupy-dc-protesters-to-launch-hunger-strike-for-dc-representation-in-congress/2011/12/08/gIQAAAsIBe0_story.html?sub=AR

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen.Harasek@nps.gov

Davis, Laura

From: Davis, Laura
Sent: Sunday, December 04, 2011 9:00 PM
To: O'Dell, Peggy
Subject: Re: 9 pm call

Great

Sent from my iPad

On Dec 4, 2011, at 8:59 PM, "Peggy_O'Dell@nps.gov" <Peggy_O'Dell@nps.gov> wrote:

I'll be on

Sent from my BlackBerry Wireless Handheld

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:50 PM EST
To: Robert MacLean; Teresa Chambers
Cc: Peggy O'Dell
Subject: 9 pm call

Let's use this call-in # for 9 pm:

FOIA5A

code

FOIA5D

Sent from my iPad

On Dec 4, 2011, at 8:33 PM, "Maclean, Robert" <Robert_MacLean@nps.gov> wrote:

Will do Laura. Thanks.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:14 PM EST
To: Robert MacLean; "theresa_chambers@nps.gov"
<theresa_chambers@nps.gov>; Peggy O'Dell
Cc: Laura Davis
Subject: Re: SitRep #7

Rob,
Thank you for the ongoing reports. I see the action is nearly complete. The Secretary would like to get back on the phone at 9 pm for a debrief if that is possible, with those of us on this email. Peggy can we use the same number?
Laura

Sent from my iPad

On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov"
<Robert_MacLean@nps.gov> wrote:

NPS lift (cherry picker) on scene. USPP personnel secured in the bucket
has recovered two of the remaining 4.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 06:48 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #6

Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:07 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaltdt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched on the roof.

MPD SOD will insert the inflatable device within the structure as a precaution. Then the NPS/USPP will attempt to remove the remaining 6 with a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@ussd.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>;
"John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>;
David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>;
"Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>;
"Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
<eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaltd.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaltdt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>;

Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the

park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa

Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel;
Steve

Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry
Marshall;

Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David
Schlosser; Philip Beck;

Charles Guddemi; Martin Zweig; Paul Kempainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

Officers responded to McPherson Square overnight for a report of
an

assault. Officers were directed to a female who had superficial
injuries to arm, hand and face. The victim did not want to talk to
police. Officers convinced her to come to the D-1 station to be
interviewed. Investigation revealed that she was in a verbal
argument

with her boyfriend which led to a physical altercation resulting in
her

injuries. The victim was intoxicated at the time of the report and
did

not want to press charges. USPP Detectives went to the area in an
attempt to locate the suspect, but were unsuccessful in doing so.

Follow-up to be conducted.

Schedule of events

There are no scheduled events other than on site meetings and
lectures

at both locations. Freedom Plaza will be collecting material for a
recycleable Christmas Tree which is scheduled to be lit on
Tuesday.

Information will be passed to Park Programs for follow up.

Articles of interest

Washington Post Article which compares Occupy DC to the 1968
Resurrection City. Resurrection City occurred around the
Reflecting

Pool and was the encampment for approximately 3000 demonstrators.

(http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov

Davis, Laura

From: Davis, Laura
Sent: Sunday, December 04, 2011 6:10 PM
To: O'Dell, Peggy
Subject: Re: SitRep #5

Yes. Forwarding to KLS.

Sent from my iPad

On Dec 4, 2011, at 6:09 PM, "Peggy_O'Dell@nps.gov" <Peggy_O'Dell@nps.gov> wrote:

>
> Are you getting these directly?
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 06:07 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve
> Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry
> Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>;
> David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul
> Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim
> Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>;
> "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
> <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
> Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #5
> 16 arrested thus far from the interior of the structure. 6 still
> perched on the roof.
>
> MPD SOD will insert the inflatable device within the structure as a
> precaution. Then the NPS/USPP will attempt to remove the remaining 6
> with a lift device.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel

> 202.205.7983 - Fax

>

>

> ----- Original Message -----

> From: Robert MacLean

> Sent: 12/04/2011 05:46 PM EST

> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscp.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscp.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

> Subject: Re: SitRep #4

> 3rd and final warning issued. Noone left the structure.

> -----

> Sent from my BlackBerry Wireless Handheld

>

> Deputy Chief Robert D. MacLean

> Commander, Homeland Security Division

> United States Park Police

>

> Robert_MacLean@nps.gov - Email

> 202.619.7085 - Office

> 202.438.6656 - Nextel

> 202.205.7983 - Fax

>

>

> ----- Original Message -----

> From: Robert MacLean

> Sent: 12/04/2011 05:41 PM EST

> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscp.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscp.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #3
> Here is the URL for the live stream:
>
> www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=97308
> 81&utm_medium=social
>
> Perimeter has been established on 3 sides. The south side will be
> available for any protesters that wish to leave upon the issuance of
> the warnings.
>
> Light towers on scene.
>
> First warning issued (1741 hours). 22 remain in or on the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 04:46 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve
> Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry
> Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>;
> David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul
> Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim
> Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>;
> "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
> <mrusso1@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #2
> DCRA just deemed the structure unsafe, thus posted it as such.
>
> NPS in route with a maintenance crew to dismantle the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police

>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 04:25 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve
> Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve
> Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry
> Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>;
> David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul
> Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim
> Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>;
> "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
> <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
> <mrusso1@leo.gov>; Michael Russo
> Subject: SitRep #1
> Unified Command in place: USPP, MPD, NAMA, DOI SOL.
>
> USPP just established the perimeter, which is the southern portion of
> the park. React Team is assisting with the SE quadrant.
>
> DCRA will determine if the structure is safe/permitted. After this
> determination is made the remaining protesters in the structure
> (Approx. 12
> persons) will be given warnings to evacuate the structure.
>
>
> Approx. 12 arrests made thus far (majority of the charges are for
> crossing a police line).
>
> ICS in place:
> D/C MacLean - IC
> Sgt. Schlosser - PIO
> DC FEMS - Safety
> Capt. Harasek - OPS
> Capt. Guddemi - Plans and Logistics
> Lt. Lachance - Tactical Branch
> Lt. Felt - Transportation
> Sgt. Steinheimer - Investigations/Arrest
>
> CP - Mobile Command on Madison Pl. South of H (within the White House
> Zone).
>
> DCRA entering the park.
> -----
> Sent from my BlackBerry Wireless Handheld
>

> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Kathleen Harasek
> Sent: 12/04/2011 09:10 AM EST
> To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa
> Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve
> Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry
> Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser;
> Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen
> Subject: #12 McPherson/Freedom Daily Within the past 24 hours the
> following incidents were noted
> Officers responded to McPherson Square overnight for a report of an
> assault. Officers were directed to a female who had superficial
> injuries to arm, hand and face. The victim did not want to talk to
> police. Officers convinced her to come to the D-1 station to be
> interviewed. Investigation revealed that she was in a verbal argument
> with her boyfriend which led to a physical altercation resulting in her
> injuries. The victim was intoxicated at the time of the report and did
> not want to press charges. USPP Detectives went to the area in an
> attempt to locate the suspect, but were unsuccessful in doing so.
> Follow-up to be conducted.
>
> Schedule of events
> There are no scheduled events other than on site meetings and lectures
> at both locations. Freedom Plaza will be collecting material for a
> recycleable Christmas Tree which is scheduled to be lit on Tuesday.
> Information will be passed to Park Programs for follow up.
>
> Articles of interest
> Washington Post Article which compares Occupy DC to the 1968
> Resurrection City. Resurrection City occurred around the Reflecting
> Pool and was the encampment for approximately 3000 demonstrators.
>
> (http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)
>
>
>
>
> Captain Kathleen Harasek
> Commander, Central District
> U.S. Park Police
> 202-426-6710 (office)
> 202-438-1593 (cell)
> Kathleen_Harasek@nps.gov
>
>
>

Davis, Laura

From: Davis, Laura
Sent: Sunday, December 04, 2011 2:03 PM
To: O'Dell, Peggy
Subject: Re: McPherson Park

Hey - can we get on the phone quickly w KLS and Capt Harasek (or whomever appropriate) to get him up to speed. Bill Daley wants to call him. Let me know when, call me. Thx

----- Original Message -----

From: Peggy_O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]
Sent: Sunday, December 04, 2011 01:22 PM
To: Davis, Laura; Jacobson, Rachel - Deputy Solicitor; Jacobson, Rachel L; Koenigsberg, Melissa; Jarvis, Jon; Foster, Maureen
Subject: Fw: McPherson Park

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 01:12 PM EST
To: Teresa Chambers; Peggy O'Dell; Jeanne O'Toole; Patrick Smith
Subject: Fw: McPherson Park
FYSA. Capt Harasek is responding in. She has already spoken with Bob Vogel and Randy Myers. USPP PIO just arrived on scene.

Capt Harasek will provide updates as necessary.

Twitter is encouraging protesters to cross the police line at some point.

MPD will assist if necessary.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 12:37 PM EST
Subject: Fw: McPherson Park
Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing.

Currently, there are 6 individuals who climbed to the top of the structure.
SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 11:50 AM EST

Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue . The protesters were advised that the structure needed to be broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.

Davis, Laura

From: Davis, Laura
Sent: Friday, November 25, 2011 3:02 PM
To: O'Dell, Peggy
Subject: Re: #3 McPherson/Freedom Update

Sorry! We missed our time today! Full disclosure...I was getting a massage. Hope you found some good stuff shopping and that your Thanksgiving was wonderful.

Tomorrow at 10?

Sent from my iPad

On Nov 25, 2011, at 11:15 AM, "Peggy_O'Dell@nps.gov" <Peggy_O'Dell@nps.gov> wrote:

>
> Just to put your mind at ease. No significant activity. Some links
> below of general interest. Hope you had a great Thanksgiving. I am one
> of the craziest at the outlet mall today! Enjoy your time away.
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
> ----- Original Message -----
> From: Kathleen Harasek
> Sent: 11/25/2011 08:34 AM EST
> To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa
> Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve
> Lorenzetti; Karen Cucurullo; Patrick Smith; Jerry Marshall; Keith
> Rogers; RANDOLPH.MYERS@sol.doi.gov; David Schlosser
> Subject: #3 McPherson/Freedom Update No significant incidents
> reported in last 24 hours. Patrols continue within and around
> exterior of both sites.
>
> The website appears to be down so their daily schedule for today is
> not known.
>
> Two articles of interest today;
> First is the groups response to the reported sexual assault during the
> week (Male groped by another male during the night, case being
> reviewed by DC Superior Court for charges)
> <http://www.mediaite.com/online/occupy-dc-protesters-push-back-against-coverage-of-sexual-assaults-at-camps/>
>
>
> Second is the report that the groups feel energized by other groups
> clash with police in other cities
> http://www.huffingtonpost.com/2011/11/17/occupy-dc-nov-17-march-occupy-wall-street-anniversary_n_1100451.html
>
>
>
>
>
>

> Captain Kathleen Harasek
> Commander, Central District
> U.S. Park Police
> 202-426-6710 (office)
> 202-438-1593 (cell)
> Kathleen.Harasek@nps.gov
>
>
>

Davis, Laura

From: Davis, Laura
Sent: Thursday, October 20, 2011 8:22 AM
To: Foster, Maureen; Jarvis, Jon; O'Dell, Peggy
Cc: Jacobson, Rachel - Deputy Solicitor; Lee-Ashley, Matt; Hayes, David; Sisk, Jennifer R
Subject: Re: Fwd: Meeting with NPS

Thanks Maureen. 10 works.

From: Maureen_Foster@nps.gov [mailto:Maureen_Foster@nps.gov]
Sent: Thursday, October 20, 2011 06:43 AM
To: Davis, Laura; Jarvis, Jon; O'Dell, Peggy
Cc: Jacobson, Rachel - Deputy Solicitor; Lee-Ashley, Matt; Hayes, David
Subject: Re: Fwd: Meeting with NPS

Good morning Laura.

Jon and Peggy are on travel today. I will get with the regional folks, U SPark Police and Solicitors to get a consolidated update for you.

They are working on a plan and are aware of DC's concerns about the square.
what time would be good to talk this morning? Maybe 10 or is that too late?

Maureen

Maureen D. Foster
202.208.5970

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 10/20/2011 05:34 AM AST
To: Jon Jarvis; Peggy O'Dell; Maureen Foster
Cc: Rachel Jacobson; Matt Lee-ashley; David Hayes
Subject: Fwd: Meeting with NPS

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
Date: October 17, 2011 8:29:28 PM EDT
To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: FW: Meeting with NPS

Laura – This continues to be an issue. Would you all consider working with us to try to negotiate a consolidation of folks at Freedom Plaza? The park at McPherson Square is experiencing incredible damage. At least we could try to minimize the damage to the park by getting everyone at Freedom Plaza.

From: Richard Bradley [mailto:bradley@downtowndc.org]
Sent: Monday, October 17, 2011 8:25 PM
To: Murphy, Christopher (EOM); David Kamperin
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard
Subject: RE: Meeting with NPS

Chris,

If the Park Service develops a clear set of guidelines as well as dramatically increases their ability to enforce them we might be able to "live" with them especially if the groups could be consolidated into a single place at Freedom Plaza. They are destroying McPherson.

But day by day the encampments seem to slowly grow, in large part with the addition of homeless individuals. Today someone driving a Mercedes station wagon with a Maryland license was dropping off mats, rugs, and other contributions to McPherson which now seems to have a full fledged kitchen in the making.

In the short run we are hoping that NPS can effectuate a containment strategy.

Thanks.

Rich

From: Murphy, Christopher (EOM) [christopher.murphy@dc.gov]
Sent: Monday, October 17, 2011 8:05 PM
To: David Kamperin
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard; Richard Bradley
Subject: RE: Meeting with NPS

Thanks so much Dave. It sounds like a very positive meeting – all things considered.

Are there other concerns here or if these commitments are kept can you all live with them? It sounds like the latter but I'd like to be sure.

Thanks,

Chris

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"Putting District Residents Back to Work – One Hire at a Time"
Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.

Learn more at www.dconefund.org or www.onefund.dc.gov. One City, Working Together!

From: David Kamperin [mailto:davidk@downtowndc.org]
Sent: Monday, October 17, 2011 3:31 PM
To: Murphy, Christopher (EOM)
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard; Richard Bradley
Subject: Meeting with NPS

Chris-

Today we meet with Robert Vogel, Superintendent of National Mall and Memorial Parks and a few of his staff to discuss the issues at Freedom Plaza and McPherson Square. We discussed four main topics:

1. Laws and policies – apparent current laws and policies have been violated in these parks regarding camping, structures, cooking (flammable materials to include propane) and generators. Further that prohibiting overnight camping by NPS did not violate freedom of speech or assembly -Supreme Court case *Clark v Community for Creative Nonviolence*, 468 U.S. 288 (1984).
2. Requirements of park users-requirements of posting of bonds, maintaining public order and cleanliness of park, prohibition of harming of park land (36 CFR Ch. I § 7.96).
3. Enforcement and protection- obligation of NPS to not only protect the park resources but also people who use the park; concern with public health and safety issues
 - a. USPP services and uniformed presence to ensure all who use the park are safe and to ensure open communication and intelligence with MPD
 - b. Child protective services to deal with small children living in these encampments in these unsanitary conditions;
 - c. Maintenance services to deal with the trash and debris;

- d. Capital Repairs to be set aside when parks are vacated to restore to pre-encampment conditions;
4. Coordination and communication-better coordination to stakeholders (DBID etc)

It was apparent that the Superintendent shared our concerns with the current conditions of the two parks and their current usage and deterioration. He committed to increase maintenance and cleanliness in those parks and coordinate with USPP safety concerns (to include uniform presence). Superintendent Vogel indicated he had a meeting this afternoon with the Director, NPS solicitors and USPP to discuss these encampments and express our concerns and that he would follow up with us. He agreed that NPS could not establish or permit a precedent with these types of encampments (although we all agreed and realized that the parks maybe a protected platform for those to use for First Amendment activities) and that NPS had to come up with enforcement strategies to deal with the illegal activities-but of course did not mention specific enforcement activities. We, of course, encouraged them to coordinate with MPD if (and when) this time comes.

We also discussed several examples of good usage requests that were denied by NPS (summer concerts in the park, limited food vending, beautification applications and green space use) that would enhance the urban park experience and usage here in DC that would emulate several other best practices and usages not only here in the US but internationally. We also discussed what appeared to be the ease of such activity which, over extended time, has caused harm and damage to our natural resources without any enforcement activity or proactive park management. We pointed out that recent enforcement in several cities and states regarding these illegal encampments have not brought with them the waves of protesters objecting to this action as was feared.

Finally, we requested that if NPS was not going to enforce the laws prohibiting camping, etc that they relocate the encampments to the National Mall (of course they did not agree with that recommendation) or at least remove the non-permitted activity at McPherson and relocate them to Freedom Plaza, so that capital repairs can be made to green space before winter at McPherson.

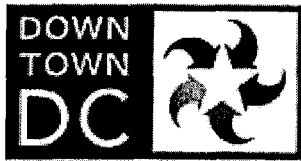
The following are the points of contact from today's meeting-

Superintendent Robert Vogel (bob_vogel@nps.gov) 202-245-4661

Deputy Superintendent of Operations Karen Cucurullo (karen_cucurullo@nps.gov) 202-245-4670

Please let me know what the DBID can do to further assist you and the city with this. Also, if you could let us know how your meeting with Dept of Interior goes and any enforcement plans that they may have to deal with this.

Thanks- Dave



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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Call **911** to report in-progress threats or emergencies.

To learn more, visit <http://www.mpdcc.gov/operationtipp>

Davis, Laura

From: Davis, Laura
Sent: Thursday, October 20, 2011 5:33 AM
To: Jarvis, Jon; O'Dell, Peggy; Foster, Maureen
Cc: Jacobson, Rachel - Deputy Solicitor; Lee-Ashley, Matt; Hayes, David
Subject: Fwd: Occupy DC Update - McPherson Square
Attachments: image001.jpg; ATT00001.htm; Storage_Tent_10-19-11.JPG; ATT00002.htm; Excessive Trash 10-19-11.JPG; ATT00003.htm; Generator_2 10-19-11.JPG; ATT00004.htm; occupy_dc_10_19_11.JPG; ATT00005.htm; ODC_generator.JPG; ATT00006.htm

Jon, Peggy, Maureen,

I'm hearing directly from Mayor Gray's COS regarding their concerns about impacts to McPherson Square (and Freedom Plaza) from the Occupy DC folks. The Mayor's office has been working directly with Bob Vogel and my sense is that relationship is fine, but becoming strained as the protests and impacts grow. I'm sure this is already taking quite a bit of your time, but I need to call Chris today and hear his concerns, and he will be looking for some new solutions. Can you get me up to speed this morning? I'll forward an additional email next.

Thanks.
Laura

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: FW: Occupy DC Update - McPherson Square

FYI

Join Mayor Gray's One City • One Hire - 10,000 Jobs Campaign
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Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.
Learn more at www.dconefund.org or
www.onefund.dc.gov. One City, Working Together!

From: David Kamperin [<mailto:davidk@downtowndc.org>]
Sent: Wednesday, October 19, 2011 4:21 PM
To: bob_vogel@nps.gov; steve_lorenzetti@nps.gov; karen_cucurullo@nps.gov;
Kathleen_Harasek@nps.gov; teresa_chambers@nps.gov; kevin_hay@nps.gov
Cc: Richard Bradley; Rick Reinhard; Murphy, Christopher (EOM); Karyn LeBlanc
Subject: FW: Occupy DC Update - McPherson Square

Superintendent Vogel

Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the

sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response – to include increased trash pick ups and enforcement of these severe public safety issues.

[cid:image001.jpg@01CC8E7B.0DC2E5E0]

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Call the Metropolitan Police Department at (202) 727-9099 or email at

SAR@DC.GOV<blocked::mailto:SAR@DC.GOV> to report suspicious activity or behavior that has already occurred.

Call 911 to report in-progress threats or emergencies.

To learn more, visit

<http://www.mpdcc.gov/operationtipp><blocked::http://www.mpdcc.gov/operationtipp>

From: Blake Holub

Sent: Wednesday, October 19, 2011 4:04 PM

To: David Kamperin

Cc: Kenneth Gregory

Subject: Occupy DC Update - McPherson Square

Dave,

As we had discussed earlier, Kenny and I visited the Occupy DC site today. We noted that the site had expanded since Monday, roughly totaling 125-150 people with nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all of the activity. Also, the demonstration has two working generators which they seem to be rotating out. They also have a storage tent which looks like a quasi-pantry for demonstrators to receive rations. Additionally, the smell was quite putrid when we walked through the encampment which most likely stems from the lack of sanitary conditions and the presence of dogs. Lastly, we noted around 15 or so trash bags stacked on the corner of K and 15th St. I have also attached photos for your viewing.

Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA

Quality Control Manager

Public Space Management

Downtown DC BID

1250 H Street, NW Suite 1000

Washington, DC 20005

Desk: (202) 661-7571

Fax: (202) 661-7599

Email: blake@downtowndc.org<<mailto:blake@downtowndc.org>>

Eaton, Robert

From: Myers, Randolph
Sent: Friday, October 21, 2011 4:52 PM
To: Eaton, Robert
Subject: Attached for your review is my revision of the NAMA McPherson Square Handout
Attachments: NAMA Draft McPherson Use Handout 2011-10-21 RMyers 10.21.11.docx; Draft NAMA Notice for McPherson Square 4 RMyers 10.21.11.docx

Importance: High

[REDACTED]

The second document, fyi, is my earlier draft Notice which they worked from.

Randy

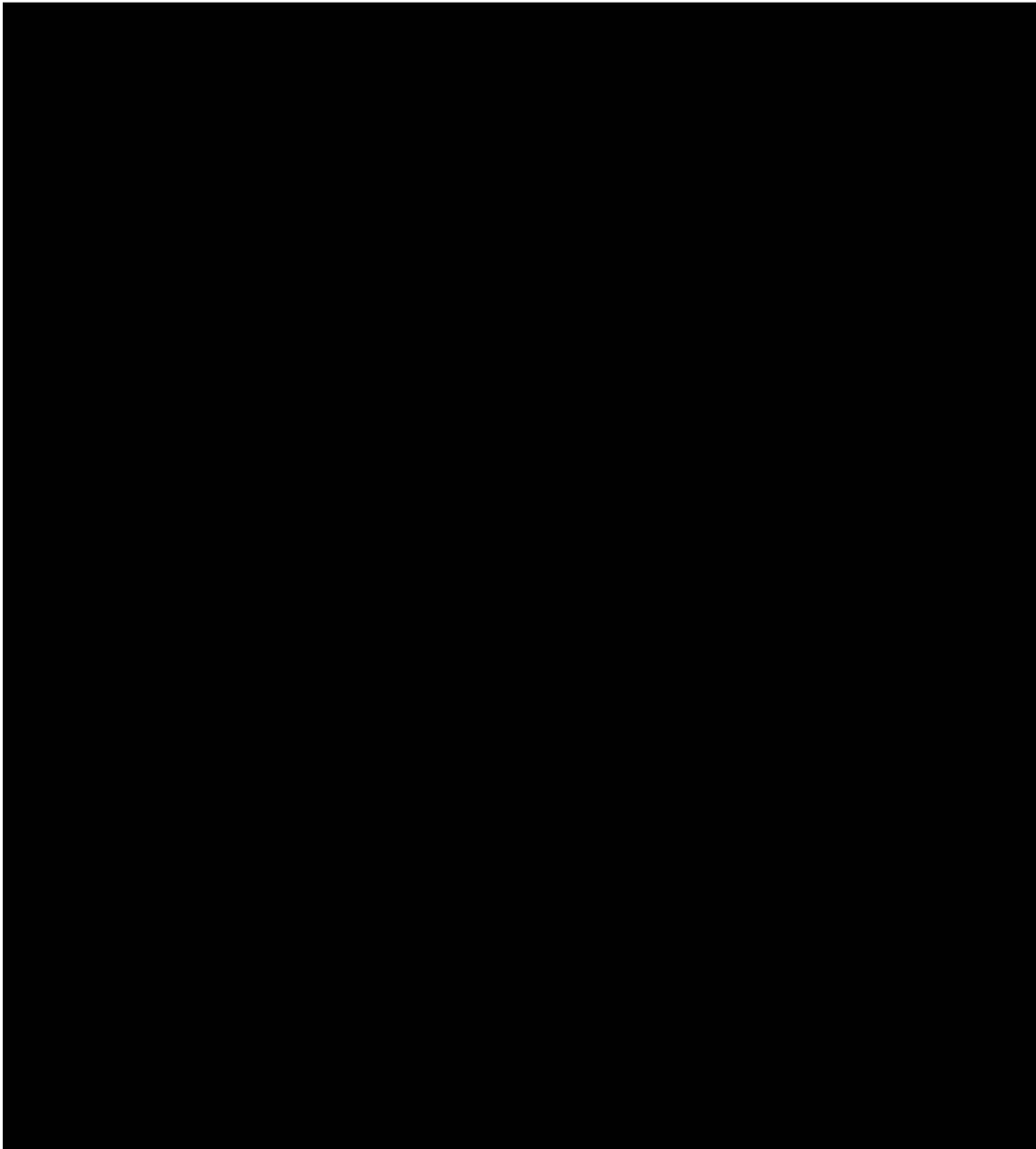
Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

This e-mail (including attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.



Help Us Preserve McPherson Square

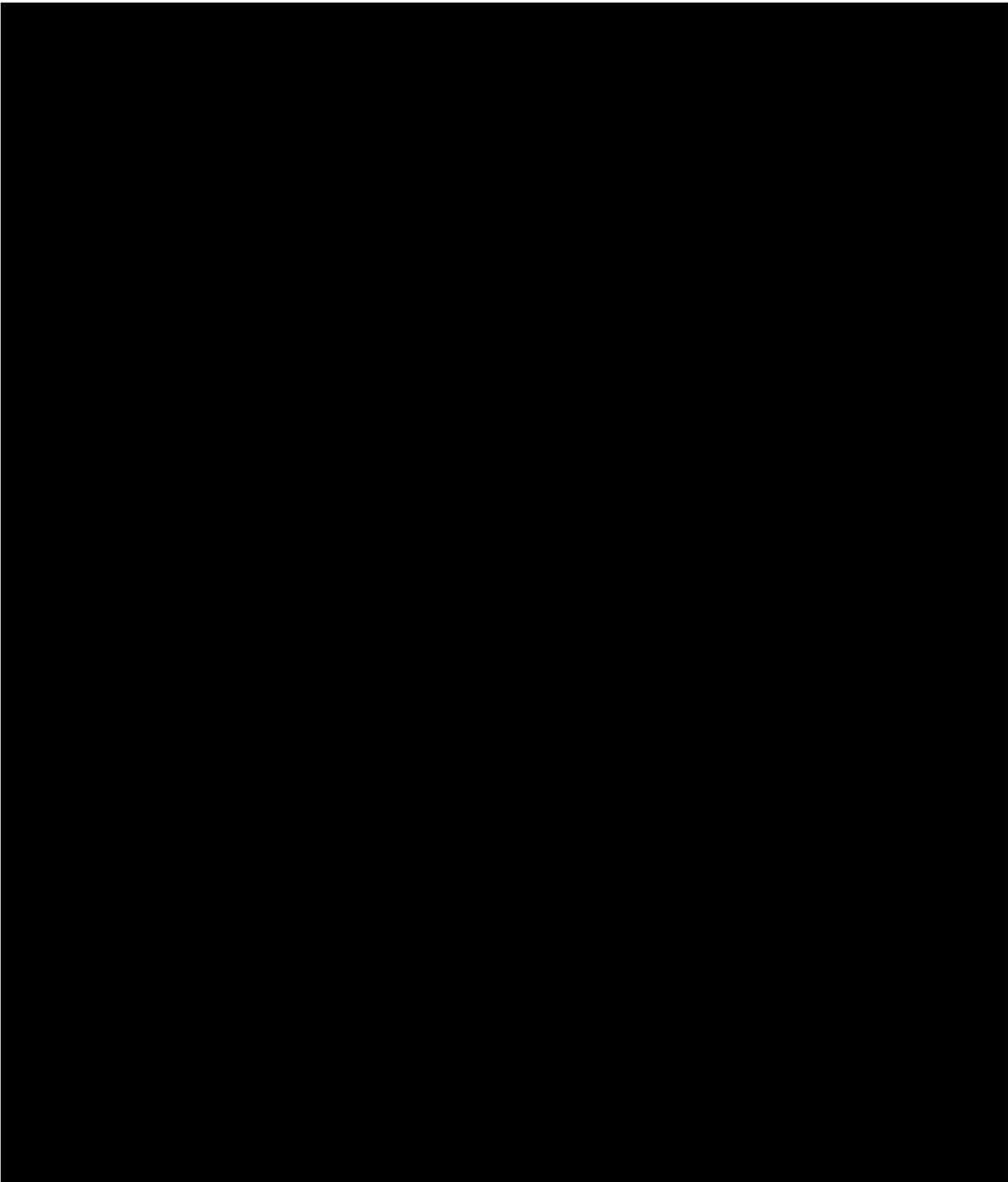
National Mall and Memorial Parks – National Park Service



Comment [rjmyers1]:

[Redacted comment text]

FOIA5C



[Redacted]

FOIA5C

Comment [rjmyers3]:
[Redacted]

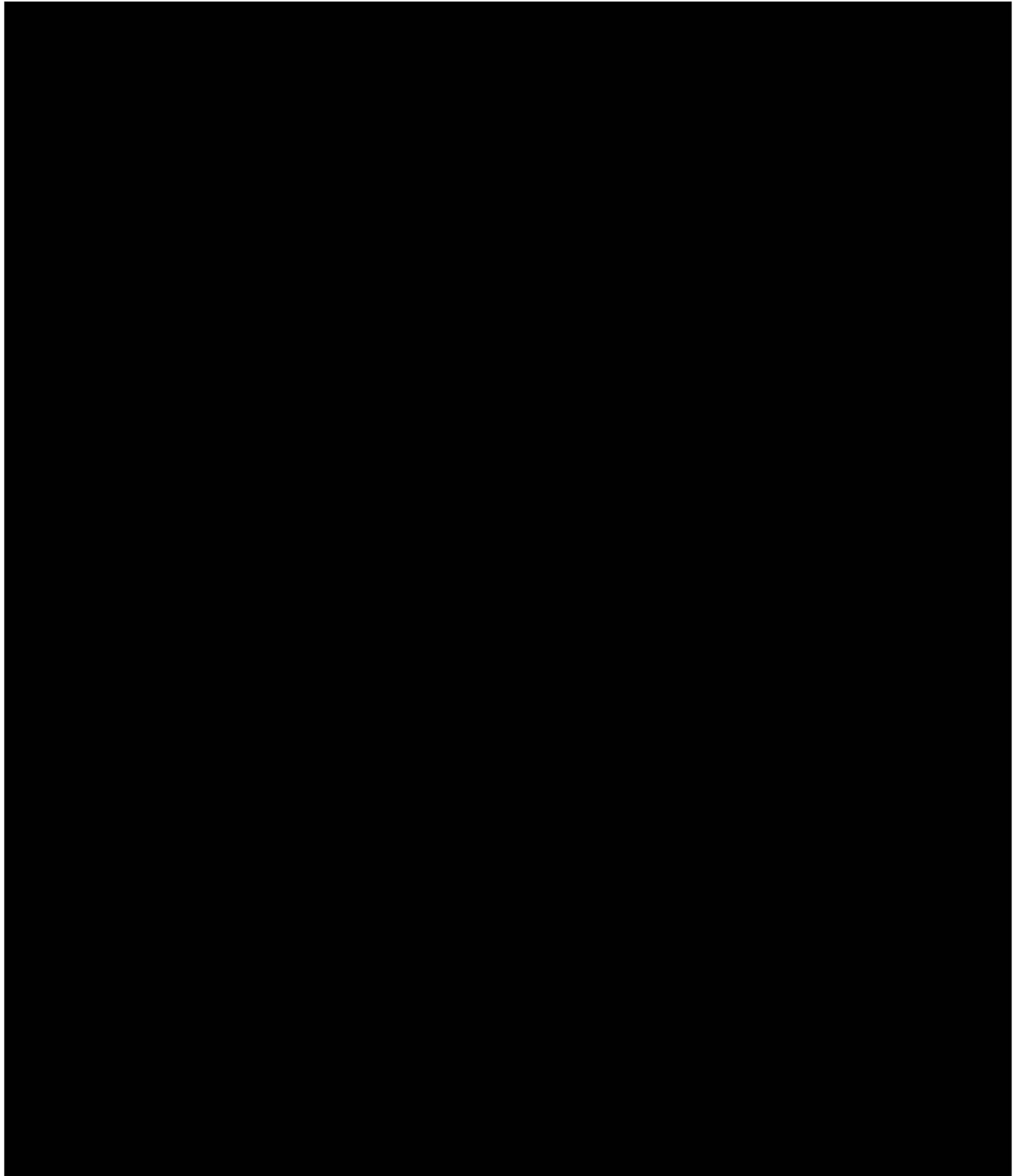
FOIA5C

Comment [rjmyers4]:
[Redacted]

FOIA5C

Comment [rimvers5]:
[Redacted]

FOIA5C



Myers, Randolph

From: Myers, Randolph
Sent: Wednesday, October 26, 2011 11:38 AM
To: Williams, Martha
Cc: Roth, Barry; Eaton, Robert; Fondren, Kimberly
Subject: FW: McPherson Square Use Handout
Attachments: McPherson Use Handout 2011-10-26.doc

Martha: At Barry's request, attached fyi is the Park's draft McPherson Square Handout, which I earlier review. This deals with the Occupy Wall Street demonstration there, where I expect this will be part of a phased response by the NPS and Park Police. I expect that once vetted through the NPS, the Handout should be handed out later in the week....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: [Steve Lorenzetti@nps.gov](mailto:Steve.Lorenzetti@nps.gov) [<mailto:Steve.Lorenzetti@nps.gov>]
Sent: Wednesday, October 26, 2011 9:52 AM
To: Vogel, Bob A.
Cc: Cucurullo, Karen; Harasek, Kathleen; Myers, Randolph; carol_b_johnson@nps.gov; Line, William
Subject: McPherson Square Use Handout

Bob,

Here is the final draft of the McPherson Square Use Handout. It has been vetted by Randy and the USPP.

steve

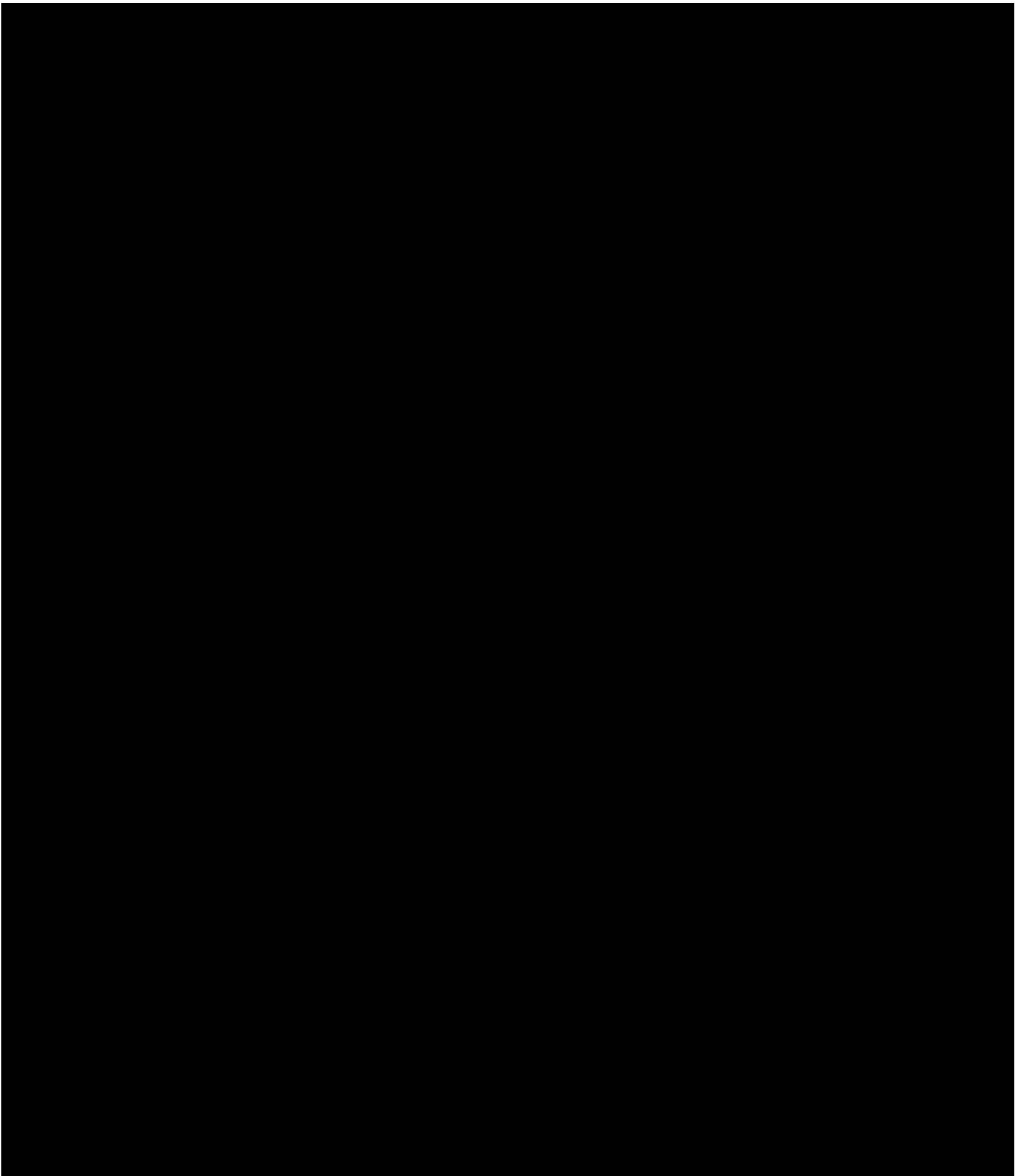
Stephen Lorenzetti
Deputy Superintendent - Planning
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4662
Fax: (202) 426-9309

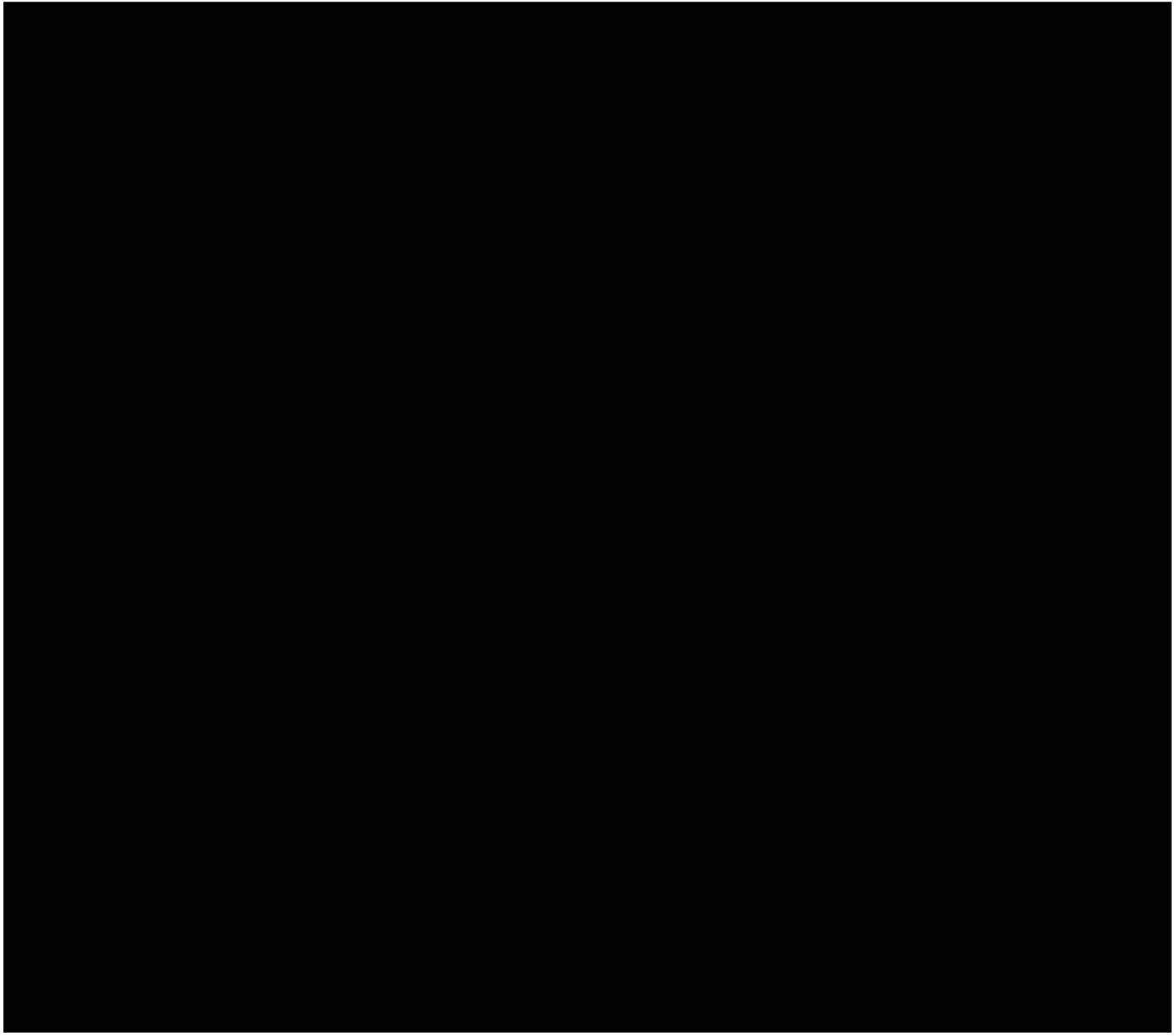
(See attached file: McPherson Use Handout 2011-10-26.doc)



Help Us Preserve McPherson Square

National Mall and Memorial Parks – National Park Service







Teresa Chambers/USPP/NPS
12/04/2011 10:35 PM

To Peggy O'Dell/WASO/NPS@NPS, Jon
Jarvis/WASO/NPS@NPS, Maureen
Foster/WASO/NPS@NPS, Tasha
cc
bcc
Subject Re: Tents

Thanks to all. Safe journeys, Peggy.
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256
Peggy O'Dell

----- Original Message -----

From: Peggy O'Dell
Sent: 12/04/2011 10:20 PM EST
To: Teresa Chambers; Jon Jarvis; Maureen Foster; Tasha Robbins; Claire
Rozdilski
Subject: Re: Tents

I thought as much. I believe the call is still on. I am in Florida tomorrow so am planning to call in. Please check with Claire in the morning. If you need discussion earlier in the day, Jon will be in. Tasha or Maureen can help schedule.

Sent from my BlackBerry Wireless Handheld
Teresa Chambers

----- Original Message -----

From: Teresa Chambers
Sent: 12/04/2011 10:17 PM EST
To: Peggy O'Dell
Subject: Tents

FYI - After two phone conversations with Laura, we will NOT be removing the unoccupied tents tonight. We will continue to hold the area until it's safe to allow people back in, and we in the USPP will pick up the conversation and explore options tomorrow. I believe we're still scheduled to brief the Director and others about Occupy DC tomorrow at 4:30, aren't we? (It didn't show up on yours or the Director's calendar for tomorrow.).

Thanks for your time today / tonight. I'll be heading home within the hour (ideally).

T
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256



Peggy O'Dell/WASO/NPS
12/04/2011 06:18 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>

cc

bcc

Subject Fw: SitRep #3

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social
|

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Sqare overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (
<http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAo>

NqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>

11/23/2011 02:34 PM

To "Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>,
"Kelly, Kate P" <Kate_Kelly@ios.doi.gov>
cc "Ripps, Alma" <Alma_Ripps@nps.gov>, "Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>, "Barna, David"

bcc

Subject RE: DRAFT ATTACHED -- Occupy DC public inquiry

I'm working on some edits that I hope to have back to you in a few minutes.

-----Original Message-----

From: Lisa_Mendelson-Ielmini@nps.gov [mailto:Lisa_Mendelson-Ielmini@nps.gov]

Sent: Wednesday, November 23, 2011 2:39 PM

To: Kelly, Kate P

Cc: Ripps, Alma; Vogel, Bob A.; 'Carol_B_Johnson@nps.gov'; Barna, David;
Schlosser, David; Olson, Jeffrey; Lyle, Jody; Lee-Ashley, Matt; Foster,
Maureen; O'Dell, Peggy; Whitesell, Steve E.; Line, William

Subject: Re: DRAFT ATTACHED -- Occupy DC public inquiry

I appreciate the comments from Chief Chambers, Randy Myers, and Jeff Olson
--- holding on for any others -- pls let me know if you have or don't have
comments, thanks. Thanks.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>

11/23/2011 01:10
PM

To

"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>,
"Ripps, Alma" <Alma_Ripps@nps.gov>,
"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"Schlosser, David"
<David_Schlosser@nps.gov>, "Olson,
Jeffrey" <Jeffrey_Olson@nps.gov>,
"Lyle, Jody" <Jody_Lyle@nps.gov>,
"Foster, Maureen"
<Maureen_Foster@nps.gov>, "O'Dell,
Peggy" <Peggy_O'Dell@nps.gov>,
"Line, William"
<William_Line@nps.gov>, "Barna,
David" <David_Barna@nps.gov>,
"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>,
"Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Whitesell,
Steve E." <Steve_Whitesell@nps.gov>

cc

Subject
Re: DRAFT ATTACHED -- Occupy DC
public inquiry

Thanks - we'll take a look and send back edits.

----- Original Message -----

From: Lisa Mendelson-Ielmini@nps.gov
[mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Wednesday, November 23, 2011 11:53 AM
To: Ripps, Alma; Carol_B_Johnson@nps.gov <Carol_B_Johnson@nps.gov>;
Schlosser, David; Olson, Jeffrey; Lyle, Jody; Kelly, Kate P; Foster,
Maureen; O'Dell, Peggy; Line, William; Barna, David; Lee-Ashley, Matt;
Lee-Ashley, Matt; Vogel, Bob A.; Whitesell, Steve E.
Subject: DRAFT ATTACHED -- Occupy DC public inquiry

Thanks everyone for coming together for the call this morning.

Karen Cucurullo, Kathy Harasek, and I just wrapped up this DRAFT for everyone's review. As we discussed on the call, this is intended to be broad so that it may be repurposed for other inquiries.

(See attached file: 2011 11 23 Community Response DRAFT.docx)

If you do have comments, please use TRACK CHANGES so we'll be able to pick them out. In order to respond today, I'd ask that everyone read and review as soon as possible, no later than 2 pm.

I'm in the office and you can reach me at the numbers below if you'd like to talk about this.

Thanks everyone for your participation and thoughts,

~Lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

David Barna
<david_barna@nps.gov>

11/22/2011 08:16
PM

Lisa Mendelson-Ielmini
<lisa_mendelson-ielmini@nps.gov>

To

CC

"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>,
"William_Line@nps.gov"
<William_Line@nps.gov>,
"Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>,
"Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>,
"Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>,
"Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>,
"Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>,
KatherineKelly
<Kate_Kelly@ios.doi.gov>

Subject

9:30 okay for call Wednesday
morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <
lisa_mendelson-ielmini@nps.gov> wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's
email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All
Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
The Region is starting to get email from the public like the one below
I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?
Here's our official [REDACTED] line that we can use for a conference call

Code [REDACTED] participant
Code [REDACTED] leader

David

Carter DeWitt

<cdewitt@taxfound

ation.org>

To

lisa_mendelson-ielmini@nps.gov"

11/22/2011 01:49

lisa_mendelson-ielmini@nps.gov>

PM

cc

Subject

other park users -

Occupy Dc versus

I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the book and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you -
and who butters
your bread with their labor. It isn't Occupy DC - it
isn't the new
generation of class warfare you are propping up - it is
me. I am
disgusted. I am angry and want this to end. Yesterday I
read that the
Occupy DC residents at McPherson Square expect to stay
into next year. I
sincerely hope this is not the case. They need to go home
and have someone
else support them if they are not willing to work. I have
no desire to pay
for this via my tax dollars you take from me in so many
ways. They do not
have a permit and it is unlawful for them to be there. If
I tried to camp
in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about
them - why are you
not hearing us?

Laurie Carter DeWitt



Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org
The Tax Foundation is guided by the principles of sound
tax policy --
neutrality, simplicity, transparency, and stability



"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>
11/23/2011 03:45 PM EST

To "Mendelson, Lisa" <Lisa_Mendelson-Ielmini@nps.gov>,
"Kelly, Kate P" <Kate_Kelly@ios.doi.gov>
cc "Ripps, Alma" <Alma_Ripps@nps.gov>, "Vogel, Bob A." <Bob_Vogel@nps.gov>, "Carol_B_Johnson@nps.gov" <Carol_B_Johnson@nps.gov>, "Barna, David"
bcc

Subject RE: DRAFT ATTACHED -- Occupy DC public inquiry

Apologies for the delay.

I've suggested a somewhat different structure.

The first page is a set of draft talking points that potentially could be used for a wide range of audiences, including the media, the Hill, the public, and local leaders.

The second page is a first cut at a Q and A document. It has a number of holes that would need to be filled by people who know the details better than I.

I know it's important to respond to the constituent's questions and concerns, but rather than handling it through a written response, perhaps someone could give her a call? That may be the quickest way of getting back to her.

Thanks,
Matt

-----Original Message-----

From: Lisa_Mendelson-Ielmini@nps.gov [mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Wednesday, November 23, 2011 2:39 PM
To: Kelly, Kate P
Cc: Ripps, Alma; Vogel, Bob A.; 'Carol_B_Johnson@nps.gov'; Barna, David; Schlosser, David; Olson, Jeffrey; Lyle, Jody; Lee-Ashley, Matt; Foster, Maureen; O'Dell, Peggy; Whitesell, Steve E.; Line, William
Subject: Re: DRAFT ATTACHED -- Occupy DC public inquiry

I appreciate the comments from Chief Chambers, Randy Myers, and Jeff Olson --- holding on for any others -- pls let me know if you have or don't have comments, thanks. Thanks.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

"Kelly, Kate P"
<Kate_Kelly@ios.doi.gov>

11/23/2011 01:10
PM

To
"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>,
"Ripps, Alma" <Alma_Ripps@nps.gov>,
"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"Schlosser, David"

<David_Schlosser@nps.gov>, "Olson,
Jeffrey" <Jeffrey_Olson@nps.gov>,
"Lyle, Jody" <Jody_Lyle@nps.gov>,
"Foster, Maureen"
<Maureen_Foster@nps.gov>, "O'Dell,
Peggy" <Peggy_O'Dell@nps.gov>,
"Line, William"
<William_Line@nps.gov>, "Barna,
David" <David_Barna@nps.gov>,
"Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>,
"Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Whitesell,
Steve E." <Steve_Whitesell@nps.gov>
cc

Subject
Re: DRAFT ATTACHED -- Occupy DC
public inquiry

Thanks - we'll take a look and send back edits.

----- Original Message -----

From: Lisa_Mendelson-Ielmini@nps.gov
[mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Wednesday, November 23, 2011 11:53 AM
To: Ripps, Alma; Carol_B_Johnson@nps.gov <Carol_B_Johnson@nps.gov>;
Schlosser, David; Olson, Jeffrey; Lyle, Jody; Kelly, Kate P; Foster,
Maureen; O'Dell, Peggy; Line, William; Barna, David; Lee-Ashley, Matt;
Lee-Ashley, Matt; Vogel, Bob A.; Whitesell, Steve E.
Subject: DRAFT ATTACHED -- Occupy DC public inquiry

Thanks everyone for coming together for the call this morning.

Karen Cucurullo, Kathy Harasek, and I just wrapped up this DRAFT for everyone's review. As we discussed on the call, this is intended to be broad so that it may be repurposed for other inquiries.

(See attached file: 2011 11 23 Community Response DRAFT.docx)

If you do have comments, please use TRACK CHANGES so we'll be able to pick them out. In order to respond today, I'd ask that everyone read and review as soon as possible, no later than 2 pm.

I'm in the office and you can reach me at the numbers below if you'd like to talk about this.

Thanks everyone for your participation and thoughts,

~Lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

David Barna
<david_barna@nps.gov>

11/22/2011 08:16
PM

Lisa Mendelson-Ielmini
<lisa_mendelson-ielmini@nps.gov>

To

cc

"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>,
"William_Line@nps.gov"
<William_Line@nps.gov>,
"Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>,
"Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>,
"Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>,
"Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>,
"Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>,
KatherineKelly
<Kate_Kelly@ios.doi.gov>

Subject

9:30 okay for call Wednesday
morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov> wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues

As most of you know they seem to be on the move today
The Region is starting to get emails from the public like the one below

I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?

Here's our office call in line that we can use for a conference call

Code [REDACTED] participant
Code [REDACTED] leader

FOIA6

FOIA5A

FOIA6

David

Carter DeWitt
<cdewitt@taxfound
ation.org>

To

lisa_mendelson-ielmini@nps.gov"
11/22/2011 01:49
lisa_mendelson-ielmini@nps.gov>
PM

"

<

cc

Subject

other park users -

Occupy Dc versus

I count too!

Just spent 50 minutes being transferred from one national
park department
to the other - no one taking responsibility for this mess
you all have
created.

I have been a resident of DC for three years. In that
time I have paid my
fair share of federal and DC taxes, donated to charities
and supported
several volunteer efforts. I live across from McPherson
Square Park and
almost every Saturday took my book into the park and
read. Almost every
night I would feed the ducks with bread I purchased at
CVS. I fed the
squirrels with the nuts Peapod delivered to my door. I am
a single mom - my
husband passed away six years ago - and I work very hard
to pay for two
children in college and keep a roof over my head. Do you
have any idea how
hard that is to do? I am not some spoiled trust fund
baby.

Now the ducks are gone, the squirrels are gone and my
park bench no longer
available thanks to by Occupy DC. The grass is ruined,
the trash is

horrendous and the rat population has at least tripled.
At night I get to
listen to their parties, I see under age minors camping
there without adult
supervision. I get to hear sex, see public urination and
be subjected to
early morning drums when I have my one day off -
Saturday. Even worse is
the knowledge that my tax dollars support this
irresponsible behavior by
the city and federal park service and that you provide
police protection to
them as they march and as they disturb my peace, my
travel to and from
work.

Sounds to me like you don't recognize who votes for you -
and who butters
your bread with their labor. It isn't Occupy DC - it
isn't the new
generation of class warfare you are propping up - it is
me. I am
disgusted. I am angry and want this to end. Yesterday I
read that the
Occupy DC residents at McPherson Square expect to stay
into next year. I
sincerely hope this is not the case. They need to go home
and have someone
else support them if they are not willing to work. I have
no desire to pay
for this via my tax dollars you take from me in so many
ways. They do not
have a permit and it is unlawful for them to be there. If
I tried to camp
in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about
them - why are you
not hearing us?

Laurie Carter DeWitt

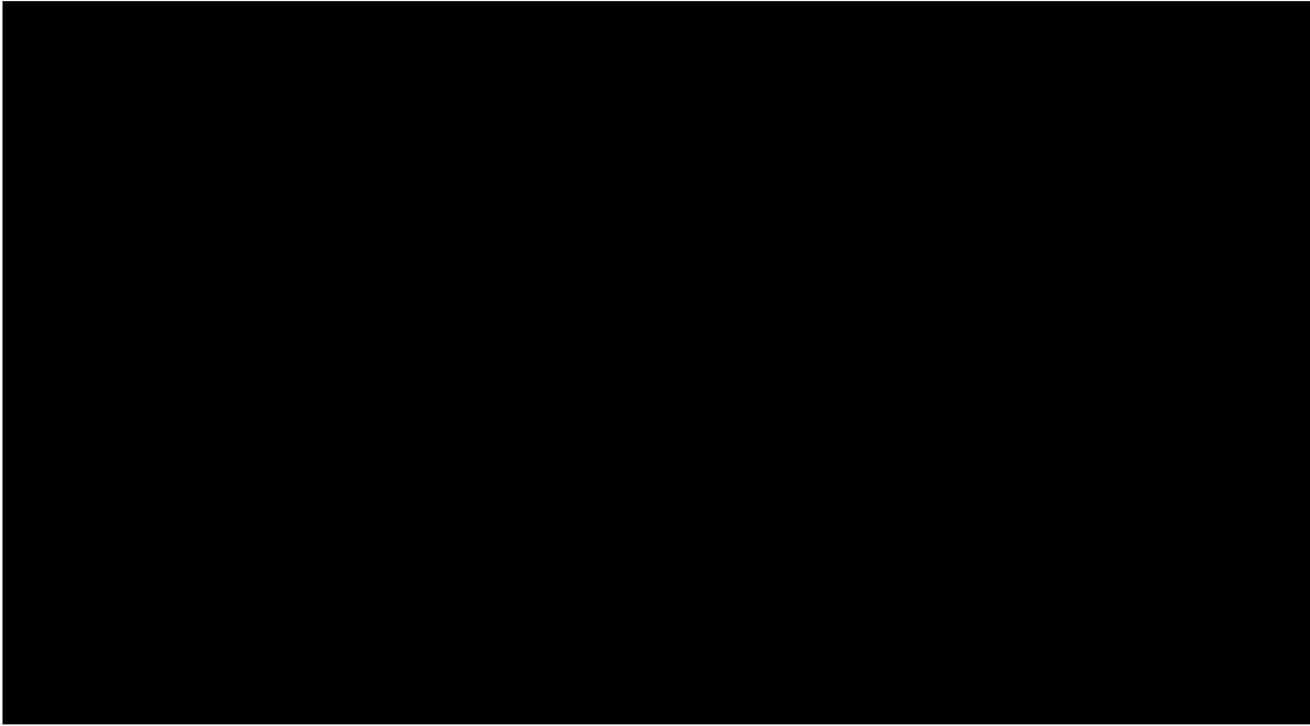
FOIA6

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org
The Tax Foundation is guided by the principles of sound
tax policy --
neutrality, simplicity, transparency, and stability

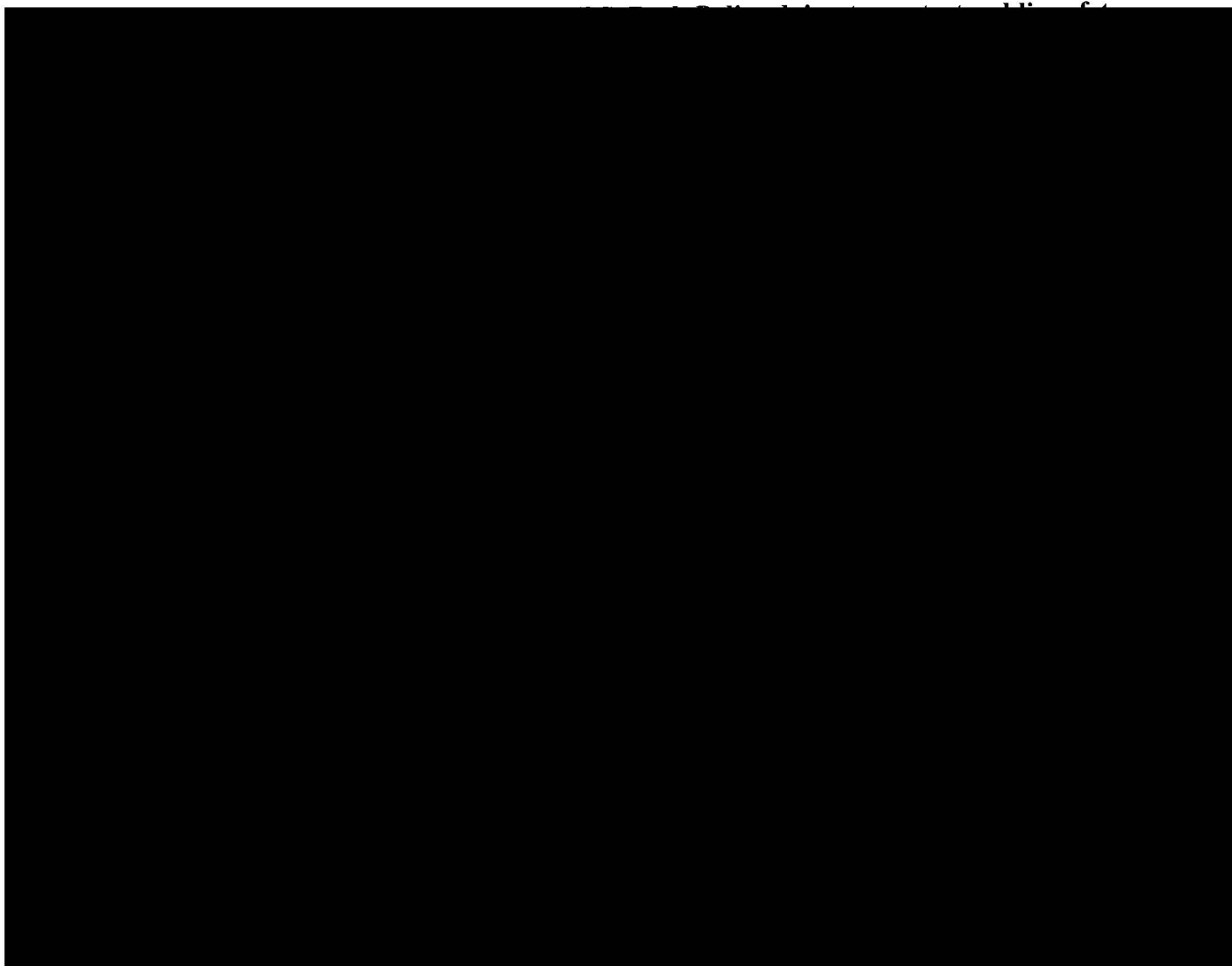


2011 11 23 TP and Q and A_Occupy.docx

Talking Points – ‘Occupy’ Demonstrations



Frequently Asked Questions



Davis, Laura

From: Davis, Laura
Sent: Sunday, December 04, 2011 8:54 PM
To: Teresa_Chambers@nps.gov
Cc: Maclean, Robert; O'Dell, Peggy
Subject: Re: 9 pm call

Secretary would like just those on this email. Thanks.

Sent from my iPad

On Dec 4, 2011, at 8:53 PM, "Teresa Chambers@nps.gov" <Teresa Chambers@nps.gov> wrote:

Pls see previous email pls. Can I invited the Solicitor's Office. Reps?
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

From: "Davis, Laura" [Laura Davis@ios.doi.gov]
Sent: 12/04/2011 08:50 PM EST
To: Robert MacLean; Teresa Chambers
Cc: Peggy O'Dell
Subject: 9 pm call

Let's use this call-in # for 9 pm:

code [REDACTED]

FOIA5A

FOIA5D

Sent from my iPad

On Dec 4, 2011, at 8:33 PM, "Maclean, Robert" <Robert_MacLean@nps.gov> wrote:

Will do Laura. Thanks.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:14 PM EST
To: Robert MacLean; "theresa_chambers@nps.gov"
<theresa_chambers@nps.gov>; Peggy O'Dell
Cc: Laura Davis
Subject: Re: SitRep #7

Rob,

Thank you for the ongoing reports. I see the action is nearly complete. The Secretary would like to get back on the phone at 9 pm for a debrief if that is possible, with those of us on this email. Peggy can we use the same number?
Laura

Sent from my iPad

On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov"
<Robert_MacLean@nps.gov> wrote:

NPS lift (cherry picker) on scene. USPP personnel secured in the bucket
has recovered two of the remaining 4.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 06:48 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #6
Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:07 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched on the roof.

MPD SOD will insert the inflatable device within the structure as a precaution. Then the NPS/USPP will attempt to remove the remaining 6 with

a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaltd.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@ussd.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
<mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>;
"John Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 05:41 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson"
<eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo"
<mrusso1@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>;
"John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@ussd.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>;

Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the

park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve

Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall;

Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck;

Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

Officers responded to McPherson Square overnight for a report of an

assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument

with her boyfriend which led to a physical altercation resulting in her

injuries. The victim was intoxicated at the time of the report and did

not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so.

Follow-up to be conducted.

Schedule of events

There are no scheduled events other than on site meetings and lectures

at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday.

Information will be passed to Park Programs for follow up.

Articles of interest

Washington Post Article which compares Occupy DC to the 1968

Resurrection City. Resurrection City occurred around the
Reflecting

Pool and was the encampment for approximately 3000
demonstrators.

(http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov

Davis, Laura

From: Davis, Laura
Sent: Sunday, December 04, 2011 2:27 PM
To: O'Dell, Peggy
Subject: Re: McPherson Park

Thx - as soon as and we should loop at least Matt as well

----- Original Message -----

From: Peggy_O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]
Sent: Sunday, December 04, 2011 02:25 PM
To: Davis, Laura
Subject: Re: McPherson Park

Trying to get hold of folks so we can set up call. Going fast.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 02:23 PM EST
To: Peggy O'Dell
Subject: RE: McPherson Park

Can you call me asap or set a call with you and Capt Chambers or Harasek for us and KLS?
Bill Daley wants to call him and I need update. Thx _____

From: Peggy_O'Dell@nps.gov [Peggy_O'Dell@nps.gov]
Sent: Sunday, December 04, 2011 11:22 AM
To: Davis, Laura; Jacobson, Rachel - Deputy Solicitor; Jacobson, Rachel L; Koenigsberg, Melissa; Jarvis, Jon; Foster, Maureen
Subject: Fw: McPherson Park

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 01:12 PM EST
To: Teresa Chambers; Peggy O'Dell; Jeanne O'Toole; Patrick Smith
Subject: Fw: McPherson Park

FYSA. Capt Harasek is responding in. She has already spoken with Bob Vogel and Randy Myers.
USPP PIO just arrived on scene.

Capt Harasek will provide updates as necessary.

Twitter is encouraging protesters to cross the police line at some point.

MPD will assist if necessary.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 12:37 PM EST
Subject: Fw: McPherson Park

Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing.
Currently, there are 6 individuals who climbed to the top of the structure.
SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

----- Original Message -----

From: Osborne Reaves
Sent: 12/04/2011 11:50 AM EST
Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue. The protesters were advised that the structure needed to be broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.

Eaton, Robert

From: Eaton, Robert
Sent: Monday, October 24, 2011 10:17 AM
To: Roth, Barry
Cc: Myers, Randolph
Subject: FW: Attached for your review is my revision of the NAMA McPherson Square Handout
Attachments: NAMA - Draft McPherson Use Handout 2011-10-21 RMyers 10 21 11 (with Eaton's edits and comments).docx

Importance: High

Barry,

This is the flyer that the NPS is developing to hand out to the demonstrators, and to post, at McPherson Square, with Randy's and my edits and comments shown in track changes. Please review and let us know if you have any additional thoughts. Thanks.

Rob

From: Myers, Randolph
Sent: Friday, October 21, 2011 4:52 PM
To: Eaton, Robert
Subject: Attached for your review is my revision of the NAMA McPherson Square Handout
Importance: High

[REDACTED]

The second document, fyi, is my earlier draft Notice which they worked from.

Randy

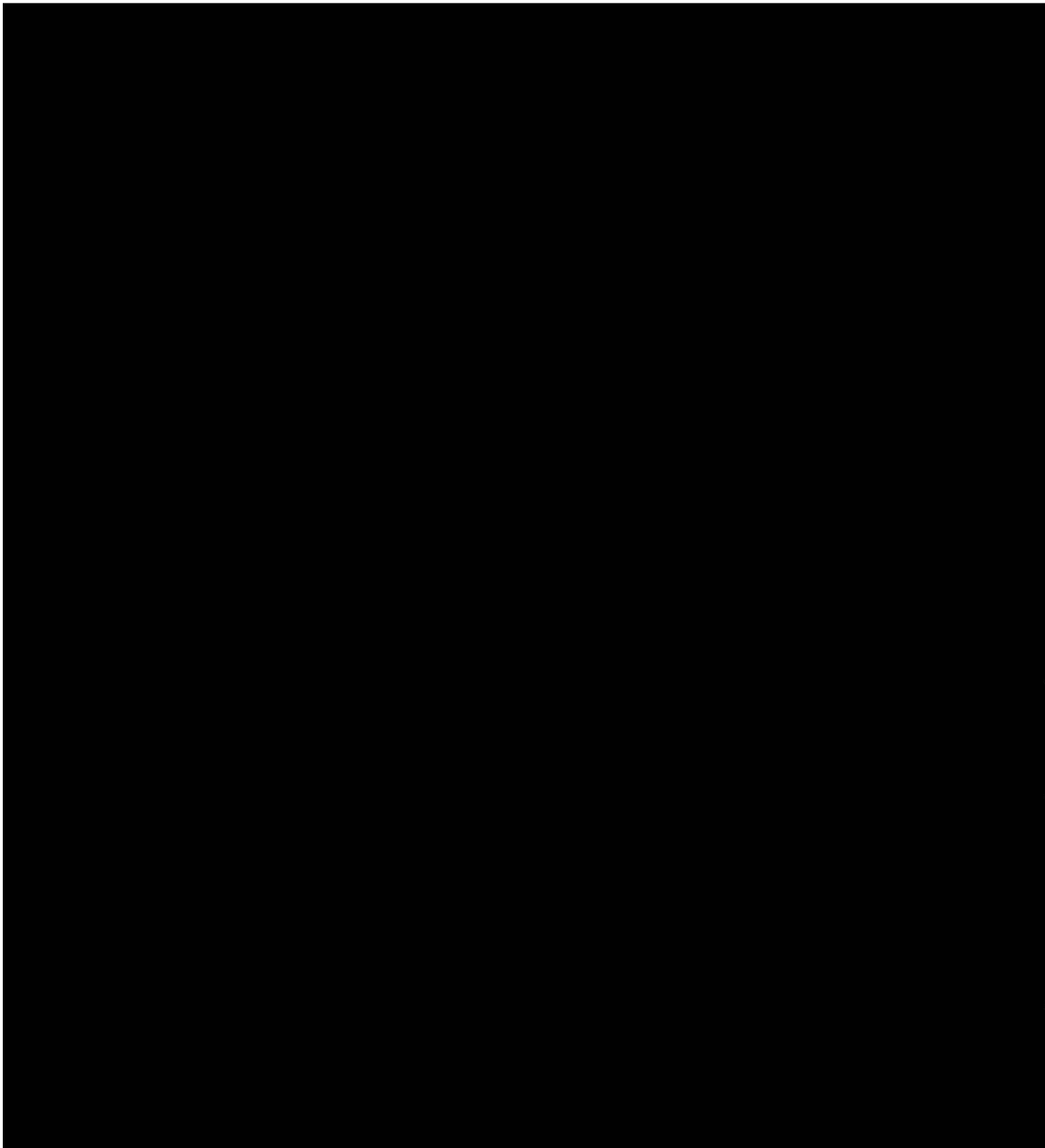
Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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Help Us Preserve McPherson Square

National Mall and Memorial Parks – National Park Service



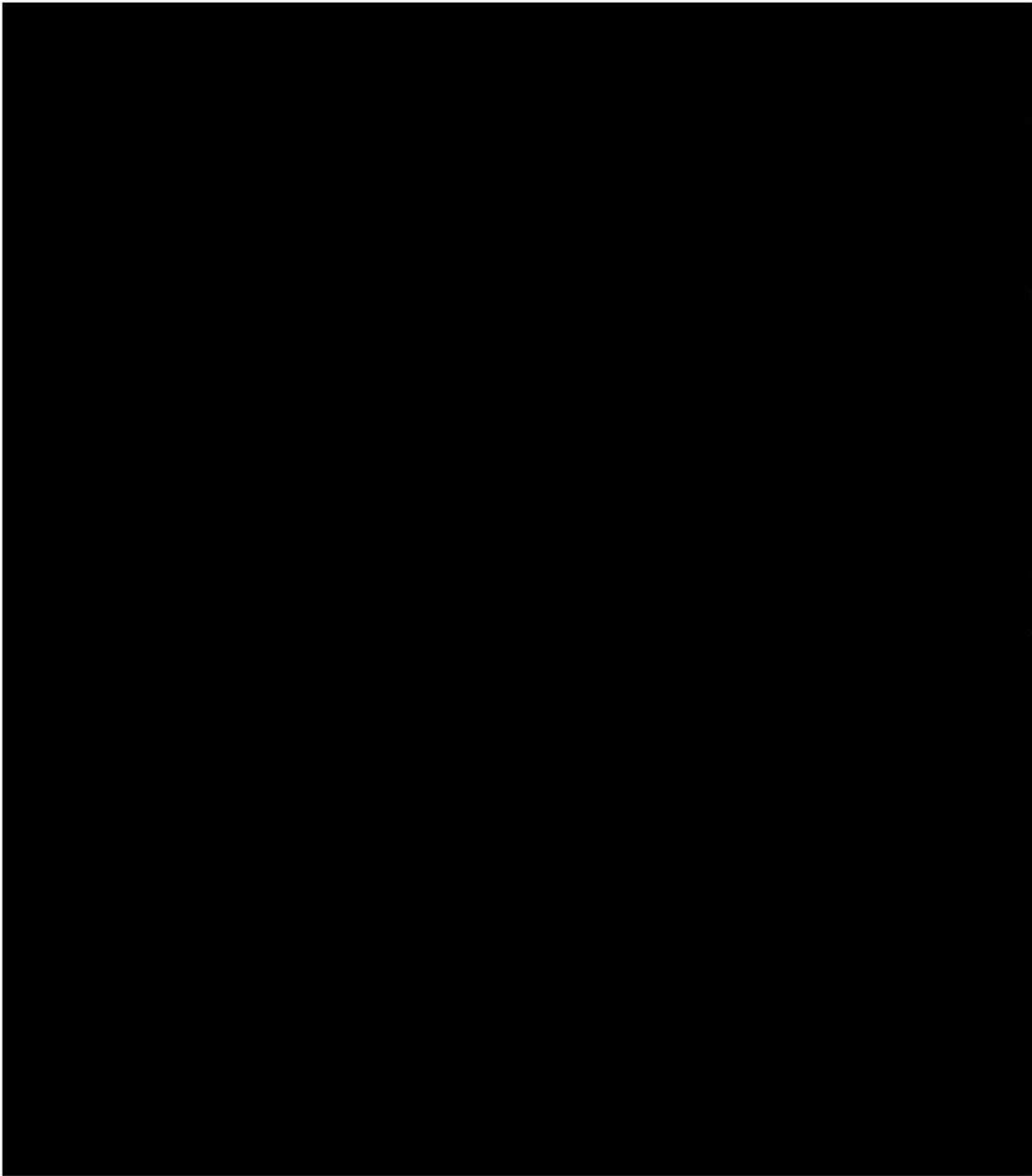
Comment [RCE1]: [REDACTED]

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FOIA5C



FOIA5C



Comment [rjmyers3]: [REDACTED]

FOIA5C

Comment [rjmyers4]: [REDACTED]

FOIA5C

Comment [rjmyers5]: [REDACTED]

FOIA5C

Comment [RCE6]: [REDACTED]

FOIA5C

[REDACTED]

FOIA5C

Myers, Randolph

From: Myers, Randolph
Sent: Tuesday, October 25, 2011 5:20 PM
To: Lorenzetti, Steve
Cc: Vogel, Bob A.; 'Carol_B_Johnson@nps.gov'; Cucurullo, Karen; Harasek, Kathleen; Owen, Robbin
Subject: RE: McPherson Guidelines
Attachments: NAMA - Draft McPherson Use Handout 2011-10-21 RMyers 10 21 11 (with Eaton's edits and comments).docx

Importance: High

Steve: Attached is our redline and strikeout revision to the park McPherson Handout, [REDACTED]

[REDACTED]
Please make sure you give Captain Haresk and Robbin Owen once last chance to review, to ensure that we did not miss something.

Please contact me if you have any questions or would like to meet to discuss....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
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-----Original Message-----

From: [Steve Lorenzetti@nps.gov](mailto:Steve.Lorenzetti@nps.gov) [<mailto:Steve.Lorenzetti@nps.gov>]
Sent: Friday, October 21, 2011 4:08 PM
To: Myers, Randolph
Cc: Vogel, Bob A.; 'Carol_B_Johnson@nps.gov'; Cucurullo, Karen; Harasek, Kathleen
Subject: RE: McPherson Guidelines

Randy,

Attached is the NAMA approved draft notice. Understanding the time this is being forwarded we hope we can work with you on this Monday morning.

steve

Stephen Lorenzetti
Deputy Superintendent - Planning
National Mall and Memorial Parks

900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4662
Fax: (202) 426-9309

(See attached file: McPherson Use Handout 2011-10-21.docx)

"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

10/21/2011 12:50
PM

"'Carol_B_Johnson@nps.gov'"
<Carol_B_Johnson@nps.gov>

To

cc

"Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Cucurullo,
Karen" <Karen_Cucurullo@nps.gov>,
"Lorenzetti, Steve"
<Steve_Lorenzetti@nps.gov>

Subject

RE: McPherson Guidelines

Carol: To be efficient with my time, I'm unable to legally review your suggested draft, until NAMA's submits to me its finalized draft Notice.
Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Carol_B_Johnson@nps.gov [mailto:Carol_B_Johnson@nps.gov]
Sent: Friday, October 21, 2011 11:45 AM
To: Vogel, Bob A.; Cucurullo, Karen; Lorenzetti, Steve; Myers, Randolph

Subject: McPherson Guidelines

Attached is my suggested version of guidelines.

Carol Bradley Johnson
Communications Officer
National Park Service
National Mall and Memorial Parks
900 Ohio Drive, SW
Washington, D.C. 20024
Phone: 202-245-4700

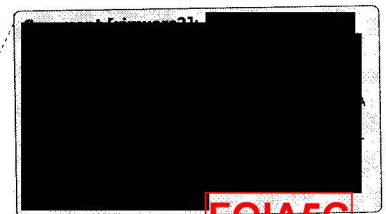


Help Us Preserve McPherson Square

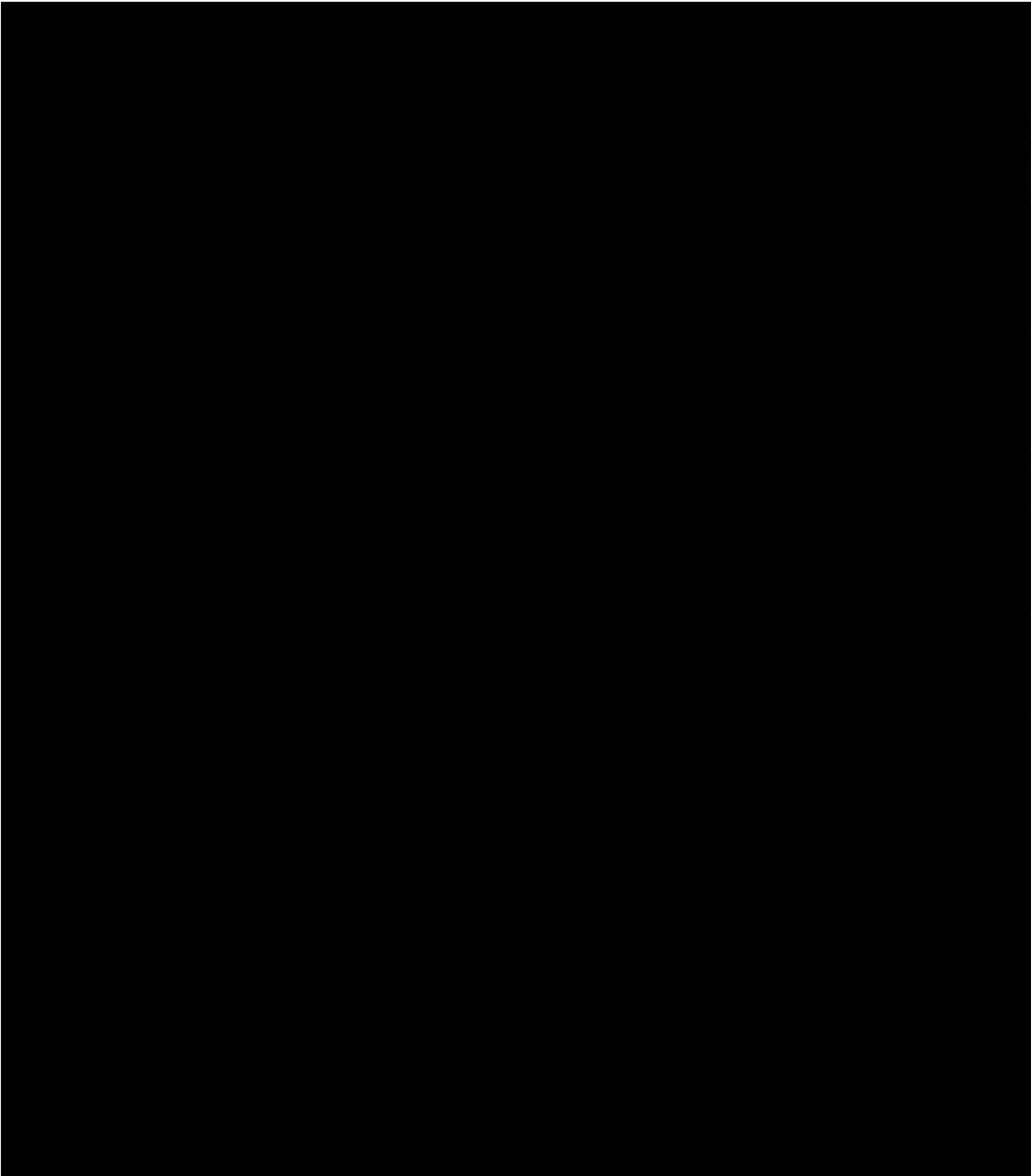
National Mall and Memorial Parks – National Park Service



Formatted: Indent: Left: 0" **FOIA5C**



FOIA5C



Comment [rjmvers3]:

FOIA5C

Comment [rjmvers4]:

FOIA5C

Comment [rjmvers5]:

FOIA5C

Comment [rjmvers6]:

FOIA5C



Peggy O'Dell/WASO/NPS
12/04/2011 06:17 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>
cc
bcc

Subject Fw: SitRep #2

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve

Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Square overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she

was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov

Myers, Randolph

From: Steve_Lorenzetti@nps.gov
Sent: Friday, October 21, 2011 4:08 PM
To: Myers, Randolph
Cc: Vogel, Bob A.; 'Carol_B_Johnson@nps.gov'; Cucurullo, Karen; Harasek, Kathleen
Subject: RE: McPherson Guidelines
Attachments: McPherson Use Handout 2011-10-21.docx

Randy,

Attached is the NAMA approved draft notice. Understanding the time this is being forwarded we hope we can work with you on this Monday morning.

steve

Stephen Lorenzetti
Deputy Superintendent - Planning
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4662
Fax: (202) 426-9309

(See attached file: McPherson Use Handout 2011-10-21.docx)

"Myers, Randolph"
<RANDOLPH.MYERS@soil.doi.gov>

10/21/2011 12:50
PM

""Carol_B_Johnson@nps.gov""
<Carol_B_Johnson@nps.gov>

To

cc

"Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Cucurullo,
Karen" <Karen_Cucurullo@nps.gov>,
"Lorenzetti, Steve"
<Steve_Lorenzetti@nps.gov>

Subject

RE: McPherson Guidelines

Carol: To be efficient with my time, I'm unable to legally review your suggested draft, until NAMA's submits to me its finalized draft Notice.

Randy

Randolph J. Myers

U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: [Carol B Johnson@nps.gov](mailto:Carol_B_Johnson@nps.gov) [mailto:[Carol B Johnson@nps.gov](mailto:Carol_B_Johnson@nps.gov)]

Sent: Friday, October 21, 2011 11:45 AM

To: Vogel, Bob A.; Cucurullo, Karen; Lorenzetti, Steve; Myers, Randolph

Subject: McPherson Guidelines

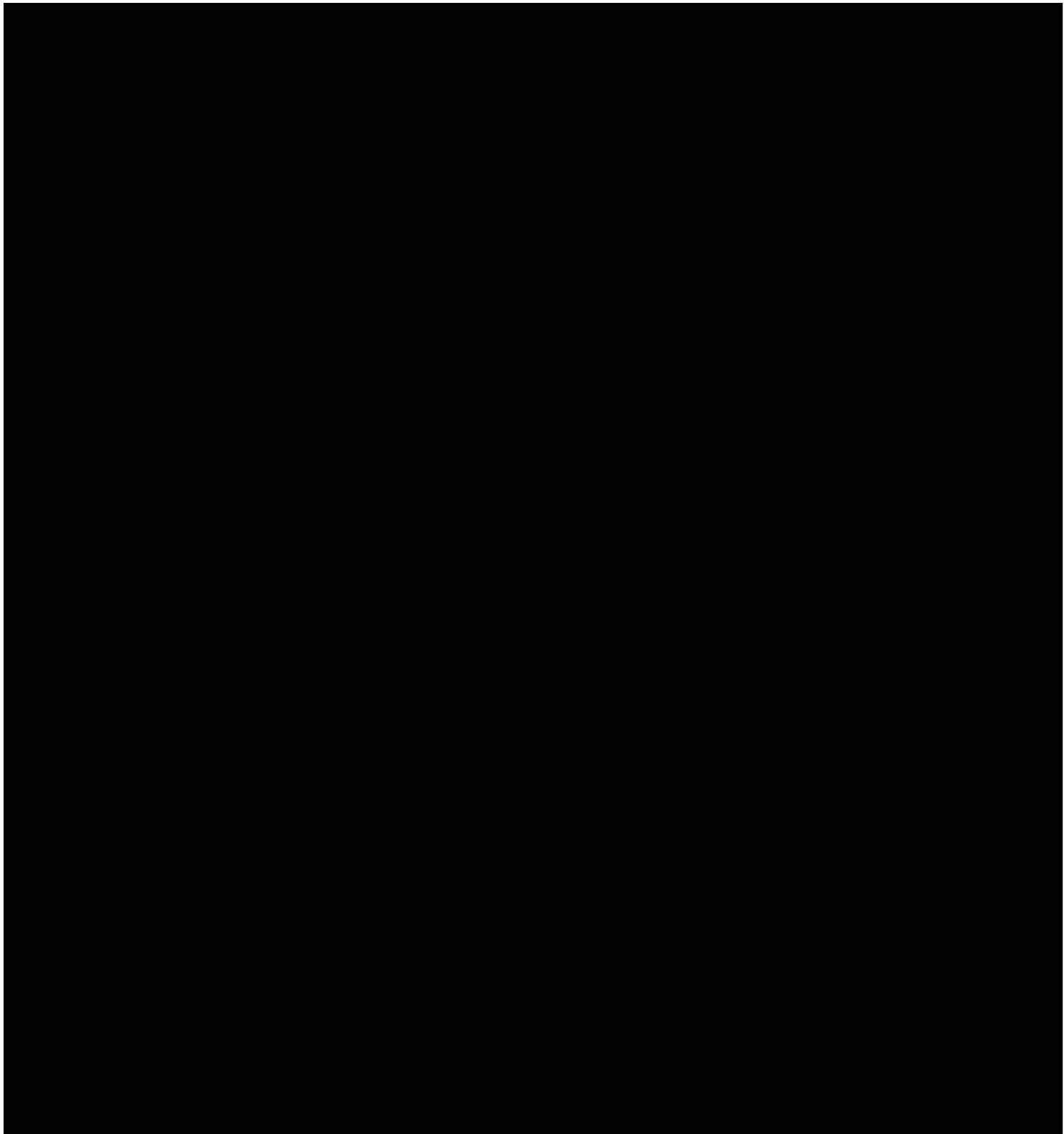
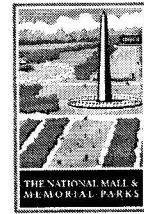
Attached is my suggested version of guidelines.

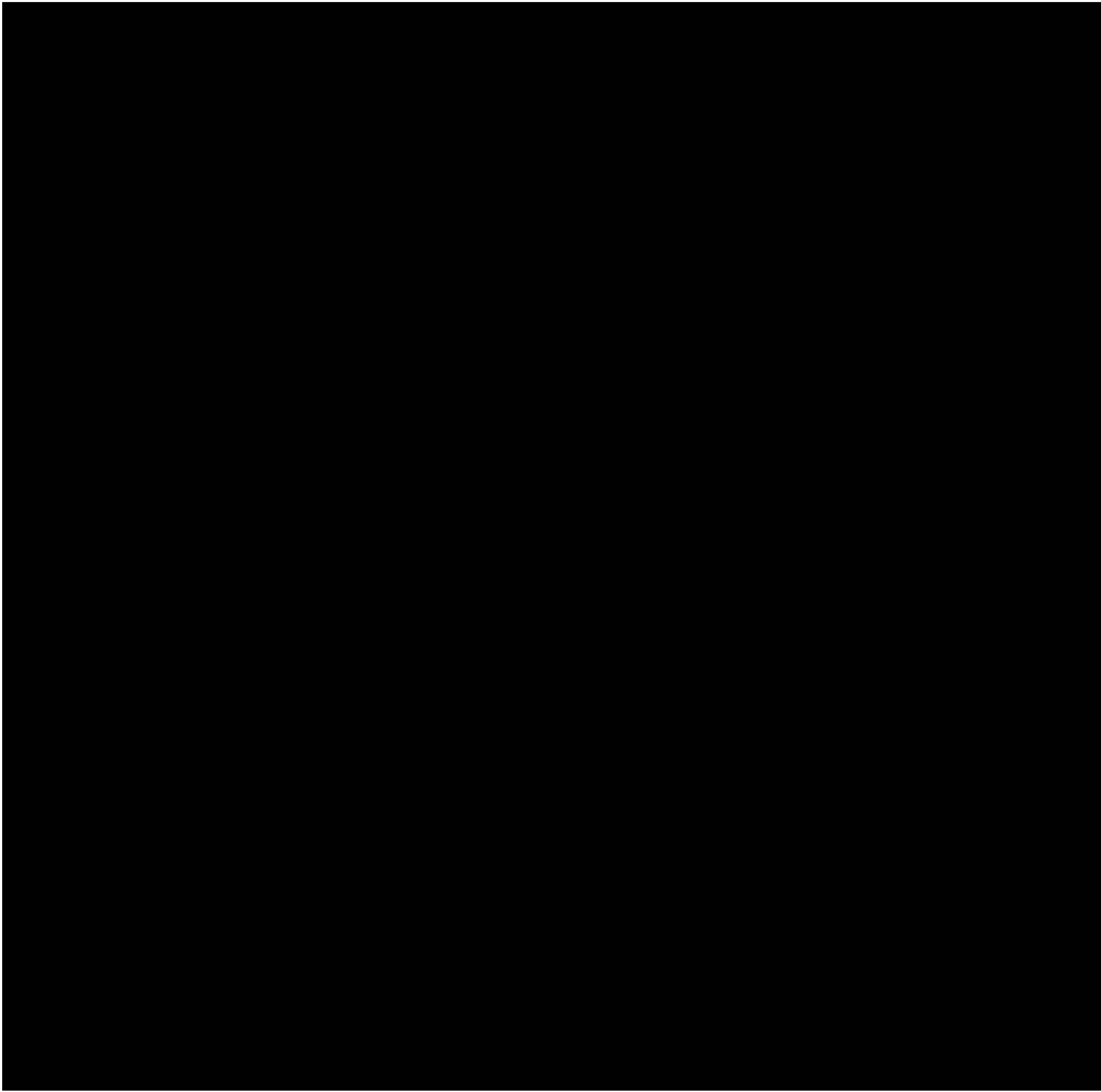
Carol Bradley Johnson
Communications Officer
National Park Service
National Mall and Memorial Parks
900 Ohio Drive, SW
Washington, D.C. 20024
Phone: 202-245-4700



Help Us Preserve McPherson Square

National Mall and Memorial Parks – National Park Service






Myers, Randolph

From: Bob Vogel [bob_vogel@nps.gov]
Sent: Thursday, October 20, 2011 10:15 AM
To: Myers, Randolph
Subject: Re: Attorney-Client Privileged: Occupy DC - McPherson Square -- NAMA Regular Trash Removal

We will step up our maintenance. Very much appreciate your help!

On Oct 20, 2011, at 8:59 AM, "Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov> wrote:

> Bob: After looking at BID's latest e-mail to you and their photos taken of McPherson Square on October



> If you, your staff, or the USPP has any questions, or would like to meet, please contact me....

Randy

>

>

> Randolph J. Myers

> U.S. Department of the Interior, Office of the Solicitor DPW Branch of

> National Parks

> 1849 C Street, NW, Room 5320

> Washington, D.C. 20240

> w (202) 208-4338 fax (202) 208-3877

> Randolph.Myers@sol.doi.gov

>

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>

>

> -----Original Message-----

> From: Robert_MacLean@nps.gov [mailto:Robert_MacLean@nps.gov]

> Sent: Wednesday, October 19, 2011 4:40 PM

> To: Myers, Randolph

> Cc: Smith, Patrick C.; Harasek, Kathleen; Guddemi, Charlie

> Subject: Fw: Occupy DC Update - McPherson Square

>

>

> Randy,

>

> More pressure from the community.

>

> Major Robert D. MacLean

> Commander, Homeland Security Division

> United States Park Police

> (202) 619-7085 - Office

> (202) 438-6656 - Nextel

> robert_maclean@nps.gov - Email

>

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>

> ----- Forwarded by Robert MacLean/USPP/NPS on 10/19/2011 04:39 PM

> -----

>

> Teresa

> Chambers/USPP/NPS

>

> 10/19/2011 04:34

> PM

>

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> cc

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>

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>

>

> Things are heating up . . .

> Teresa Chambers, Chief

> United States Park Police

> Work: 202-619-7350

> Cell: 202-903-9256

>

>

>

>

>

>

> From: David Kamperin [davidk@downtowndc.org]
> Sent: 10/19/2011 08:20 PM GMT
> To: Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Kathleen Harasek;
> Teresa Chambers; "kevin_hay@nps.gov" <kevin_hay@nps.gov>
> Cc: Richard Bradley <bradley@downtowndc.org>; Rick Reinhard <reinhard@downtowndc.org>;
"christopher.murphy@dc.gov"
> <christopher.murphy@dc.gov>; Karyn LeBlanc <karyn@downtowndc.org>
> Subject: FW: Occupy DC Update - McPherson Square
>
>
>
> Superintendent Vogel
> Please see attached the photos taken today of conditions at McPherson.
> Again troubling is the flammable material being stored on site (notice close proximity of
one of the generators to the sidewalk) and the cooking.
> Also disturbing is the recent stacking of lumber and wood for either
> use for a bonfire or weapons against law enforcement. The trash
> continues to pile up within the park and then are removed by the
> occupants and dumped on the public sidewalks. Recent new rat
> infestation borrowing has been observed in nearby tree box spaces. As
> the email below indicates the unhealthy and unsanitary conditions
> continue as food is dumped as compost, dogs run free throughout the
> park and children (observed in one of the
> photos) also play where they go to the bathroom.
>
> We look forward to a more proactive response - to include increased trash pick ups and
enforcement of these severe public safety issues.
>
>
>
> (Embedded image moved to file: pic19882.jpg)
>
> Preventing terrorism is everybody's business.
> If you SEE something, SAY something.
> Call the Metropolitan Police Department at (202) 727-9099 or email at SAR@DC.GOV to report
suspicious activity or behavior that has already occurred.
> Call 911 to report in-progress threats or emergencies.
> To learn more, visit <http://www.mpdc.dc.gov/operationtipp>
>
> From: Blake Holub
> Sent: Wednesday, October 19, 2011 4:04 PM
> To: David Kamperin
> Cc: Kenneth Gregory
> Subject: Occupy DC Update - McPherson Square
>
> Dave,
>
> As we had discussed earlier, Kenny and I visited the Occupy DC site today.
> We noted that the site had expanded since Monday, roughly totaling 125-150 people with
nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all
of the activity. Also, the demonstration has two working generators which they seem to be
rotating out. They also have a storage tent which looks like a quasi-pantry for
demonstrators to receive rations. Additionally, the smell was quite putrid when we walked
through the encampment which most likely stems from the lack of sanitary conditions and the
presence of dogs. Lastly, we noted around 15 or so trash bags stacked on the corner of K and
15th St. I have also attached photos for your viewing.
>

> Let me know if you have any questions or comments. Thanks!
>
> Blake Holub, MPA
> Quality Control Manager
> Public Space Management
> Downtown DC BID
> 1250 H Street, NW Suite 1000
> Washington, DC 20005
> Desk: (202) 661-7571
> Fax: (202) 661-7599
> Email: blake@downtowndc.org
> (See attached file: Storage_Tent_10-19-11.JPG)(See attached file:
> Excessive Trash 10-19-11.JPG)(See attached file: Generator_2 10-19-11.JPG) (See attached
file: occupy_dc_10_19_11.JPG)(See attached file:
> ODC_generator.JPG)



Peggy O'Dell/WASO/NPS
12/04/2011 06:17 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>
cc
bcc

Subject Fw: SitRep #1

Should have copied you on these so you know how it is unfolding. Four more to follow to get you up to speed. Sorry, lots happening quickly with phone calls flying.

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek
Sent: 12/04/2011 09:10 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen
Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Sqare overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



"Davis, Laura"
<Laura_Davis@ios.doi.gov>
10/20/2011 05:32 AM

To "Jarvis, Jon" <Jon_Jarvis@nps.gov>, "O'Dell, Peggy"
<Peggy_O'Dell@nps.gov>, "Foster, Maureen"
<Maureen_Foster@nps.gov>
cc "Jacobson, Rachel - Deputy Solicitor"
<Rachel.Jacobson@sol.doi.gov>, "Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>, "Hayes, David"
bcc
Subject Fwd: Occupy DC Update - McPherson Square

Jon, Peggy, Maureen,
I'm hearing directly from Mayor Gray's COS regarding their concerns about impacts to McPherson Square (and Freedom Plaza) from the Occupy DC folks. The Mayor's office has been working directly with Bob Vogel and my sense is that relationship is fine, but becoming strained as the protests and impacts grow. I'm sure this is already taking quite a bit of your time, but I need to call Chris today and hear his concerns, and he will be looking for some new solutions. Can you get me up to speed this morning? I'll forward an additional email next.

Thanks.
Laura

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: FW: Occupy DC Update - McPherson Square

FYI

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Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.
Learn more at www.dconefund.org <<http://www.dconefund.org>> or www.onefund.dc.gov
<<http://www.onefund.dc.gov>>. One City, Working Together!

From: David Kamperin [<mailto:davidk@downtowndc.org>]
Sent: Wednesday, October 19, 2011 4:21 PM
To: bob_vogel@nps.gov; steve_lorenzetti@nps.gov; karen_cucurullo@nps.gov;
Kathleen_Harasek@nps.gov; teresa_chambers@nps.gov; kevin_hay@nps.gov
Cc: Richard Bradley; Rick Reinhard; Murphy, Christopher (EOM); Karyn LeBlanc
Subject: FW: Occupy DC Update - McPherson Square

Superintendent Vogel

Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response – to include increased trash pick ups and enforcement of these severe public safety issues.

[cid:image001.jpg@01CC8E7B.0DC2E5E0]

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<blocked::mailto:SAR@DC.GOV> to report suspicious activity or behavior that has already occurred.

Call 911 to report in-progress threats or emergencies.

To learn more, visit

<http://www.mpdc.dc.gov/operationtipp><blocked::http://www.mpdc.dc.gov/operationtipp>

From: Blake Holub

Sent: Wednesday, October 19, 2011 4:04 PM

To: David Kamperin

Cc: Kenneth Gregory

Subject: Occupy DC Update - McPherson Square













Dave,

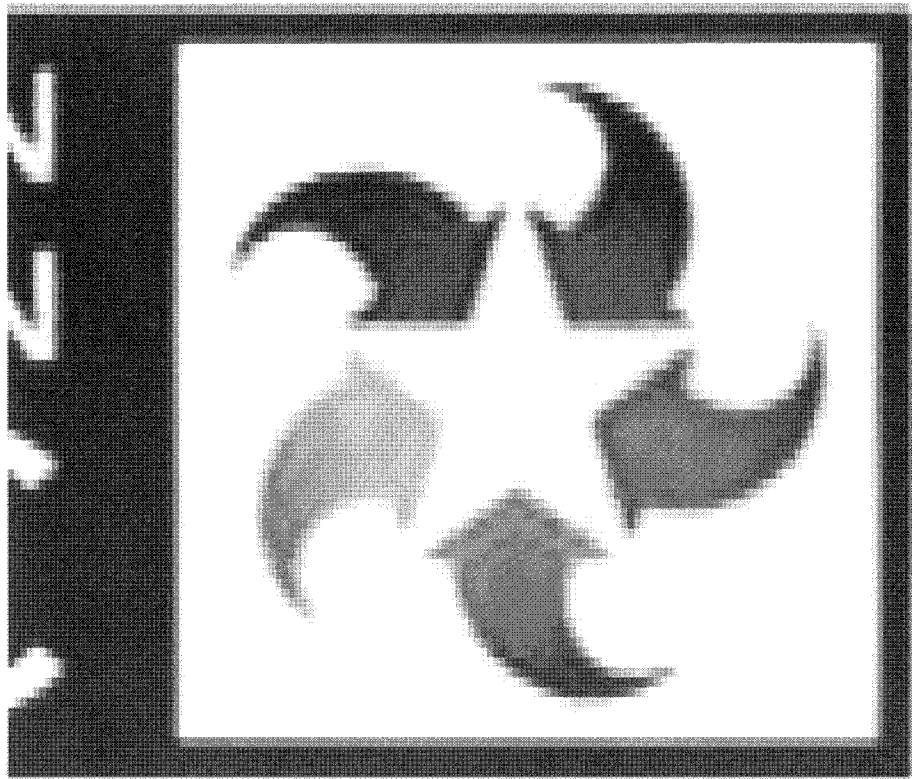
As we had discussed earlier, Kenny and I visited the Occupy DC site today. We noted that the site had expanded since Monday, roughly totaling 125-150 people with nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all of the activity. Also, the demonstration has two working generators which they seem to be rotating out. They also have a storage tent which looks like a quasi-pantry for demonstrators to receive rations. Additionally, the smell was quite putrid when we walked through the encampment which most likely stems from the lack of sanitary conditions and the presence of dogs. Lastly, we noted around 15 or so trash bags stacked

on the corner of K and 15th St. I have also attached photos for your viewing.

Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA
Quality Control Manager
Public Space Management
Downtown DC BID
1250 H Street, NW Suite 1000
Washington, DC 20005
Desk: (202) 661-7571
Fax: (202) 661-7599
Email: blake@downtowndc.org<<mailto:blake@downtowndc.org>>

    
image001.jpg ATT00001.htm Storage_Tent_10-19-11.JPG ATT00002.htm Excessive Trash 10-19-11.JPG
    
ATT00003.htm Generator_2 10-19-11.JPG ATT00004.htm occupy_dc_10_19_11.JPG ATT00005.htm
 
ODC_generator.JPG ATT00006.htm



Downtown DC Business Improvement

1250 H Street, NW
Suite 1000

Washington, DC 20004

www.downtowndc.org

K. Kamperin

of

pace Management

202-661-7570 PHONE

202-661-7599 FAX

davidk@downtowndc.org











Anderson, James E

From: Davis, Laura
Sent: Thursday, October 20, 2011 8:22 AM
To: Foster, Maureen; Jarvis, Jon; O'Dell, Peggy
Cc: Jacobson, Rachel - Deputy Solicitor; Lee-Ashley, Matt; Hayes, David; Sisk, Jennifer R
Subject: Re: Fwd: Meeting with NPS

Thanks Maureen. 10 works.

From: Maureen_Foster@nps.gov [mailto:Maureen_Foster@nps.gov]
Sent: Thursday, October 20, 2011 06:43 AM
To: Davis, Laura; Jarvis, Jon; O'Dell, Peggy
Cc: Jacobson, Rachel - Deputy Solicitor; Lee-Ashley, Matt; Hayes, David
Subject: Re: Fwd: Meeting with NPS

Good morning Laura.

Jon and Peggy are on travel today. I will get with the regional folks, U SPark Police and Solicitors to get a consolidated update for you.

They are working on a plan and are aware of DC's concerns about the square.
what time would be good to talk this morning? Maybe 10 or is that too late?

Maureen

Maureen D. Foster
202.208.5970

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 10/20/2011 05:34 AM AST
To: Jon Jarvis; Peggy O'Dell; Maureen Foster
Cc: Rachel Jacobson; Matt Lee-ashley; David Hayes
Subject: Fwd: Meeting with NPS

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
Date: October 17, 2011 8:29:28 PM EDT
To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: FW: Meeting with NPS

Laura – This continues to be an issue. Would you all consider working with us to try to negotiate a consolidation of folks at Freedom Plaza? The park at McPherson Square is experiencing incredible damage. At least we could try to minimize the damage to the park by getting everyone at Freedom Plaza.

From: Richard Bradley [mailto:bradley@downtowndc.org]
Sent: Monday, October 17, 2011 8:25 PM
To: Murphy, Christopher (EOM); David Kamperin
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard
Subject: RE: Meeting with NPS

Chris,

If the Park Service develops a clear set of guidelines as well as dramatically increases their ability to enforce them we might be able to "live" with them especially if the groups could be consolidated into a single place at Freedom Plaza. They are destroying McPherson.

But day by day the encampments seem to slowly grow, in large part with the addition of homeless individuals. Today someone driving a Mercedes station wagon with a Maryland license was dropping off mats, rugs, and other contributions to McPherson which now seems to have a full fledged kitchen in the making.

In the short run we are hoping that NPS can effectuate a containment strategy.

Thanks.

Rich

From: Murphy, Christopher (EOM) [christopher.murphy@dc.gov]
Sent: Monday, October 17, 2011 8:05 PM
To: David Kamperin
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard; Richard Bradley
Subject: RE: Meeting with NPS

Thanks so much Dave. It sounds like a very positive meeting – all things considered.

Are there other concerns here or if these commitments are kept can you all live with them? It sounds like the latter but I'd like to be sure.

Thanks,

Chris

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Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.

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From: David Kamperin [mailto:davidk@downtowndc.org]
Sent: Monday, October 17, 2011 3:31 PM
To: Murphy, Christopher (EOM)
Cc: Quander, Paul (EOM); Lanier, Cathy (MPD); Sund, Steven A. (MPD); Rick Reinhard; Richard Bradley
Subject: Meeting with NPS

Chris-

Today we meet with Robert Vogel, Superintendent of National Mall and Memorial Parks and a few of his staff to discuss the issues at Freedom Plaza and McPherson Square. We discussed four main topics:

1. Laws and policies – apparent current laws and policies have been violated in these parks regarding camping, structures, cooking (flammable materials to include propane) and generators. Further that prohibiting overnight camping by NPS did not violate freedom of speech or assembly -Supreme Court case *Clark v Community for Creative Nonviolence*, 468 U.S. 288 (1984).
2. Requirements of park users-requirements of posting of bonds, maintaining public order and cleanliness of park, prohibition of harming of park land (36 CFR Ch. I § 7.96).
3. Enforcement and protection- obligation of NPS to not only protect the park resources but also people who use the park; concern with public health and safety issues
 - a. USPP services and uniformed presence to ensure all who use the park are safe and to ensure open communication and intelligence with MPD
 - b. Child protective services to deal with small children living in these encampments in these unsanitary conditions;
 - c. Maintenance services to deal with the trash and debris;

- d. Capital Repairs to be set aside when parks are vacated to restore to pre-encampment conditions;
4. Coordination and communication-better coordination to stakeholders (DBID etc)

It was apparent that the Superintendent shared our concerns with the current conditions of the two parks and their current usage and deterioration. He committed to increase maintenance and cleanliness in those parks and coordinate with USPP safety concerns (to include uniform presence). Superintendent Vogel indicated he had a meeting this afternoon with the Director, NPS solicitors and USPP to discuss these encampments and express our concerns and that he would follow up with us. He agreed that NPS could not establish or permit a precedent with these types of encampments (although we all agreed and realized that the parks maybe a protected platform for those to use for First Amendment activities) and that NPS had to come up with enforcement strategies to deal with the illegal activities-but of course did not mention specific enforcement activities. We, of course, encouraged them to coordinate with MPD if (and when) this time comes.

We also discussed several examples of good usage requests that were denied by NPS (summer concerts in the park, limited food vending, beautification applications and green space use) that would enhance the urban park experience and usage here in DC that would emulate several other best practices and usages not only here in the US but internationally. We also discussed what appeared to be the ease of such activity which, over extended time, has caused harm and damage to our natural resources without any enforcement activity or proactive park management. We pointed out that recent enforcement in several cities and states regarding these illegal encampments have not brought with them the waves of protesters objecting to this action as was feared.

Finally, we requested that if NPS was not going to enforce the laws prohibiting camping, etc that they relocate the encampments to the National Mall (of course they did not agree with that recommendation) or at least remove the non-permitted activity at McPherson and relocate them to Freedom Plaza, so that capital repairs can be made to green space before winter at McPherson.

The following are the points of contact from today's meeting-

Superintendent Robert Vogel (bob_vogel@nps.gov) 202-245-4661

Deputy Superintendent of Operations Karen Cucurullo (karen_cucurullo@nps.gov) 202-245-4670

Please let me know what the DBID can do to further assist you and the city with this. Also, if you could let us know how your meeting with Dept of Interior goes and any enforcement plans that they may have to deal with this.

Thanks- Dave



Downtown DC
Business Improvement District
1250 H Street, NW
Suite 1000
Washington, DC 20005
www.downtowndc.org

David K. Kamperin
Director of
Public Space Management

202-661-7570 PHONE
202-661-7599 FAX
davidk@downtowndc.org

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Myers, Randolph

From: Myers, Randolph
Sent: Monday, November 14, 2011 10:35 AM
To: Whitesell, Steve E.
Cc: Mendelson, Lisa; Vogel, Bob A.; Smith, Ann; Owen, Robbin; Harasek, Kathleen; Fondren, Kimberly
Subject: fyi: Legal Note
Attachments: Myers note to Whitesell OWS 11.14.2011.pdf
Importance: High

Steve: In anticipation of our internal meeting scheduled for November 15 at 8 am, please find attached my three-page Attorney-Client Note on some of the legal issues that we will probably discuss. I have also asked that my colleague Kim Fondren join us for our meeting.

Finally, if the USPP has completed its draft Briefing Document, I'd appreciate a copy before our meeting....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

IN REPLY REFER TO:

November 14, 2011

Note To: Steve E. Whitesell
Regional Director, National Capital Region

From: Randolph J. Myers
Senior Attorney, Branch of National Parks

Subject: Occupy Wall Street demonstrations on Federal parkland in Washington DC

In anticipation of our internal meeting scheduled for November 15, 2011, this Note details the various legal issues associated with the Occupy Wall Street demonstrations, that are currently located at Freedom Plaza and McPherson Square. While demonstrators are on notice that the NPS regulations prohibit camping, illegal camping is occurring there.

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

I. Legal Considerations in the Enforcement Decision

[REDACTED]

FOIA5C

Attorney-Client Privileged

Page 1


FOIA5C
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II. Legal Background on Demonstrations on Federal Parkland in the National Capital Region

Almost all Federal parkland of the National Park Service's National Capital Region (NPS/NCR) is well-recognized public forum for a host of First Amendment activities, subject to regulations that have been the product of extensive litigation. Courts have identified the National Mall's "location in the heart of our nation's capital makes it a prime location for demonstrations. It is here where Martin Luther King, Jr. delivered his famous 'I Have a Dream' speech, where both sides of the abortion debate have staged their passionate demonstrations, and where on any given day one may witness people gathering to voice their public concerns." *Friends of the Vietnam Memorial v. Kennedy*, 116 F.3d 495, 496 (D.C.Cir. 1997).

A. Demonstration Vigils


FOIA5C

B. Camping

NPS/NCR regulations prohibit camping except in designated park areas. The camping regulation, found at 36 CFR 7.96(i)(1), provides in part: Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging...."


FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

C. Temporary Structures and Temporary Structures Used for Camping

[REDACTED]

FOIA5C

D. Structures, signs and parcel in Lafayette Park or the White House sidewalk

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

I hope that this information is helpful. If you have any questions, please contact me at 202-208-4338.

[REDACTED]

FOIA5C

Attorney-Client Privileged

Page 3



Peggy O'Dell/WASO/NPS

12/04/2011 04:31 PM

To "Laura Davis" <Laura_Davis@ios.doi.gov>

cc

bcc

Subject Fw: SitRep #1

I will forward the SitReps as they come.

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Telmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Sqare overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov

Anderson, James E

From: Davis, Laura
Sent: Thursday, October 20, 2011 5:33 AM
To: Jarvis, Jon; O'Dell, Peggy; Foster, Maureen
Cc: Jacobson, Rachel - Deputy Solicitor; Lee-Ashley, Matt; Hayes, David
Subject: Fwd: Occupy DC Update - McPherson Square
Attachments: image001.jpg; ATT00001.htm; Storage_Tent_10-19-11.JPG; ATT00002.htm; Excessive Trash 10-19-11.JPG; ATT00003.htm; Generator_2 10-19-11.JPG; ATT00004.htm; occupy_dc_10_19_11.JPG; ATT00005.htm; ODC_generator.JPG; ATT00006.htm

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Thanks.
Laura

Sent from my iPad

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Superintendent Vogel
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[cid:image001.jpg@01CC8E7B.0DC2E5E0]

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Sent: Wednesday, October 19, 2011 4:04 PM

To: David Kamperin

Cc: Kenneth Gregory

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Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA

Quality Control Manager

Public Space Management

Downtown DC BID

1250 H Street, NW Suite 1000

Washington, DC 20005

Desk: (202) 661-7571

Fax: (202) 661-7599

Email: blake@downtowndc.org<<mailto:blake@downtowndc.org>>













United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

November 14, 2011

IN REPLY REFER TO:

Note To: Steve E. Whitesell
Regional Director, National Capital Region

From: Randolph J. Myers
Senior Attorney, Branch of National Parks

Subject: Occupy Wall Street demonstrations on Federal parkland in Washington DC

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[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

among protestors on the basis of the point of entry.

I. Legal Considerations in the Enforcement Decision

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

II. Legal Background on Demonstrations on Federal Parkland in the National Capital Region

Almost all Federal parkland of the National Park Service's National Capital Region (NPS/NCR) is well-recognized public forum for a host of First Amendment activities, subject to regulations that have been the product of extensive litigation. Courts have identified the National Mall's "location in the heart of our nation's capital makes it a prime location for demonstrations. It is here where Martin Luther King, Jr. delivered his famous 'I Have a Dream' speech, where both sides of the abortion debate have staged their passionate demonstrations, and where on any given day one may witness people gathering to voice their public concerns." *Friends of the Vietnam Memorial v. Kennedy*, 116 F.3d 495, 496 (D.C.Cir. 1997).

A. Demonstration Vigils

[REDACTED]

FOIA5C

B. Camping

NPS/NCR regulations prohibit camping except in designated park areas. The camping regulation, found at 36 CFR 7.96(i)(1), provides in part: Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging...."

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

C. Temporary Structures and Temporary Structures Used for Camping

[REDACTED]

FOIA5C

D. Structures, signs and parcel in Lafayette Park or the White House sidewalk

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C


I hope that this information is helpful. If you have any questions, please contact me at 202-208-4338.

[REDACTED]

FOIA5C



Maureen Foster/WASO/NPS
11/22/2011 09:10 PM

To Alma Ripps/WASO/NPS@NPS
cc
bcc
Subject Re: 9:30 okay for call Wednesday morning on Occupy DC issues 

No way should you call in. Enjoy your time off.

Maureen D. Foster
202.208.5970

From: Alma Ripps
Sent: 11/22/2011 09:04 PM EST
To: Maureen Foster
Subject: Fw: 9:30 okay for call Wednesday morning on Occupy DC issues

Do u need me to call into this?

From: "Kelly, Kate P" [Kate_Kelly@ios.doi.gov]
Sent: 11/22/2011 08:36 PM EST
To: David Barna; Lisa Mendelson-Ielmini
Cc: Carol Johnson; David Schlosser; William Line; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Matt Lee-ashley
Subject: RE: 9:30 okay for call Wednesday morning on Occupy DC issues

Looping Matt. He'll likely hop on as I have a conflict at that time.

From: David Barna [mailto:david_barna@nps.gov]
Sent: Tuesday, November 22, 2011 8:17 PM
To: Mendelson, Lisa
Cc: Carol_B_Johnson@nps.gov; Schlosser, David; Line, William; Lyle, Jody; Olson, Jeffrey; Foster, Maureen; Ripps, Alma; O'Dell, Peggy; Kelly, Kate P
Subject: 9:30 okay for call Wednesday morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov> wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:
Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
The Region is starting to get emails from the public like the one below
I will be at home tomorrow 703-455-1090 but can participate
What's a good time in the morning for a call?
Here's our office call in line that we can use for a conference call
1-866-541-5594
Code 6727250 participant
Code 8841847 leader

David

Carter DeWitt

<cdewitt@taxfound
ation.org>

To

"lisa_mendelson-ielmini@nps.gov"

11/22/2011 01:49
PM

<lisa_mendelson-ielmini@nps.gov>

cc

Subject

Occupy Dc versus other park users -
I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom – my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off – Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you – and who butters your bread with their labor. It isn't Occupy DC – it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them – why are you not hearing us?

Laurie Carter DeWitt

(b) (6)
Washington, DC 20005

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability



Peggy O'Dell/WASO/NPS
12/04/2011 12:57 PM

To "Rachel Jacobson" <Rachel.Jacobson@sol.doi.gov>,
rachel_jacobson@ios.doi.gov, "Melissa Koenigsberg"
<melissa_koenigsberg@ios.doi.gov>

cc

bcc

Subject Occupy DC

Things could be heating up today. They are building a two story wood structure in McPherson Square. Please call if you would like a quick update. I don't have a cell phone number for you. 202-510-7521.

Sent from my BlackBerry Wireless Handheld



United States Department of the Interior

NATIONAL PARK SERVICE UNITED STATES PARK POLICE

Headquarters
1100 Ohio Drive, S.W.
Washington, D.C. 20242

December 5, 2011

Memorandum

To: Chief, United States Park Police

From: Commander, Central District *Capt Katherine Harasick 12/05/11*

Through: Chain of Command

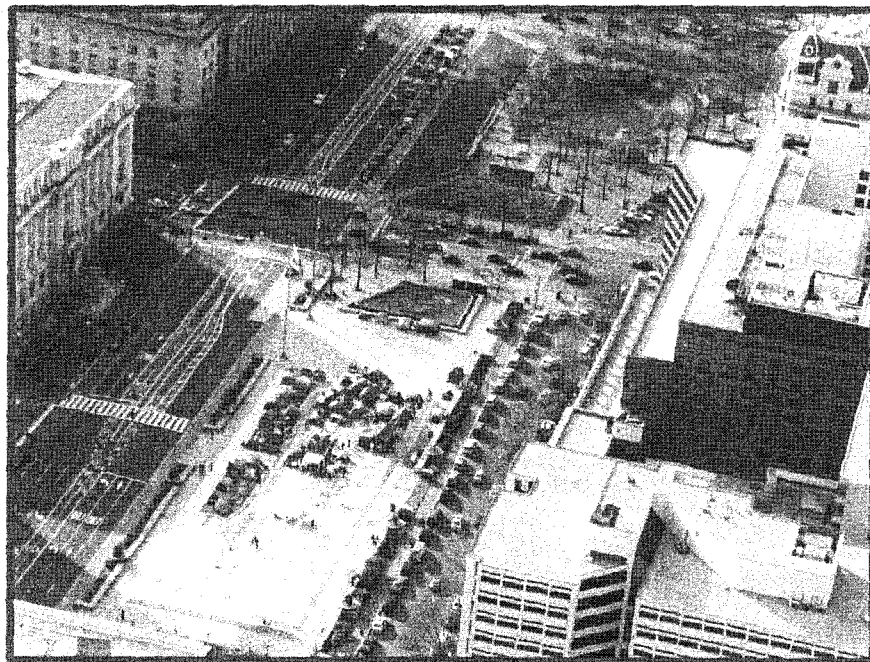
Subject: Submission of Executive Brief – Occupy DC with attachments

Attached please find the final draft of the Executive Brief (Deliberative Process Privileged) with an attachment (note) from the DOI Solicitor's Office. The document is intended to provide the reader with a basic understanding of the First Amendment activity that is currently taking place within the National Mall and Memorial Parks (NAMA) and the Central District of the U.S. Park Police at Freedom Plaza and McPherson Square. It also addresses the issues, challenges, operational measures and recommendations.

Executive Brief – Occupy DC



FREEDOM PLAZA



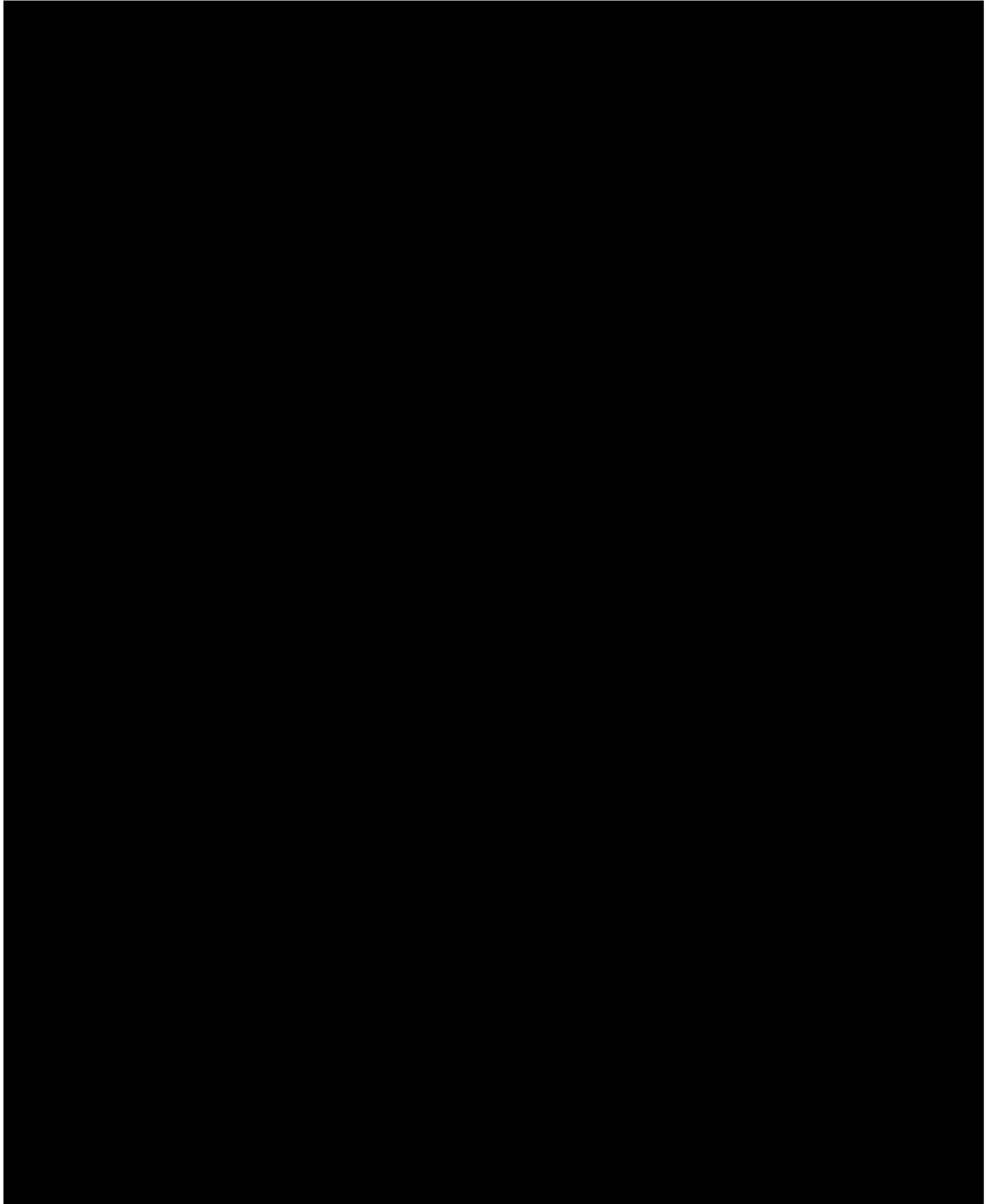
MCPHERSON SQUARE



FOUO – LAW ENFORCEMENT SENSITIVE

Executive Brief – Occupy DC -- Deliberative Process Privileged

Background



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Executive Brief – Occupy DC -- Deliberative Process Privileged

and distinct. For the purpose of clarity for the remainder of this brief the groups will be identified by their geographical locations.

Issues

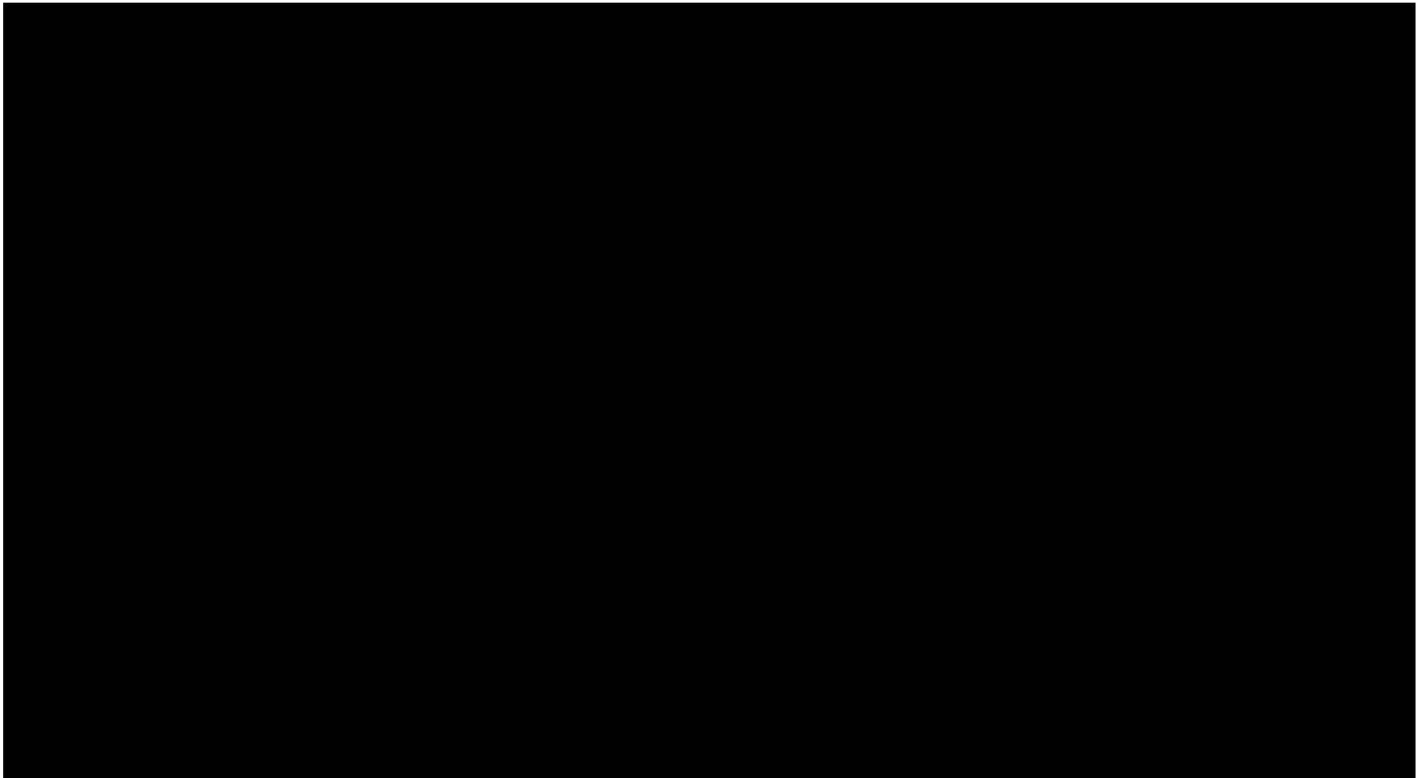


FOUO – Law Enforcement Sensitive

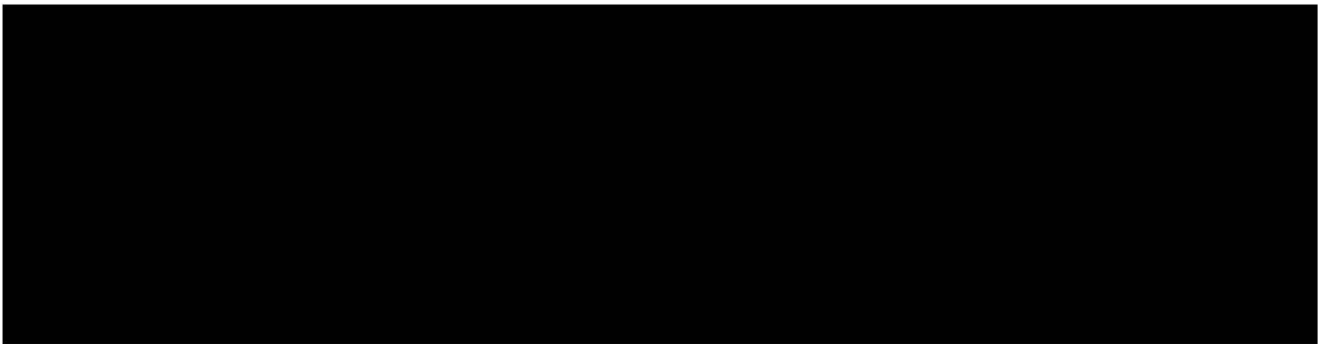
Executive Brief – Occupy DC -- Deliberative Process Privileged



Challenges

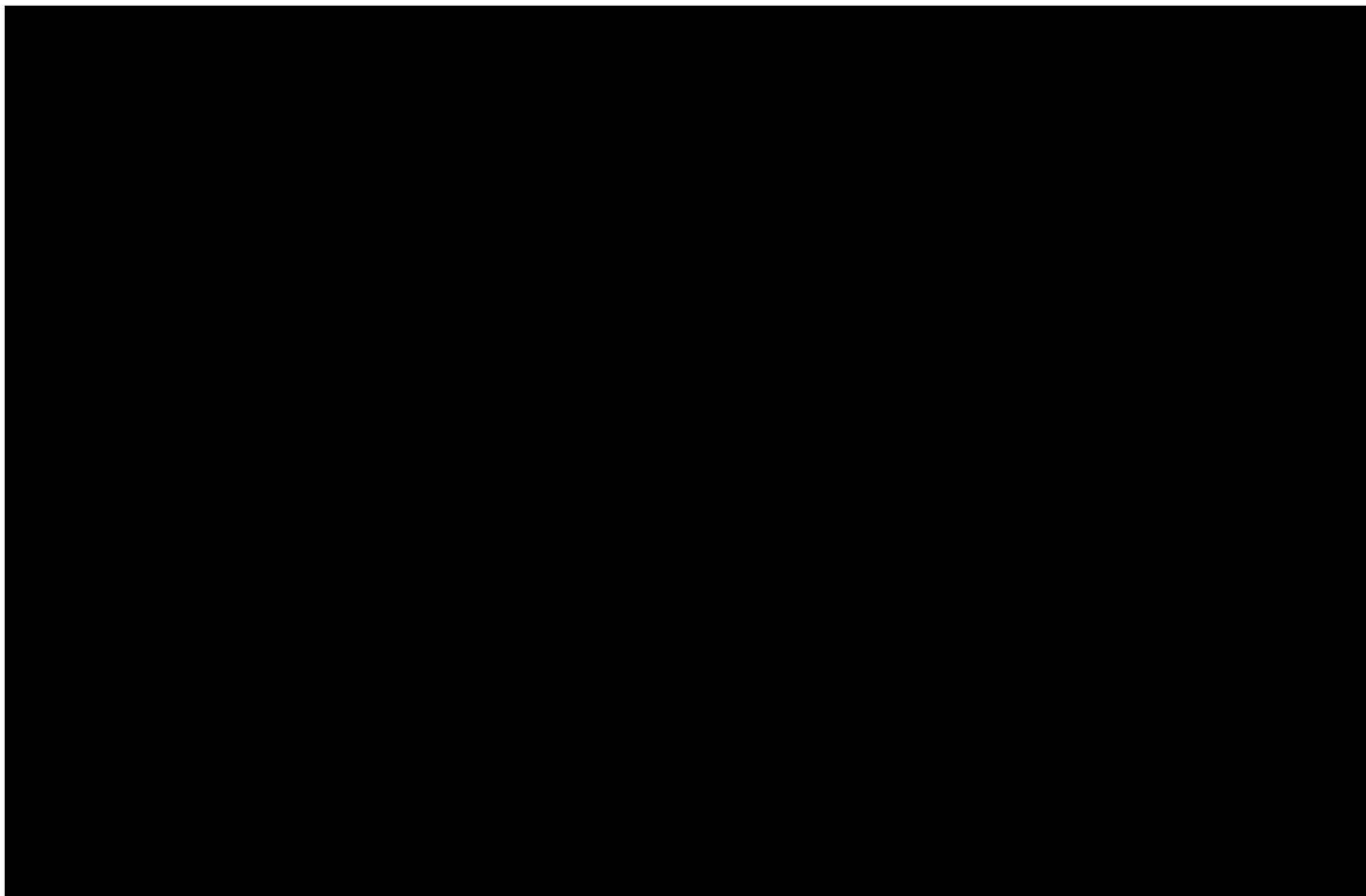


Operational Measures

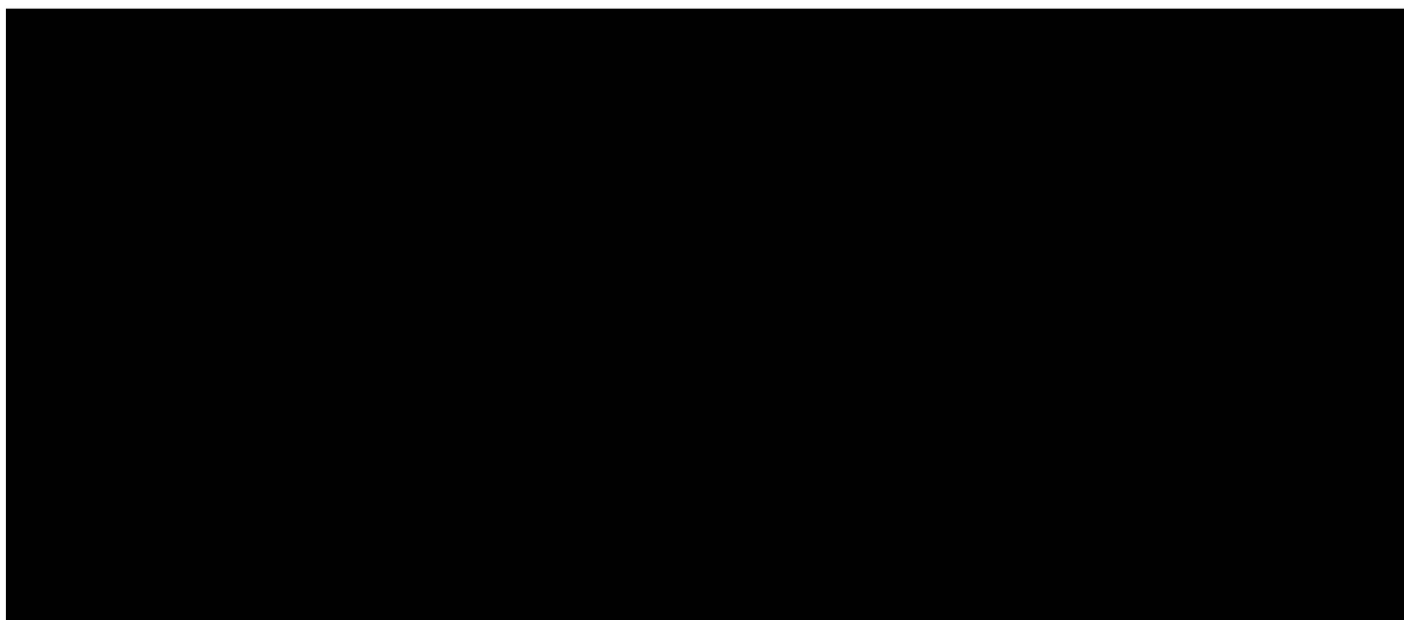


FOUO – Law Enforcement Sensitive

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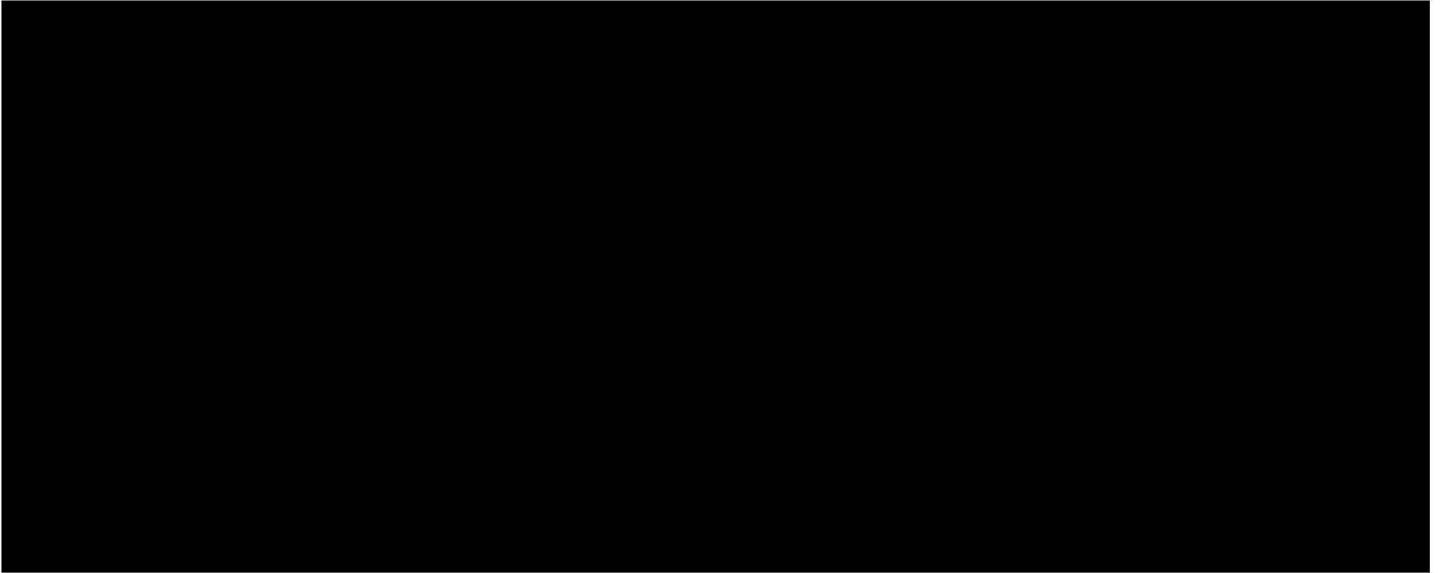


Recommendations



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Executive Brief – Occupy DC -- Deliberative Process Privileged



Attachment: Solicitor's Office Note dated November 14, 2011

FOUO – Law Enforcement Sensitive



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

IN REPLY REFER TO:

November 14, 2011

Note To: Steve E. Whitesell
Regional Director, National Capital Region

From: Randolph J. Myers
Senior Attorney, Branch of National Parks

Subject: Occupy Wall Street demonstrations on Federal parkland in Washington DC

In anticipation of our internal meeting scheduled for November 15, 2011, this Note details the various legal issues associated with the Occupy Wall Street demonstrations, that are currently located at Freedom Plaza and McPherson Square. While demonstrators are on notice that the NPS regulations prohibit camping, illegal camping is occurring there.

FOIA5C

FOIA5C

I. Legal Considerations in the Enforcement Decision

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FOIA5C

Attorney-Client Privileged

Page 1

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

II. Legal Background on Demonstrations on Federal Parkland in the National Capital Region

Almost all Federal parkland of the National Park Service's National Capital Region (NPS/NCR) is well-recognized public forum for a host of First Amendment activities, subject to regulations that have been the product of extensive litigation. Courts have identified the National Mall's "location in the heart of our nation's capital makes it a prime location for demonstrations. It is here where Martin Luther King, Jr. delivered his famous 'I Have a Dream' speech, where both sides of the abortion debate have staged their passionate demonstrations, and where on any given day one may witness people gathering to voice their public concerns." *Friends of the Vietnam Memorial v. Kennedy*, 116 F.3d 495, 496 (D.C.Cir. 1997).

A. Demonstration Vigils

[REDACTED]

FOIA5C

B. Camping

NPS/NCR regulations prohibit camping except in designated park areas. The camping regulation, found at 36 CFR 7.96(i)(1), provides in part: Camping is defined as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging...."

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

C. Temporary Structures and Temporary Structures Used for Camping

[REDACTED]

FOIA5C

D. Structures, signs and parcel in Lafayette Park or the White House sidewalk

[REDACTED]

FOIA5C

[REDACTED]

FOIA5C

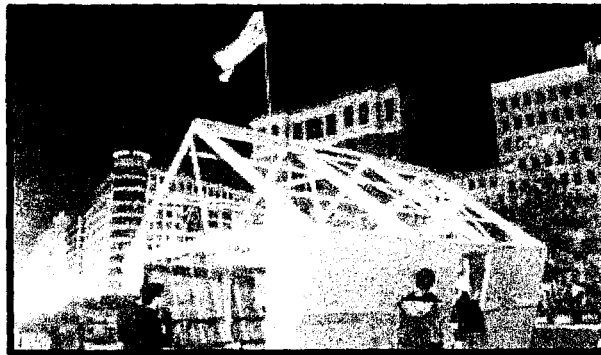
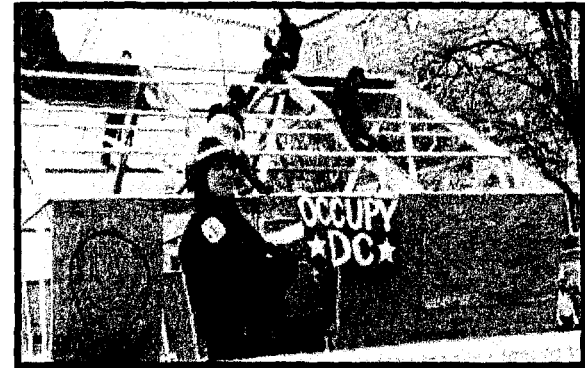
I hope that this information is helpful. If you have any questions, please contact me at 202-208-4338.

[REDACTED]

FOIA5C

Attorney-Client Privileged

Page 3



Myers, Randolph

From: Myers, Randolph
Sent: Monday, November 28, 2011 12:56 PM
To: Mendelson, Lisa
Subject: Status of Draft NCR/USPP Executive Briefing?
Attachments: 11-1101 Executive Brief Freedom-McPherson KHarasek 11.14 RMyers 11.15.11.docx
Importance: High

Lisa: Do we have any word yet on the status of the draft NCR/USPP Executive Briefing? Peggy O'Dell asked for in a meeting on October 17, and after talking to Robbin and Melisa today, it seems that NPS/DOI policy makers will be needing that briefing sooner rather than later. Policy makers will have a difficult task of weighing the facts and recommendations, on when camping violations should be addressed by enforcement action. As always, I'm available for any meeting.

In the meantime, along with the USPP I've met [REDACTED]

[REDACTED]

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: Myers, Randolph
Sent: Monday, November 21, 2011 1:58 PM
To: Mendelson, Lisa
Subject: fyi: Draft Executive Briefing

Here, fyi, is my redline/strikeout to Kathy Harasek of the draft Briefing Paper dated November 15, its current whereabouts/status is unknown to me....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320

Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: Lisa_Mendelson-Ielmini@nps.gov [mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Monday, November 21, 2011 2:14 PM
To: Myers, Randolph
Subject: Fw: fyi: Legal Note

I do have this, I thought you might have been referring to a briefing paper moving to WASO.... thanks Randy.

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region 202-619-7000 office
202-297-1338 cell

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 11/21/2011 02:13 PM

"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

11/14/2011 10:35
AM

"Whitesell, Steve E."
<Steve_Whitesell@nps.gov>

To

cc

"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>,
"Vogel, Bob A."
<Bob_Vogel@nps.gov>, "Smith, Ann"
<Ann_Bowman_Smith@nps.gov>, "Owen,
Robbin" <Robbin_Owen@nps.gov>,
"Harasek, Kathleen"
<Kathleen_Harasek@nps.gov>,
"Fondren, Kimberly"
<Kim.Fondren@sol.doi.gov>

Subject

fyi: Legal Note

Steve: In anticipation of our internal meeting scheduled for November 15 at 8 am, please find attached my three-page Attorney-Client Note on some of the legal issues that we will probably discuss. I have also asked that my colleague Kim Fondren join us for our meeting.

Finally, if the USPP has completed its draft Briefing Document, I'd appreciate a copy before our meeting...

Randy

Randolph J. Myers

U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks

1849 C Street, NW, Room 5320

Washington, D.C. 20240

w (202) 208-4338 fax (202) 208-3877

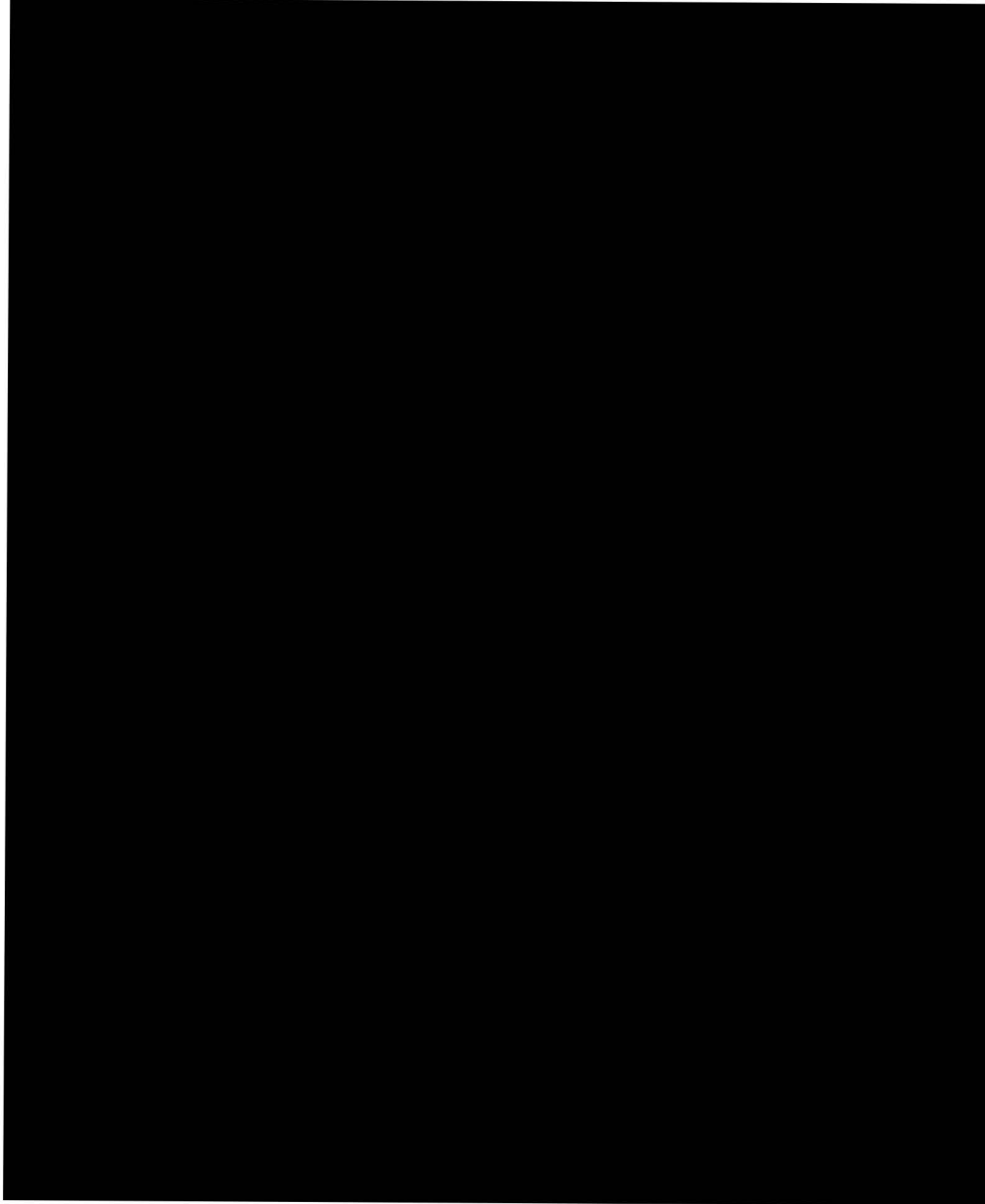
Randolph.Myers@sol.doi.gov

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(See attached file: Myers note to Whitesell OWS 11.14.2011.pdf)

Executive Brief – Occupy DC -- Deliberative Process Privileged



Comment

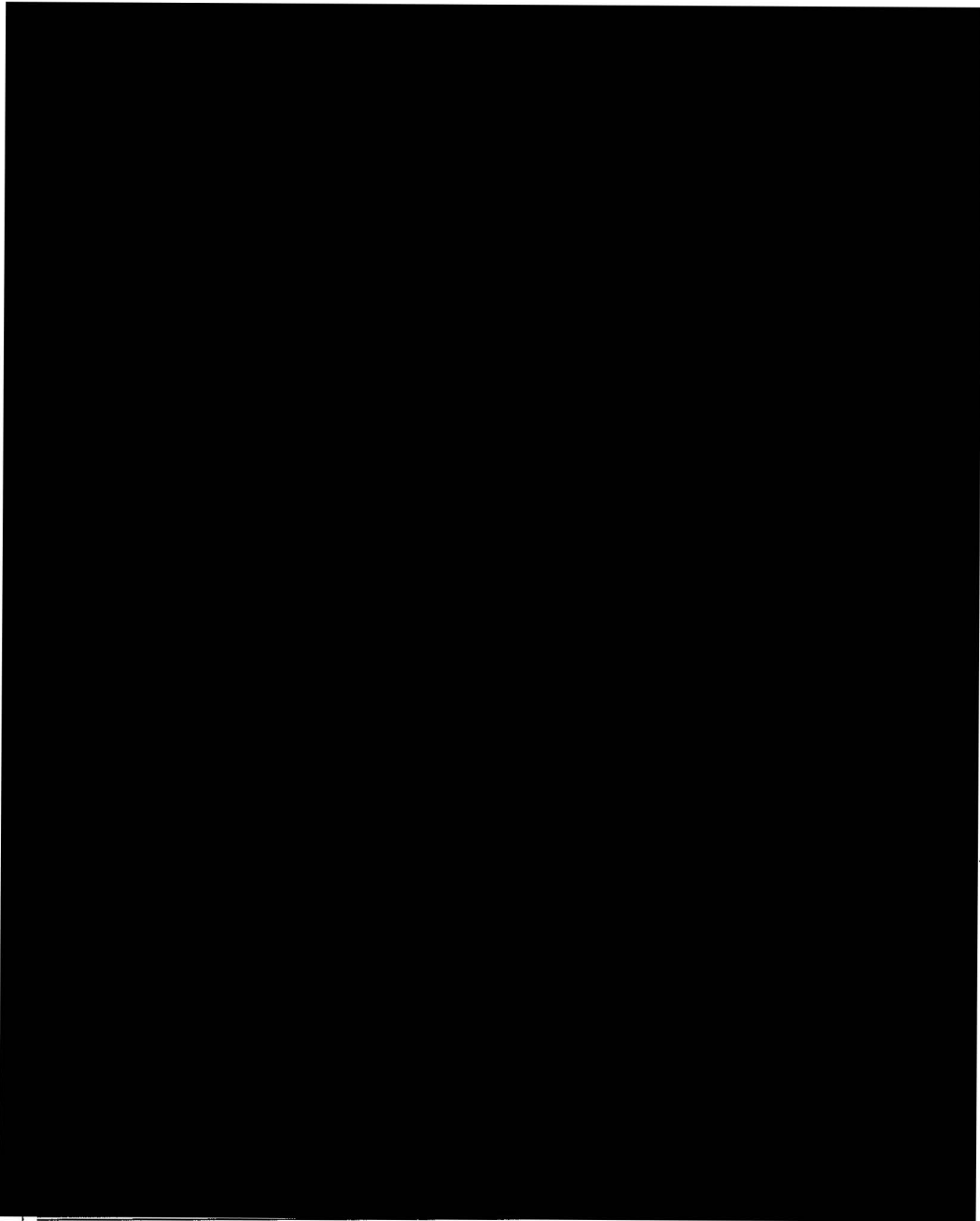
The user has

FOIA5C

Captain Kathleen Harasek_RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 1

Executive Brief – Occupy DC -- Deliberative Process Privileged

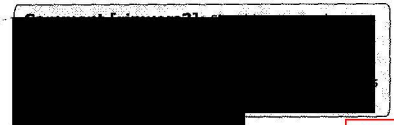
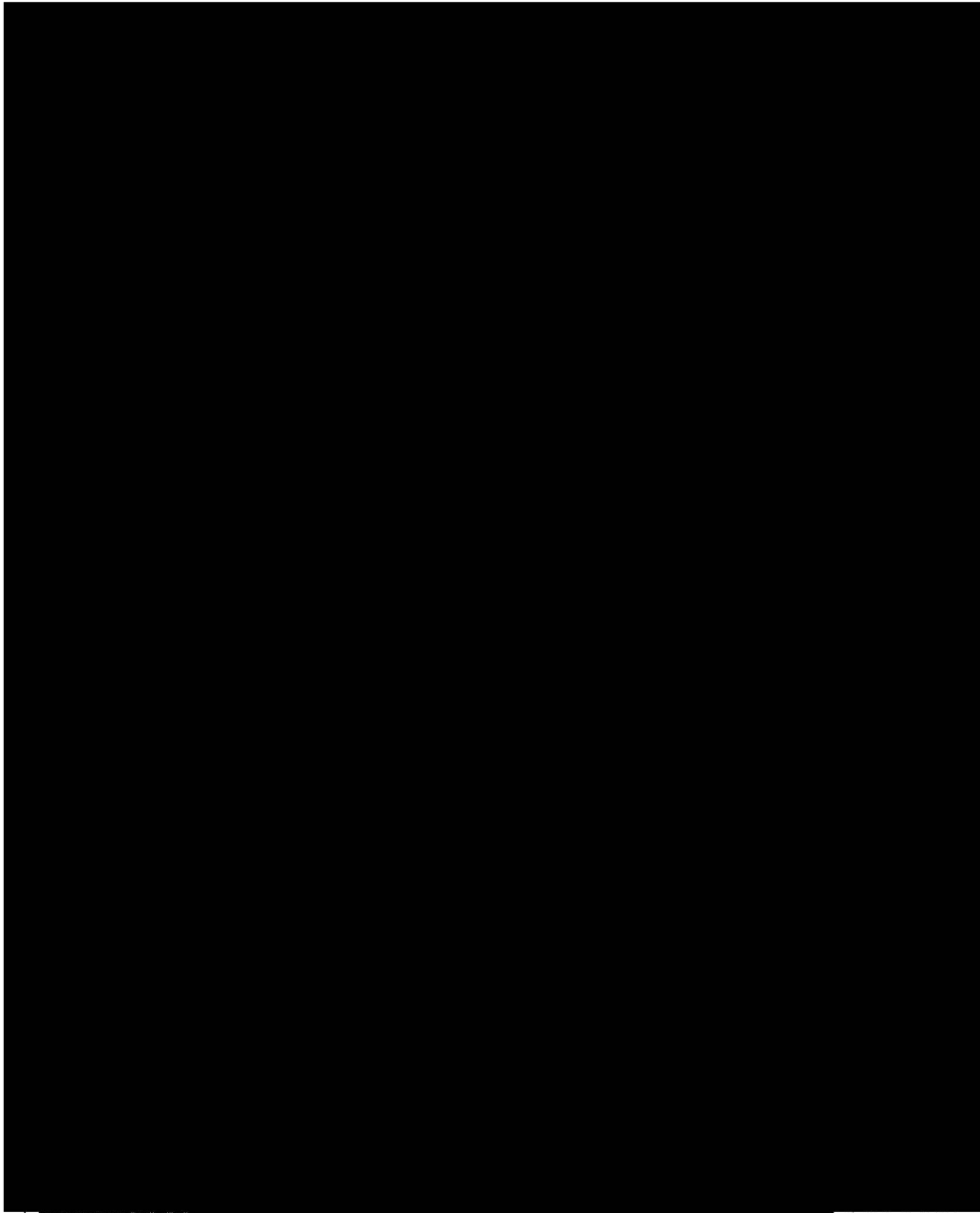


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Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 2

Executive Brief – Occupy DC -- Deliberative Process Privileged

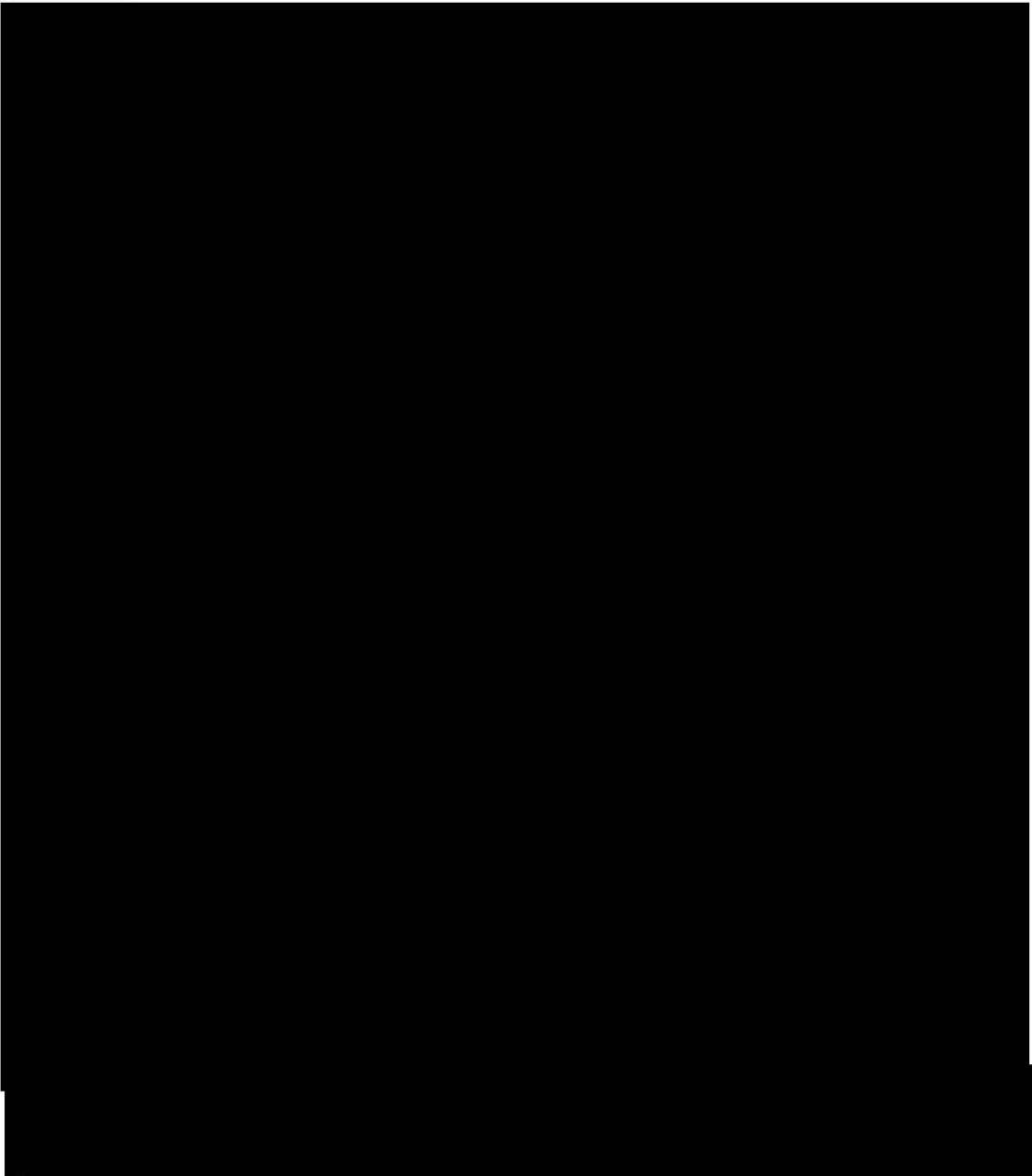


FOIA5C

Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 3

Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 4



Claire Rozdilski/WASO/NPS
12/05/2011 10:44 AM

To "Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov>
cc "Fondren, Kimberly" <Kim.Fondren@sol.doi.gov>, "Eaton, Robert" <Robert.Eaton@sol.doi.gov>, Tasha Robbins/WASO/NPS@NPS

bcc

Subject RE: Occupy DC call/meeting on Monday

Hi Randy!

Thanks for letting me know. We're going to move the meeting to the Director's conference room, #3121.

Claire
"Myers, Randolph" <RANDOLPH.MYERS@sol.doi.gov>



"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>
12/05/2011 10:40 AM

To "Rozdilski, Claire C." <Claire_Rozdilski@nps.gov>
cc "Eaton, Robert" <Robert.Eaton@sol.doi.gov>, "Fondren, Kimberly" <Kim.Fondren@sol.doi.gov>
Subject RE: Occupy DC call/meeting on Monday

Claire: Besides Rob Eaton, Kim Fondren from our office will also be joining us for our 4:30 meeting.

On Sunday night Kim provided on-site legal advice and counsel to the USPP at McPherson Square.

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: Claire_Rozdilski@nps.gov [mailto:Claire_Rozdilski@nps.gov]
Sent: Friday, December 02, 2011 11:09 AM
To: Myers, Randolph
Subject: RE: Occupy DC call/meeting on Monday

Thanks Randy!

"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

12/01/2011 09:44
AM

To
"Rozdilski, Claire C."
<Claire_Rozdilski@nps.gov>,
"Teresa Chambers@nps.gov"
<Teresa_Chambers@nps.gov>,
"Whitesell, Steve E."
<Steve_Whitesell@nps.gov>, "Vogel,
Bob A." <Bob_Vogel@nps.gov>

cc
"Blyth, Pamela"
<Pamela_Blyth@nps.gov>, "Bowman,
Judy" <Judy_Bowman@nps.gov>,
"Robbins, Tasha"
<Tasha_Robbins@nps.gov>, "Thomas,
Tonya" <Tonya_Thomas@nps.gov>,
"Eaton, Robert"
<Robert.Eaton@sol.doi.gov>

Subject
RE: Occupy DC call/meeting on
Monday

Claire: I'll be available Monday December 5 at 4:30, and have invited Rob
Eaton to join us.
Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
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in error, please notify the sender immediately and destroy all copies.

From: Claire_Rozdilski@nps.gov [mailto:Claire_Rozdilski@nps.gov]
Sent: Thursday, December 01, 2011 9:42 AM
To: Myers, Randolph; Teresa_Chambers@nps.gov; Whitesell, Steve E.; Vogel,
Bob A.

Cc: Blyth, Pamela; Bowman, Judy; Robbins, Tasha; Thomas, Tonya
Subject: Occupy DC call/meeting on Monday

Good morning,

Jon and Peggy would like to meet about Occupy DC and next steps.

Tasha and I have scheduled it for Monday, December 5 at 4:30pm.
The meeting will be in Jon's office, and Peggy will be calling in.
If you absolutely cannot be here in person, I'll provide call-in
information.

If you are absolutely unable to attend at all, please let me know asap so
we can try to adjust the time.

Thanks!
Claire

Claire C. Rozdilski
National Park Service
Staff Assistant to the Deputy Director, Operations
1849 C Street NW
Washington, DC 20240
202-208-3818 (Office)
202-306-4023 (Cell)
202-208-7889 (Fax)

Myers, Randolph

From: Myers, Randolph
Sent: Tuesday, November 15, 2011 12:14 PM
To: Harasek, Kathleen
Cc: Fondren, Kimberly
Subject: Suggested edits to the USPP draft Executive Brief
Attachments: 11-1101 Executive Brief Freedom-McPherson KHarasek 11.14 RMyers 11.15.11.docx

Importance: High

Kathy: Attached is my suggested redline/strikeout edits to the draft Executive Brief.

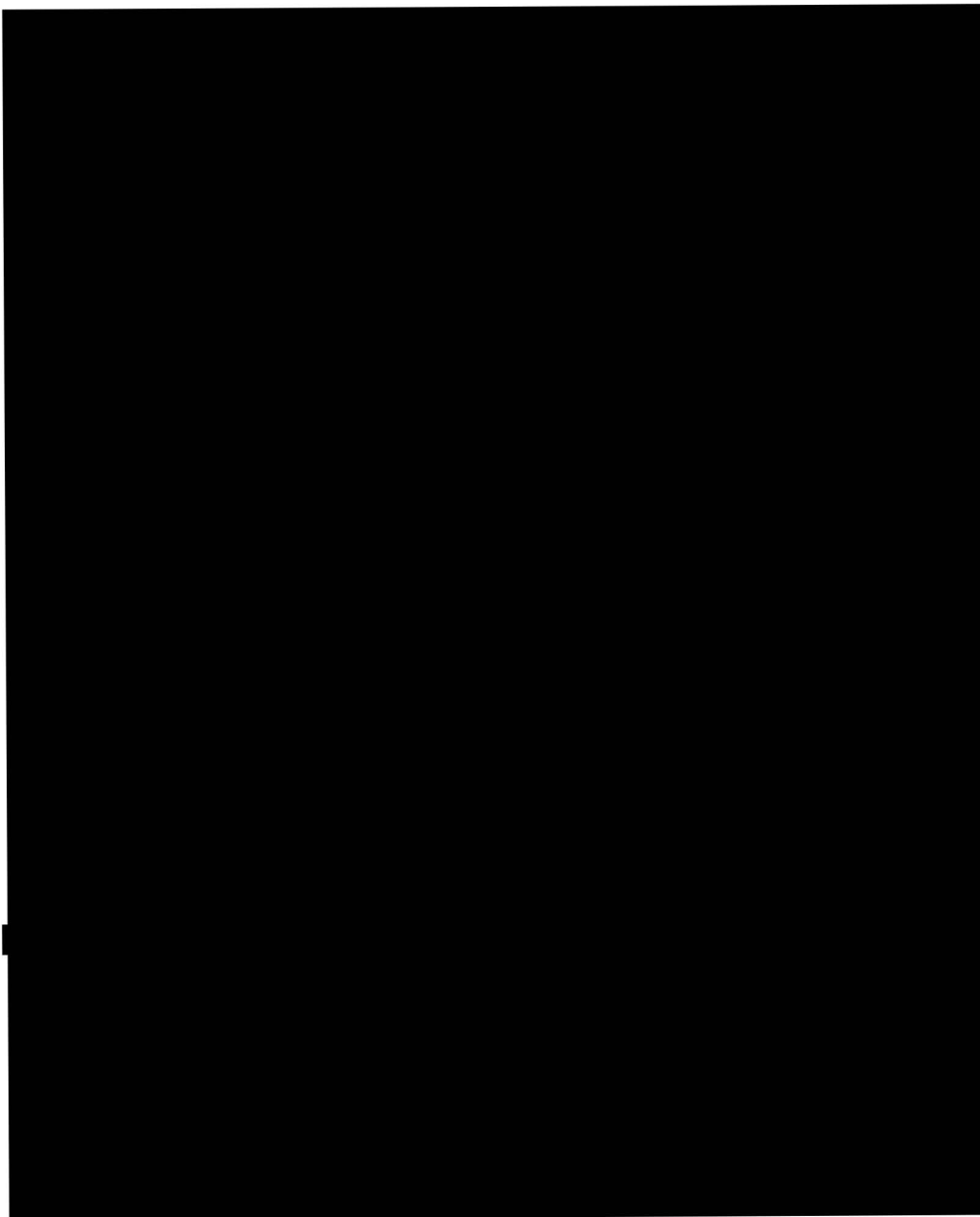
Given time constraints, I also took a stab on the recommendations, which ultimately is entirely up to the USPP and NCR. Please call me if you, or the USPP or NCR Management, have any questions or would like to discuss.....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor
DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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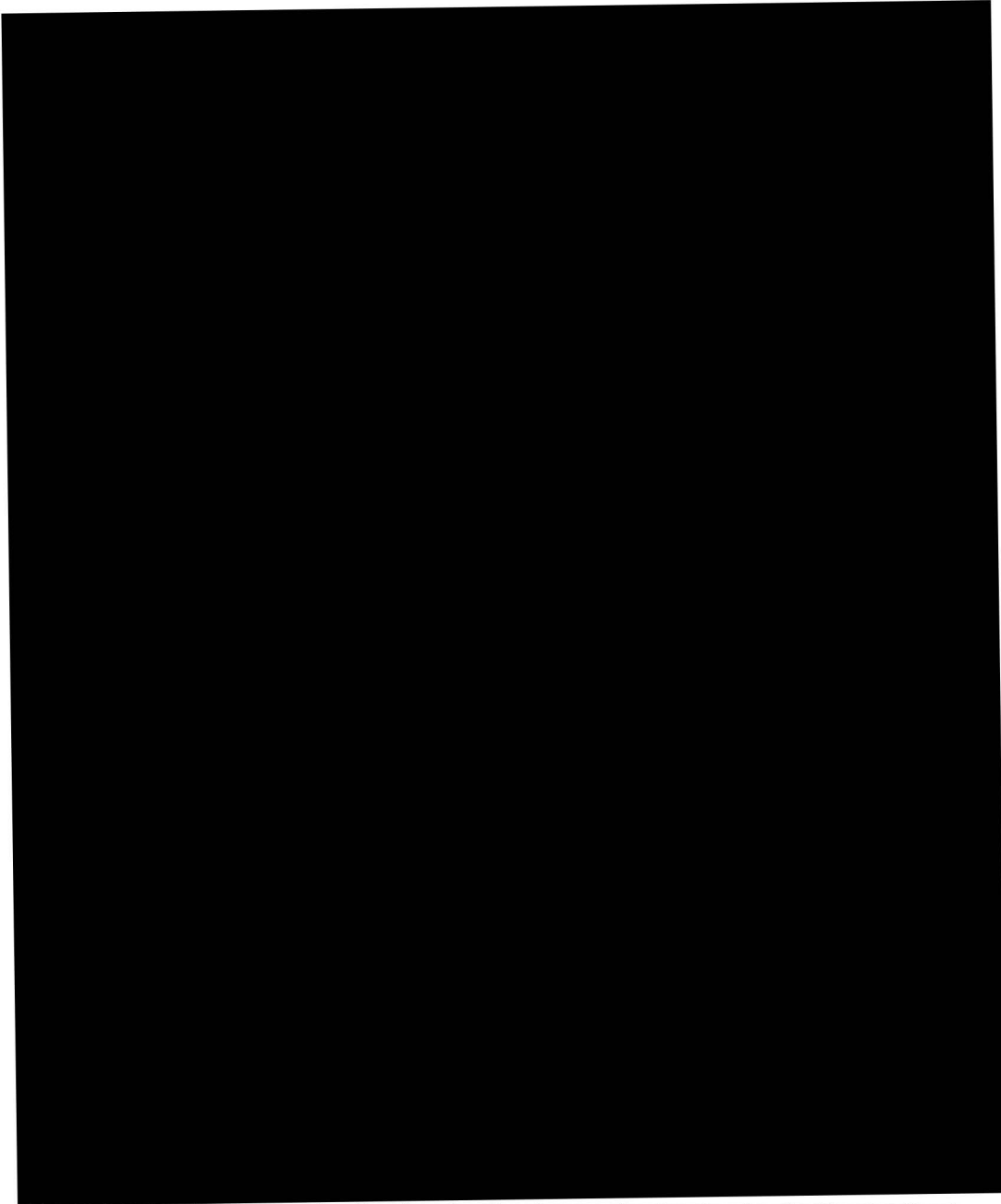
Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 1

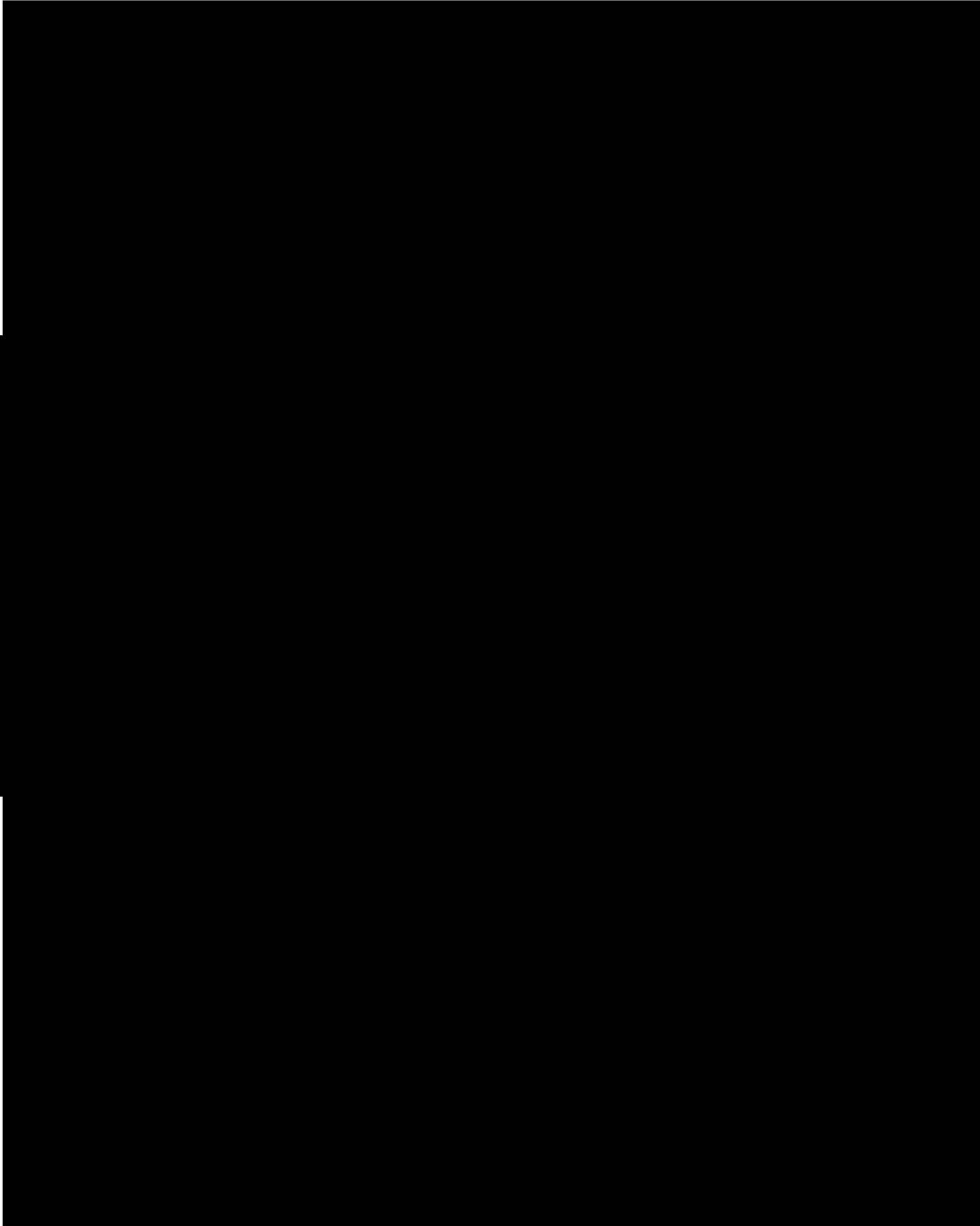
Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 2

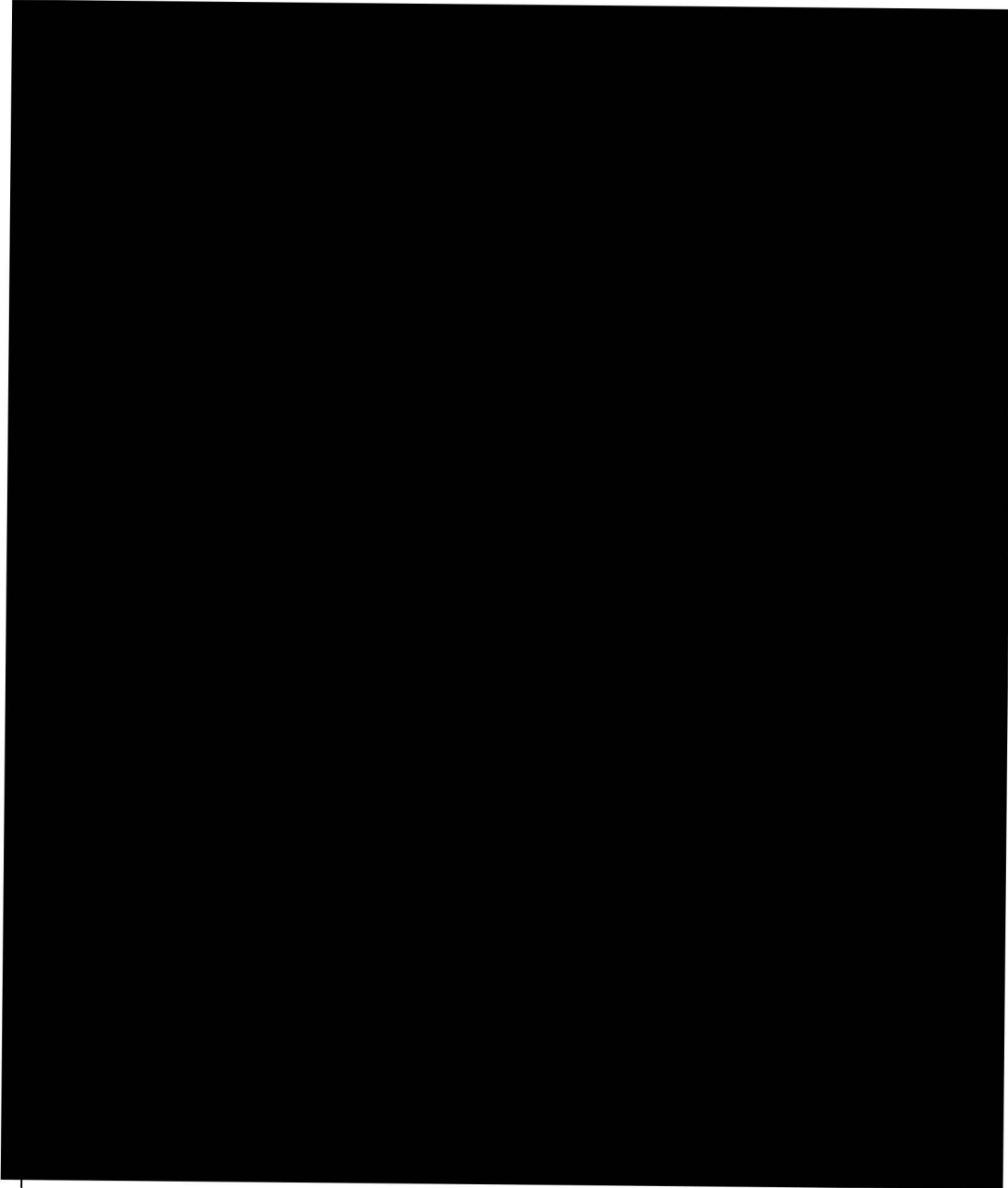
Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 3

Executive Brief – Occupy DC -- Deliberative Process Privileged



Captain Kathleen Harasek RMyers suggested redline/strikeout edits 11/15/11
November, 2011

Page 4



Teresa Chambers
<teresa_chambers@nps.gov>

12/06/2011 12:51 PM

To SLV <kensalazar@ios.doi.gov>

cc "Jarvis, Jon" <Jon_Jarvis@nps.gov>, "O'Dell, Peggy"
<Peggy_O'Dell@nps.gov>, "Davis, Laura"
<Laura_Davis@ios.doi.gov>, "Lee-Ashley, Matt"

bcc

Subject Re: Fwd:

Mr. Secretary - What an honor to hear directly from you with such strong words of support and praise for our officers. We all have a right to be proud of the effective and tactful manner in which they carried out Sunday's interaction with folks at McPherson Square. It will be a pleasure to pass on your words of admiration and thanks to the team.

Thank you, sir, for taking the time to personally reach out.

Teresa

Teresa Chambers, Chief
United States Park Police

Sent from my iPad

On Dec 6, 2011, at 12:31 PM, SLV <kensalazar@ios.doi.gov> wrote:

Dear Chief Chambers:

Please communicate my admiration to each of the officers of the U.S. Parks Police involved in Sunday's action at McPherson Square. The op-ed below captures the professionalism and patience of our Park's Police. Job well done.

Ken Salazar

Secretar of Interior

Sent from my iPad

Begin forwarded message:

To: " (Teresa_Chambers@nps.gov)" <Teresa_Chambers@nps.gov>

OP-ED: Police maintain professionalism in Occupy D.C. confrontation

Washington Post

Petula Dvorak

12/05/11

http://www.washingtonpost.com/local/police-maintain-professionalism-in-occupy-dc-confrontation/2011/12/05/gIQAXWsXWO_print.html

All day and into the night, the police were being taunted. Insults and sometimes water bottles were hurled their way. Cameras were pointed at them from every direction.

Yet, as they have done throughout the downtown drama known as Occupy D.C., the U.S. Park Police and D.C. officers displayed remarkable discipline and restraint Sunday during their confrontation with protesters in McPherson Square. Even as they arrested 31 Occupiers, the officers didn't become a laughing stock Internet meme. They didn't succumb to the brutality we witnessed in Oakland, or the appallingly brazen pepper-spraying that was filmed at the University of California at Davis.

And that's saying something, given the reality show-style stunt the police were asked to pull off Sunday night, after park protesters living in tents erected the bones of a small barn.

For any structure in the square to be legal, it has to be temporary. But there was nothing temporary about the sturdy two-by-fours that made up the new building's bones.

Its construction was pure provocation of a police force that has already been stunningly accommodating and patient with the Occupy protesters.

Police asked them to take the barn down. They said no. Instead, some of them climbed up to the top, where they prostrated themselves, crucifixion style, on the rafters or straddled them like jungle gym bars and occasionally fist-pumped to the crowd below.

So authorities called in a building inspector to check it for safety.

Within minutes of arriving, the inspector slapped orange "Danger" stickers on the building and police closed in to take it down. The protesters got a few more warnings to leave.

Like a game of wills between parent and toddler, the police counted — one, two, three. And they began arresting the ones who remained inside the barn.

Then there was the challenge of safely arresting the ones who remained clinging to the rafters while dozens of cameras recorded their every move. The police pulled up a tactical vehicle and stood on the roof, hoping to get them off that way. No dice. The Occupiers scrambled to the other side.

They had a giant inflatable mattress that two guys eventually jumped into (that would've been my choice, it looked fun). Finally, there was a huge cherry picker, which maneuvered around the structure cornering each protester. The two cops inside it harnessed, roped and very precariously hauled each remaining Occupier into the bucket.

It was sort of like rodeo meets Cirque du Soleil.

The cost of this little passion play had to be staggering, though no one has put a dollar figure on it yet. I counted dozens of officers, a tiny herd of horses, at least two tactical vehicles, a forklift, a cherry picker, plus that moonbounce thing.

Mark Francis Nickens, 51, stood outside the police barricade, watching the confrontation get more and more tense. Nickens has been hanging with the protesters for weeks. In fact, he's got one of the most visible structures; the tepee that's closest to the White House is his doing. But on Sunday, he was fuming, certain the the hubris of lumber and nails would spell the end of their stay.

"Damn thing. This was *not* what was supposed to happen," said the musician and dog walker from Takoma Park. "You don't just go and antagonize the cops for nothing."

But that's exactly what they were doing. Young protesters hopped up on empowerment and anything else that could be found in those tents randomly spit insults at officers who were standing nearby, simply doing their jobs. Park Police officers, who make starting salaries of \$52,000 a year, are firmly part of that 99 percent the movement keeps talking about.

U.S. Park Police spokesman Sgt. David Schlosser said the officers are trained to stay professional, to see the insults as "meaningless." They got called pigs and po-po, but the officers were as poker-faced as beefeaters.

The protesters are blatantly violating the law on a daily basis in the park, cooking, showering, sleeping, occupying. Yet they also have a righteous message about the nation's widening wealth gap that a good chunk of the 99 percent agree with. The protests are making people think and talk about the nation's housing and unemployment crises. Many people are just as angry as the protesters. They are ready for change and hungry for solutions.

The protesters have a powerful platform and a silent blessing from a police force that has looked the other way on loads of petty stuff. Taunting those officers undermines the very message the Occupiers are trying to deliver. It's cowardly and ridiculous, especially when there are so many real villains to holler at.

Myers, Randolph

From: Myers, Randolph
Sent: Thursday, December 01, 2011 9:27 AM
To: Maclean, Robert
Cc: Vogel, Bob A.; Lorenzetti, Steve; Mendelson, Lisa; Teresa_Chambers@nps.gov; Harasek, Kathleen; Cucurullo, Karen; Owen, Robbin; Blyth, Pamela
Subject: RE: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Rob: I [REDACTED]

Randy

FOIA5C

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: Robert_MacLean@nps.gov [mailto:Robert_MacLean@nps.gov]
Sent: Wednesday, November 30, 2011 9:32 AM
To: Myers, Randolph
Cc: Vogel, Bob A.; Lorenzetti, Steve; Mendelson, Lisa; Teresa_Chambers@nps.gov; Harasek, Kathleen; Cucurullo, Karen; Owen, Robbin; Blyth, Pamela
Subject: Fw: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Randy,

FOIA5A FOIA5C

I have reviewed on behalf of Chief Chambers [REDACTED]

Also, I believe Capt. Harasek was putting the Executive Briefing/Recommendations into final. Let's look at the final and decide if we need to meet prior to submitting to Deputy Director O'Dell.

Thanks.

Rob

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division
United States Park Police
(202) 619-7085 - Office
(202) 205-7983 - Fax
(202) 438-6656 - Nextel
robert_maclean@nps.gov - Email

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----- Forwarded by Robert MacLean/USPP/NPS on 11/30/2011 09:19 AM -----

Teresa
Chambers/USPP/NPS

11/29/2011 12:47
PM

"Robert MacLean"
<Robert_MacLean@nps.gov>

To

"Pamela Blyth"
<Pamela_Blyth@nps.gov>

cc

Subject

Fw: Attorney-Client Privileged:
Draft second response to Carter
DeWitt email response dated
November 28, 2011

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

From: "Myers, Randolph" [RANDOLPH.MYERS@sol.doi.gov]
Sent: 11/29/2011 12:45 PM EST
To: Bob Vogel; Steve Lorenzetti
Cc: Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas; Karen Cucurullo; Robbin Owen
Subject: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Bob: Per your request, attached is my draft second response to Ms. DeWitt e-mail dated November 28, 2011, which responded to NAMA's e-mail dated November 25.

5A

FOIA5C

Questions? Do we need to meet and discuss? Please give me a call....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]
Sent: Tuesday, November 29, 2011 8:44 AM
To: Myers, Randolph; Lorenzetti, Steve
Subject: Fw: Occupy DC versus other park users - I count too!

Fyi

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/28/2011 04:29 PM CST

To: Karen Cucurullo
Cc: Bob Vogel; Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas
Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - "the courts have ruled that temporary structures that support First Amendment activities are allowed." I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org
The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability

-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]
Sent: Friday, November 25, 2011 12:18 PM
To: Carter DeWitt
Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov; Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov
Subject: Fw: Occupy DC versus other park users - I count too!

Ms DeWitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve

Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000

Work: (202) 245-4670
Fax: (202) 426-9309
Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>; Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them - why are you not hearing us?

Laurie Carter DeWitt
910 15th St, NW, Apt 711
Washington, DC 20005

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability (See attached file: Draft second response to DeWitt RMyers 11.29.11.docx) (See attached file: Clark v CCNV 468 US 288 (1988).pdf)



"Davis, Laura"
<Laura_Davis@ios.doi.gov>
12/04/2011 08:55 PM

To "Teresa_Chambers@nps.gov"
<Teresa_Chambers@nps.gov>
cc
bcc

Subject Re: SitRep #7

History: This message has been replied to.

We can do next steps call with SOL after if we need to.

Sent from my iPad

On Dec 4, 2011, at 8:52 PM, "Teresa_Chambers@nps.gov"
<Teresa_Chambers@nps.gov> wrote:

> Laura - Could you see if the Secretary would mind our having the Solicitor's Office on the call? We'd like to brief the Secretary on next steps and possible nuisance abatement. Rob MacLean and I are at Mobile Command with Kin Fondren of the Solicitor's Office, and we'd like to have Randy Meyers call in or for someone there to call Randy at a # we Will provide. Thanks.

>
> Teresa Chambers, Chief
> United States Park Police
> Work: 202-619-7350
> Cell: 202-903-9256

>
>
>
> ----- Original Message -----
> From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
> Sent: 12/04/2011 08:25 PM EST
> To: Laura Davis; Teresa Chambers
> Cc: Robert MacLean; Peggy O'Dell
> Subject: Re: SitRep #7

>
>
> Trying again to loop Chief Chambers with correct spelling of name.

>
> Sent from my iPad

>
> On Dec 4, 2011, at 8:14 PM, "Davis, Laura" <Laura_Davis@ios.doi.gov> wrote:

>
>> Rob,
>> Thank you for the ongoing reports. I see the action is nearly complete. The Secretary would like to get back on the phone at 9 pm for a debrief if that is possible, with those of us on this email. Peggy can we use the same number?

>> Laura

>>

>>

>> Sent from my iPad

>>

>> On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov"
<Robert_MacLean@nps.gov> wrote:

>>

>>> NPS lift (cherry picker) on scene. USPP personnel secured in the bucket
>>> has recovered two of the remaining 4.

>>>
>>> -----
>>> Sent from my BlackBerry Wireless Handheld
>>>
>>> Deputy Chief Robert D. MacLean
>>> Commander, Homeland Security Division
>>> United States Park Police
>>>
>>> Robert_MacLean@nps.gov - Email
>>> 202.619.7085 - Office
>>> 202.438.6656 - Nextel
>>> 202.205.7983 - Fax
>>>
>>> ----- Original Message -----
>>> From: Robert MacLean
>>> Sent: 12/04/2011 06:48 PM EST
>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>>> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>> Subject: Re: SitRep #6
>>> Waiting on NPS lift for the remaining 6.
>>> -----
>>> Sent from my BlackBerry Wireless Handheld
>>>
>>> Deputy Chief Robert D. MacLean
>>> Commander, Homeland Security Division
>>> United States Park Police
>>>
>>> Robert_MacLean@nps.gov - Email
>>> 202.619.7085 - Office
>>> 202.438.6656 - Nextel
>>> 202.205.7983 - Fax
>>>
>>> ----- Original Message -----
>>> From: Robert MacLean
>>> Sent: 12/04/2011 06:07 PM EST
>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>>> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>> Subject: Re: SitRep #5
>>> 16 arrested thus far from the interior of the structure. 6 still perched
>>> on the roof.
>>>
>>> MPD SOD will insert the inflatable device within the structure as a
>>> precaution. Then the NPS/USPP will attempt to remove the remaining 6 with
>>> a lift device.
>>> -----
>>> Sent from my BlackBerry Wireless Handheld
>>>
>>> Deputy Chief Robert D. MacLean
>>> Commander, Homeland Security Division
>>> United States Park Police
>>>
>>> Robert_MacLean@nps.gov - Email
>>> 202.619.7085 - Office
>>> 202.438.6656 - Nextel
>>> 202.205.7983 - Fax
>>>
>>>
>>> ----- Original Message -----
>>> From: Robert MacLean
>>> Sent: 12/04/2011 05:46 PM EST
>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>>> Lisa Mendelson-Telmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>>> "RANDOLPH MYERS" <RANDOLPH.MYERS@sol.doi.gov>; David Schlosser; Philip
>>> Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>> Subject: Re: SitRep #4
>>> 3rd and final warning issued. Noone left the structure.
>>> -----
>>> Sent from my BlackBerry Wireless Handheld
>>>
>>> Deputy Chief Robert D. MacLean
>>> Commander, Homeland Security Division
>>> United States Park Police
>>>
>>> Robert_MacLean@nps.gov - Email
>>> 202.619.7085 - Office
>>> 202.438.6656 - Nextel
>>> 202.205.7983 - Fax

>>>
>>>
>>> ----- Original Message -----
>>> From: Robert MacLean
>>> Sent: 12/04/2011 05:41 PM EST
>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>>> "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>>> Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>>> "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P."
>>> <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George"
>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>> Subject: Re: SitRep #3
>>> Here is the URL for the live stream:
>>>
>>>
www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_m
edium=social
>>>
>>> Perimeter has been established on 3 sides. The south side will be
>>> available for any protesters that wish to leave upon the issuance of the
>>> warnings.
>>>
>>> Light towers on scene.
>>>
>>> First warning issued (1741 hours). 22 remain in or on the structure.
>>> -----
>>> Sent from my BlackBerry Wireless Handheld
>>>
>>> Deputy Chief Robert D. MacLean
>>> Commander, Homeland Security Division
>>> United States Park Police
>>>
>>> Robert_MacLean@nps.gov - Email
>>> 202.619.7085 - Office
>>> 202.438.6656 - Nextel
>>> 202.205.7983 - Fax
>>>
>>>
>>> ----- Original Message -----
>>> From: Robert MacLean
>>> Sent: 12/04/2011 04:46 PM EST
>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>>> "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>>> Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
>>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>>> Subject: Re: SitRep #2
>>> DCRA just deemed the structure unsafe, thus posted it as such.
>>>
>>> NPS in route with a maintenance crew to dismantle the structure.
>>> -----
>>> Sent from my BlackBerry Wireless Handheld
>>>
>>> Deputy Chief Robert D. MacLean
>>> Commander, Homeland Security Division
>>> United States Park Police
>>>
>>> Robert_MacLean@nps.gov - Email
>>> 202.619.7085 - Office
>>> 202.438.6656 - Nextel
>>> 202.205.7983 - Fax
>>>
>>>
>>> ----- Original Message -----
>>> From: Robert MacLean
>>> Sent: 12/04/2011 04:25 PM EST
>>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>>> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
>>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
>>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>>> Michael Russo
>>> Subject: SitRep #1
>>> Unified Command in place: USPP, MPD, NAMA, DOI SOL.
>>>
>>> USPP just established the perimeter, which is the southern portion of the
>>> park. React Team is assisting with the SE quadrant.
>>>
>>> DCRA will determine if the structure is safe/permitted. After this
>>> determination is made the remaining protesters in the structure (Approx.
12
>>> persons) will be given warnings to evacuate the structure.
>>>
>>>
>>> Approx. 12 arrests made thus far (majority of the charges are for crossing
>>> a police line).
>>>
>>> ICS in place:
>>> D/C MacLean - IC
>>> Sgt. Schlosser - PIO

>>> DC FEMS - Safety
 >>> Capt. Harasek - OPS
 >>> Capt. Guddemi - Plans and Logistics
 >>> Lt. Lachance - Tactical Branch
 >>> Lt. Felt - Transportation
 >>> Sgt. Steinheimer - Investigations/Arrest
 >>>
 >>> CP - Mobile Command on Madison Pl. South of H (within the White House
 >>> Zone).
 >>>
 >>> DCRA entering the park.
 >>> -----
 >>> Sent from my BlackBerry Wireless Handheld
 >>>
 >>> Deputy Chief Robert D. MacLean
 >>> Commander, Homeland Security Division
 >>> United States Park Police
 >>>
 >>> Robert_MacLean@nps.gov - Email
 >>> 202.619.7085 - Office
 >>> 202.438.6656 - Nextel
 >>> 202.205.7983 - Fax
 >>>
 >>>
 >>> ----- Original Message -----
 >>> From: Kathleen Harasek
 >>> Sent: 12/04/2011 09:10 AM EST
 >>> To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa
 >>> Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve
 >>> Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall;
 >>> Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck;
 >>> Charles Guddemi; Martin Zweig; Paul Kemppainen
 >>> Subject: #12 McPherson/Freedom Daily
 >>> Within the past 24 hours the following incidents were noted
 >>> Officers responded to McPherson Sqare overnight for a report of an
 >>> assault. Officers were directed to a female who had superficial
 >>> injuries to arm, hand and face. The victim did not want to talk to
 >>> police. Officers convinced her to come to the D-1 station to be
 >>> interviewed. Investigation revealed that she was in a verbal argument
 >>> with her boyfriend which led to a physical altercation resulting in her
 >>> injuries. The victim was intoxicated at the time of the report and did
 >>> not want to press charges. USPP Detectives went to the area in an
 >>> attempt to locate the suspect, but were unsuccessful in doing so.
 >>> Follow-up to be conducted.
 >>>
 >>> Schedule of events
 >>> There are no scheduled events other than on site meetings and lectures
 >>> at both locations. Freedom Plaza will be collecting material for a
 >>> recycleable Christmas Tree which is scheduled to be lit on Tuesday.
 >>> Information will be passed to Park Programs for follow up.
 >>>
 >>> Articles of interest
 >>> Washington Post Article which compares Occupy DC to the 1968
 >>> Resurrection City. Resurrection City occurred around the Reflecting
 >>> Pool and was the encampment for approximately 3000 demonstrators.
 >>> (
 >>> [http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-ci](http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)
 >>> [ty/2011/12/01/gIQAoNqcPO_story.html](http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html))
 >>>
 >>>
 >>>

>>>
>>> Captain Kathleen Harasek
>>> Commander, Central District
>>> U.S. Park Police
>>> 202-426-6710 (office)
>>> 202-438-1593 (cell)
>>> Kathleen_Harasek@nps.gov
>>>
>>>
>>>
>>>
>>>
>>>
>>>
>>>
>>>
>>>



Teresa Chambers
<teresa_chambers@nps.gov>

12/06/2011 12:57 PM

To SLV <kensalazar@ios.doi.gov>

cc "Jarvis, Jon" <Jon_Jarvis@nps.gov>, "O'Dell, Peggy"
<Peggy_O'Dell@nps.gov>, "Davis, Laura"
<Laura_Davis@ios.doi.gov>, "Lee-Ashley, Matt"

bcc

Subject Re: Op-Ed

Mr. Secretary - What an honor to hear directly from you with such strong words of support and praise for our officers. We all have a right to be proud of the effective and tactful manner in which they carried out Sunday's interaction with folks at McPherson Square. It will be a pleasure to pass on your words of admiration and thanks to the team.

Thank you, sir, for taking the time to personally reach out.

Teresa

Teresa Chambers, Chief
United States Park Police
Sent from my iPad

On Dec 6, 2011, at 12:46 PM, SLV <kensalazar@ios.doi.gov> wrote:

Dear Chief Chambers:

Please communicate my admiration to each of the officers of the U.S. Parks Police involved in Sunday's action at McPherson Square. The op-ed below captures the professionalism and patience of our Park's Police. Job well done.

Ken Salazar

Secretary of the Interior

OP-ED: Police maintain professionalism in Occupy D.C. confrontation

Washington Post

Petula Dvorak

12/05/11

http://www.washingtonpost.com/local/police-maintain-professionalism-in-occupy-dc-confrontation/2011/12/05/gIQAXWsXWO_print.html

All day and into the night, the police were being taunted. Insults and sometimes water bottles were hurled their way. Cameras were pointed at them from every direction.

Yet, as they have done throughout the downtown drama known as Occupy D.C., the U.S. Park Police and D.C. officers displayed remarkable discipline and restraint Sunday during their confrontation with protesters in McPherson Square. Even as they arrested 31 Occupiers, the officers didn't become a laughing stock Internet meme. They didn't succumb to the brutality we witnessed in Oakland, or the appallingly brazen pepper-spraying that was filmed at the University of California at Davis.

And that's saying something, given the reality show-style stunt the police were asked to pull off Sunday night, after park protesters living in tents erected the bones of a small barn.

For any structure in the square to be legal, it has to be temporary. But there was nothing temporary about the sturdy two-by-fours that made up the new building's bones.

Its construction was pure provocation of a police force that has already been stunningly accommodating and patient with the Occupy protesters.

Police asked them to take the barn down. They said no. Instead, some of them climbed up to the top, where they prostrated themselves, crucifixion style, on the rafters or straddled them like jungle gym bars and occasionally fist-pumped to the crowd below.

So authorities called in a building inspector to check it for safety.

Within minutes of arriving, the inspector slapped orange "Danger" stickers on the building and police closed in to take it down. The protesters got a few more warnings to leave.

Like a game of wills between parent and toddler, the police counted — one, two, three. And they began arresting the ones who remained inside the barn.

Then there was the challenge of safely arresting the ones who remained clinging to the rafters while dozens of cameras recorded their every move. The police pulled up a tactical vehicle and stood on the roof, hoping to get them off that way. No dice. The Occupiers scrambled to the other side.

They had a giant inflatable mattress that two guys eventually jumped into (that would've been my choice, it looked fun). Finally, there was a huge cherry picker,

which maneuvered around the structure cornering each protester. The two cops inside it harnessed, roped and very precariously hauled each remaining Occupier into the bucket.

It was sort of like rodeo meets Cirque du Soleil.

The cost of this little passion play had to be staggering, though no one has put a dollar figure on it yet. I counted dozens of officers, a tiny herd of horses, at least two tactical vehicles, a forklift, a cherry picker, plus that moonbounce thing.

Mark Francis Nickens, 51, stood outside the police barricade, watching the confrontation get more and more tense. Nickens has been hanging with the protesters for weeks. In fact, he's got one of the most visible structures; the tepee that's closest to the White House is his doing. But on Sunday, he was fuming, certain the the hubris of lumber and nails would spell the end of their stay.

"Damn thing. This was *not* what was supposed to happen," said the musician and dog walker from Takoma Park. "You don't just go and antagonize the cops for nothing."

But that's exactly what they were doing. Young protesters hopped up on empowerment and anything else that could be found in those tents randomly spit insults at officers who were standing nearby, simply doing their jobs. Park Police officers, who make starting salaries of \$52,000 a year, are firmly part of that 99 percent the movement keeps talking about.

U.S. Park Police spokesman Sgt. David Schlosser said the officers are trained to stay professional, to see the insults as "meaningless." They got called pigs and po-po, but the officers were as poker-faced as beefeaters.

The protesters are blatantly violating the law on a daily basis in the park, cooking, showering, sleeping, occupying. Yet they also have a righteous message about the nation's widening wealth gap that a good chunk of the 99 percent agree with. The protests are making people think and talk about the nation's housing and unemployment crises. Many people are just as angry as the protesters. They are ready for change and hungry for solutions.

The protesters have a powerful platform and a silent blessing from a police force that has looked the other way on loads of petty stuff. Taunting those officers undermines the very message the Occupiers are trying to deliver. It's cowardly and ridiculous, especially when there are so many real villains to holler at.

Myers, Randolph

From: Myers, Randolph
Sent: Thursday, December 01, 2011 9:27 AM
To: Maclean, Robert
Cc: Vogel, Bob A.; Lorenzetti, Steve; Mendelson, Lisa; Teresa_Chambers@nps.gov; Harasek, Kathleen; Cucurullo, Karen; Owen, Robbin; Blyth, Pamela
Subject: RE: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Rob: I [REDACTED]

Randy

FOIA5C

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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-----Original Message-----

From: Robert_MacLean@nps.gov [mailto:Robert_MacLean@nps.gov]
Sent: Wednesday, November 30, 2011 9:32 AM
To: Myers, Randolph
Cc: Vogel, Bob A.; Lorenzetti, Steve; Mendelson, Lisa; Teresa_Chambers@nps.gov; Harasek, Kathleen; Cucurullo, Karen; Owen, Robbin; Blyth, Pamela
Subject: Fw: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Randy,

FOIA5A FOIA5C

I have reviewed on behalf of Chief Chambers [REDACTED]

Also, I believe Capt. Harasek was putting the Executive Briefing/Recommendations into final. Let's look at the final and decide if we need to meet prior to submitting to Deputy Director O'Dell.

Thanks.

Rob

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division
United States Park Police
(202) 619-7085 - Office
(202) 205-7983 - Fax
(202) 438-6656 - Nextel
robert_maclean@nps.gov - Email

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----- Forwarded by Robert MacLean/USPP/NPS on 11/30/2011 09:19 AM -----

Teresa
Chambers/USPP/NPS

11/29/2011 12:47
PM

"Robert MacLean"
<Robert_MacLean@nps.gov>

To

"Pamela Blyth"
<Pamela_Blyth@nps.gov>

cc

Subject

Fw: Attorney-Client Privileged:
Draft second response to Carter
DeWitt email response dated
November 28, 2011

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

From: "Myers, Randolph" [RANDOLPH.MYERS@sol.doi.gov]
Sent: 11/29/2011 12:45 PM EST
To: Bob Vogel; Steve Lorenzetti
Cc: Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas; Karen Cucurullo; Robbin Owen
Subject: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011

Bob: Per your request, attached is my draft second response to Ms. DeWitt e-mail dated November 28, 2011, which responded to NAMA's e-mail dated November 25.

5A

FOIA5C

Questions? Do we need to meet and discuss? Please give me a call....

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]
Sent: Tuesday, November 29, 2011 8:44 AM
To: Myers, Randolph; Lorenzetti, Steve
Subject: Fw: Occupy DC versus other park users - I count too!

Fyi

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/28/2011 04:29 PM CST

To: Karen Cucurullo
Cc: Bob Vogel; Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas
Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - "the courts have ruled that temporary structures that support First Amendment activities are allowed." I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org
The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability

-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]
Sent: Friday, November 25, 2011 12:18 PM
To: Carter DeWitt
Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov; Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov
Subject: Fw: Occupy DC versus other park users - I count too!

Ms Dewitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve

Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000

Work: (202) 245-4670
Fax: (202) 426-9309
Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>; Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them - why are you not hearing us?

Laurie Carter DeWitt

(b) (6) [REDACTED]
Washington, DC 20005

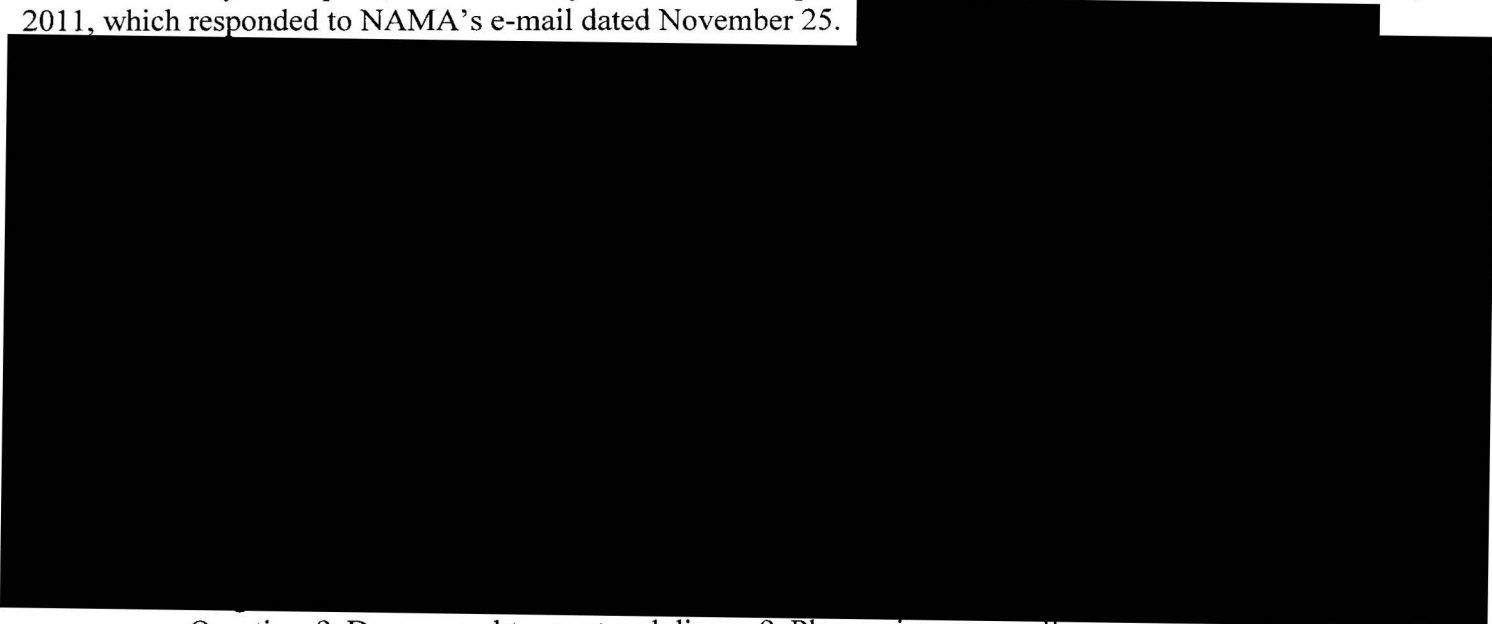
Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy -- neutrality, simplicity, transparency, and stability (See attached file: Draft second response to DeWitt RMyers 11.29.11.docx) (See attached file: Clark v CCNV 468 US 288 (1988).pdf)

Myers, Randolph

From: Myers, Randolph
Sent: Tuesday, November 29, 2011 12:45 PM
To: Vogel, Bob A.; Lorenzetti, Steve
Cc: Whitesell, Steve E.; Mendelson, Lisa; 'Teresa_Chambers@nps.gov'; Harasek, Kathleen; Thomas, Tonya; Cucurullo, Karen; Owen, Robbin
Subject: Attorney-Client Privileged: Draft second response to Carter DeWitt email response dated November 28, 2011
Attachments: Draft second response to DeWitt RMyers 11.29.11.docx; Clark v CCNV 468 US 288 (1988).pdf
Importance: High

Bob: Per your request, attached is my draft second response to Ms. DeWitt e-mail dated November 28, 2011, which responded to NAMA's e-mail dated November 25.



Questions? Do we need to meet and discuss? Please give me a call....

FOIA5C

Randy

Randolph J. Myers
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From: Bob_Vogel@nps.gov [mailto:Bob_Vogel@nps.gov]
Sent: Tuesday, November 29, 2011 8:44 AM

To: Myers, Randolph; Lorenzetti, Steve

Subject: Fw: Occupy DC versus other park users - I count too!

Fyi

From: Carter DeWitt [cdewitt@taxfoundation.org]

Sent: 11/28/2011 04:29 PM CST

To: Karen Cucurullo

Cc: Bob Vogel; Steve Whitesell; Lisa Mendelson-Ielmini; Teresa Chambers; Kathleen Harasek; Tonya Thomas

Subject: RE: Occupy DC versus other park users - I count too!

Thank you for your response. I found it inaccurate in claiming to follow the letter of the law - -

I certainly appreciate the right to protest under constitutional law - however, this right does not supersede current laws requiring permits or acts already prohibited by federal regulation etc. Federal law prohibits camping overnight in the McPherson Square Park - period. This OCCUPY camp by federal regulations definition is not a protest - but a newly formed shanty town.

Please send me the court ruling which you refer to below by the statement - "**the courts have ruled that temporary structures that support First Amendment activities are allowed.**" I would like that as soon as possible as we are taking further action.

According to The Code of Federal regulations, Title 36, Parks, Forests, and Public property - temporary structures may not be used outside designated camping areas (McPherson Square does not have a federally designated camping area) for living accommodation activities such as sleeping, or making preparations to sleep including the laying down of beddings for the purpose of sleep, or storing personal belongings or making fire, or ... the above listed activities constitute camping when it reasonably appears in light of all the circumstance, that the participants in conducting these activities are in fact using this as a living accommodation *regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.*

They can certainly protest, they can get a permit and march or picket - but they cannot camp in a federal park that is not specially designated for camping.

Carter

Ms. Carter DeWitt

Vice President of Development

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-----Original Message-----

From: Karen_Cucurullo@nps.gov [mailto:Karen_Cucurullo@nps.gov]

Sent: Friday, November 25, 2011 12:18 PM

To: Carter DeWitt

Cc: Bob_Vogel@nps.gov; Steve_Whitesell@nps.gov; Lisa_Mendelson-Ielmini@nps.gov; Teresa_Chambers@nps.gov; Kathleen_Harasek@nps.gov; tonya_robinson@nps.gov
Subject: Fw: Occupy DC versus other park users - I count too!

Ms Dewitt:

On behalf of the National Mall and Memorial Parks Superintendent Robert Vogel, United States Park Police Chief Teresa Chambers, Regional Director, National Capital Region, Steve Whitesell, and Deputy Regional Director, National Capital Region, Lisa Mendelson-Ielmini, I offer this response to your letter.

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC, are used almost daily as places for reflection, commemoration, recreational activities, demonstrations, and public events and by citizens such as you who use the parks for personal enjoyment. The National Park Service protects and interprets our important cultural and natural resources, and the United States Park Police ensure the safety and security of park resources as well as persons who use the common space.

While the sudden appearance of the "encampment" is disturbing to many, the courts have ruled that temporary structures that support First Amendment activities are allowed. As a result, enforcement action in this area is limited and challenging. The USPP will continue to focus their enforcement efforts on illegal behaviors and activities that are observed and reported.

Since the beginning of the activities in McPherson Square and Freedom Plaza, the National Park Service has provided additional trash receptacles and has emptied them at least three times each day. Rodent traps have been placed in the parks, and those who are maintaining a vigil within the park have been requested to clear their trash and debris at the conclusion of each day's events. Portable toilet facilities have been placed within the park at the NPS's request and at the organizer's expense. Please contact the National Mall and Memorial Parks if there are additional concerns that have not been addressed at 202-245-4661.

The USPP has been working with the Metropolitan Police Department (MPD) on monitoring the groups' activities within the city, and the USPP regularly patrols our parks to enforce laws and regulations and those that specifically affect the quality of life. We encourage the public to contact the USPP to report criminal activity or quality of life violations at 202-610-7500 so that individuals responsible for these violations can be identified and appropriate action taken.

We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please let us know. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel

National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
Deputy Superintendent - Operations
National Mall and Memorial Parks
900 Ohio Drive, S.W.
Washington, D.C. 20024-2000
Work: (202) 245-4670
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Fax: (202) 426-1835

From: Carter DeWitt [cdewitt@taxfoundation.org]
Sent: 11/22/2011 12:43 PM CST
To: Teresa Chambers; Bob Vogel
Cc: "lisa_mendelson-ielmimi@nps.gov" <lisa_mendelson-ielmimi@nps.gov>;
Steve Whitesell
Subject: Occupy DC versus other park users - I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them - why are you not hearing us?

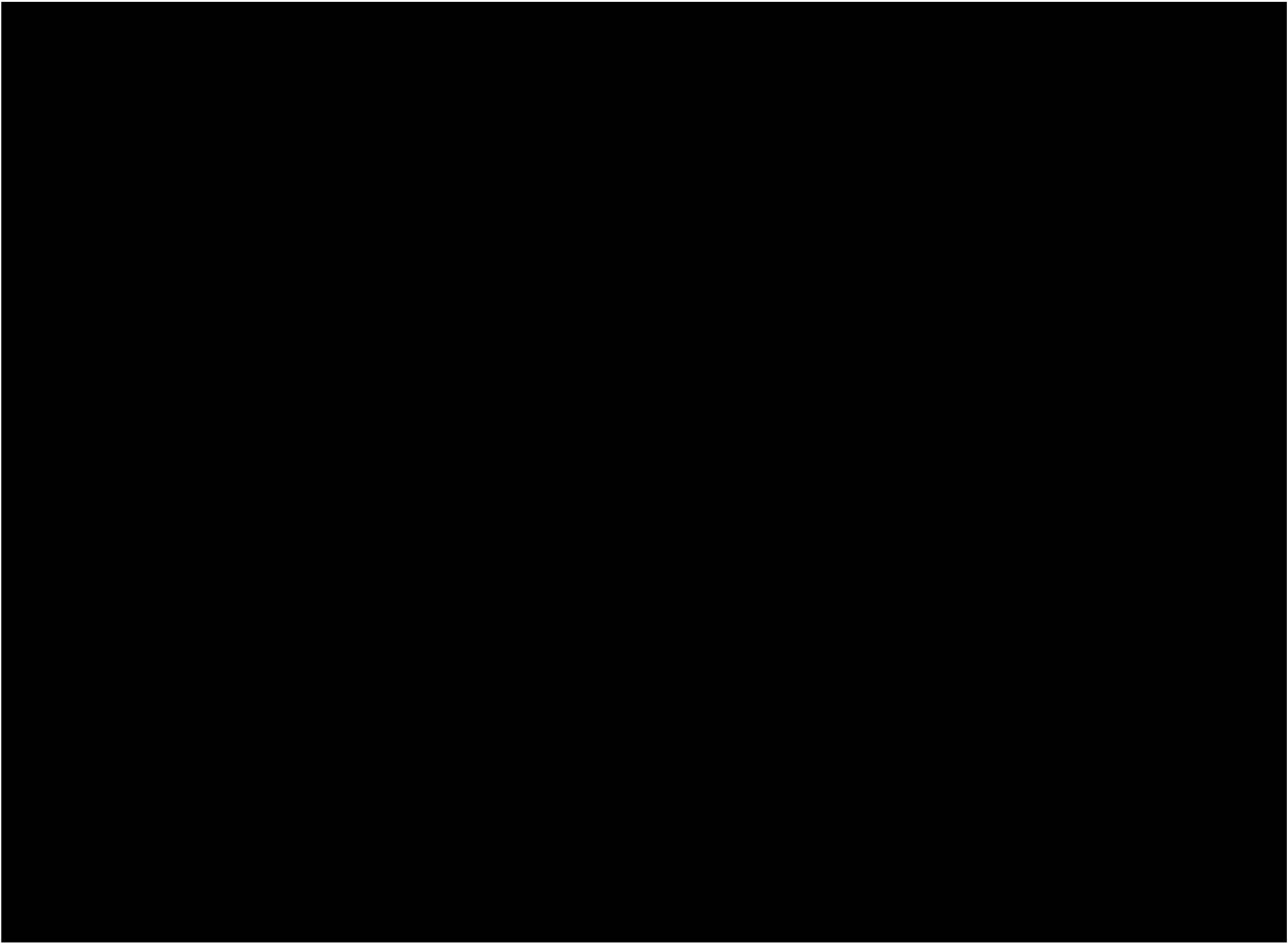
Laurie Carter DeWitt

(b) (6) [REDACTED]
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Dear Ms. DeWitt: This responds to your e-mail to Deputy Superintendent Karen Cucurullo dated November 28, 2011, that asks about the NPS regulation that authorizes temporary structures as well as a copy of the Court ruling referred to in her e-mail to you dated November 25, 2011.



Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov

Karen Cucurullo
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Draft NAMA response to DeWitt Needs USPP and NCR review
Attorney-Client Privileged RMyers 11/29/11

Fax: (202) 426-1835



**CLARK, SECRETARY OF THE INTERIOR, ET AL. v. COMMUNITY FOR
CREATIVE NON-VIOLENCE ET AL.**

No. 82-1998

SUPREME COURT OF THE UNITED STATES

**468 U.S. 288; 104 S. Ct. 3065; 82 L. Ed. 2d 221; 1984 U.S. LEXIS 136; 52 U.S.L.W.
4986**

**March 21, 1984, Argued
June 29, 1984, Decided**

PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

DISPOSITION: 227 U. S. App. D. C. 19, 703 F.2d 586, reversed.

DECISION:

National Park Service anti-camping regulation held constitutionally applied to Washington, D.C., demonstrators.

SUMMARY:

The Community for Creative Non-Violence and several individuals brought suit in the United States District Court for the District of Columbia to prevent the application of a National Park Service regulation, prohibiting camping in national parks except in designated campgrounds, to a proposed demonstration in Lafayette Park and the Mall, in the heart of Washington, D.C., in which demonstrators would sleep in symbolic tents to demonstrate the plight of the homeless. The District Court granted summary judgment in favor of the Park Service. The United States Court of Appeals for the District of Columbia Circuit reversed on the ground that the application of the regulation so as to prevent sleeping in the tents would infringe the demonstrators' First

Amendment right of free expression (703 F2d 586).

On certiorari, the United States Supreme Court reversed. In an opinion by White, J., expressing the views of Burger, Ch. J., and Blackmun, Powell, Rehnquist, Stevens, and O'Connor, JJ., it was held that the Park Service regulation did not violate the First Amendment when applied to the demonstrators because the regulation was justified without reference to the content of the regulated speech, was narrowly tailored to serve a significant governmental interest, and left open ample alternative channels for communication of the information.

Burger, Ch. J., while concurring fully in the court's opinion, filed a concurring opinion stating that the camping was conduct and not speech.

Marshall, J., joined by Brennan, J., dissented on the ground that the demonstrators' sleep was symbolic speech and that the regulation of it was not reasonable.

LAWYERS' EDITION HEADNOTES:

[***LEdHN1]

CONSTITUTIONAL LAW §960

demonstration -- camping --

Headnote:[1A][1B][1C]

A National Park Service regulation prohibiting camping in national parks except in campgrounds designated for that purpose does not violate the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall, in the heart of Washington, D. C., in connection with a demonstration intended to call attention to the plight of the homeless. (Marshall and Brennan, JJ, dissented from this holding.)

[***LEdHN2]

PARKS, SQUARES, AND COMMONS §2

camping --

Headnote:[2A][2B]

Sleeping in tents for the purpose of expressing the plight of the homeless falls within the definition of "camping" in a National Park Service regulation defining camping as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping or doing any digging or earth breaking or carrying on cooking activities when it appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

[***LEdHN3]

EVIDENCE §102

First Amendment -- application --

Headnote:[3A][3B]

Although it is common to place the burden on the government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies.

[***LEdHN4]

CONSTITUTIONAL LAW §934

expression -- restriction --

Headnote:[4]

Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, and manner restrictions.

[***LEdHN5]

CONSTITUTIONAL LAW §934

expression -- regulation --

Headnote:[5]

Restrictions on expression, whether oral or written or symbolized by conduct, are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

[***LEdHN6]

CONSTITUTIONAL LAW §934

symbolic speech -- regulation --

Headnote:[6]

Symbolic expression delivered by conduct intended to be communicative and in context reasonably understood by the viewer to be communicative may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech.

[***LEdHN7]

UNITED STATES §57

regulation -- situs --

Headnote:[7A][7B]

When the government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation.

[***LEdHN8]

PARKS, SQUARES, AND COMMONS §2

expressive violations --

Headnote:[8A][8B]

Even against people who choose to violate National Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, flying model planes, gambling, hunting and fishing, setting off fireworks, and urination.

[***LEdHN9]

CONSTITUTIONAL LAW §934

expression-restriction --

Headnote:[9A][9B]

Reasonable time, place, and manner restrictions are valid even though they directly limit oral or written expression.

SYLLABUS

In 1982, the National Park Service issued a permit to respondent Community for Creative Non-Violence (CCNV) to conduct a demonstration in Lafayette Park and the Mall, which are National Parks in the heart of Washington, D. C. The purpose of the demonstration was to call attention to the plight of the homeless, and the permit authorized the erection of two symbolic tent cities. However, the Park Service, relying on its regulations -- particularly one that permits "camping" (defined as including sleeping activities) only in designated campgrounds, no campgrounds having ever been designated in Lafayette Park or the Mall -- denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents. CCNV and the individual respondents then filed an action in Federal District Court, alleging, *inter alia*, that application of the regulations to prevent sleeping in the tents violated the First Amendment. The District Court granted summary judgment for the Park Service, but the Court of Appeals reversed.

Held : The challenged application of the Park Service regulations does not violate the First Amendment. Pp. 293-299.

(a) Assuming that overnight sleeping in connection

with the demonstration is expressive conduct protected to some extent by the First Amendment, the regulation forbidding sleeping meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct. The regulation is neutral with regard to the message presented, and leaves open ample alternative methods of communicating the intended message concerning the plight of the homeless. Moreover, the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of the Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping would be totally inimical to these purposes. The validity of the regulation need not be judged solely by reference to the demonstration at hand, and none of its provisions are unrelated to the ends that it was designed to serve. Pp. 293-298.

(b) Similarly, the challenged regulation is also sustainable as meeting the standards for a valid regulation of expressive conduct. Aside from its impact on speech, a rule against camping or overnight sleeping in public parks is not beyond the constitutional power of the Government to enforce. And as noted above, there is a substantial Government interest, unrelated to suppression of expression, in conserving park property that is served by the proscription of sleeping. Pp. 298-299.

COUNSEL: Deputy Solicitor General Bator argued the cause for petitioners. With him on the briefs were Solicitor General Lee, Assistant Attorney General McGrath, Alan I. Horowitz, Leonard Schaitman, and Katherine S. Gruenheck.

Burt Neuborne argued the cause for respondents. With him on the brief were Charles S. Sims, Laura Macklin, Arthur B. Spitzer, and Elizabeth Symonds. *

* Ogden Northrop Lewis filed a brief for the National Coalition for the Homeless as amicus curiae urging affirmance.

JUDGES: WHITE, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACKMUN, POWELL, REHNQUIST, STEVENS, and O'CONNOR, JJ., joined. BURGER, C. J., filed a concurring opinion, post, p. 300. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, post, p. 301.

OPINION BY: WHITE**OPINION**

[*289] [***224] [**3067] JUSTICE WHITE delivered the opinion of the Court.

[***LEdHR1A] [1A]The issue in this case is whether a National Park Service regulation prohibiting camping in certain parks violates the First Amendment when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall in connection with a demonstration intended to call attention to the plight of the homeless. We hold that it does not and reverse the contrary judgment of the Court of Appeals.

I

The Interior Department, through the National Park Service, is charged with responsibility for the management and maintenance of the National Parks and is authorized to promulgate rules and regulations for the use of the parks in accordance with the purposes for which they were established.

[*290] 16 U. S. C. §§ 1, 1a-1, 3. ¹ [***225] The network of National Parks includes the National Memorial-core parks, Lafayette Park and the Mall, which are set in the heart of Washington, D. C., and which are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a "garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches." National Park Service, U.S. Department of the Interior, White House and President's Park, Resource Management Plan 4.3 (1981). The Mall is a stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area.

1 The Secretary is admonished to promote and regulate the use of the parks by such means as conform to the fundamental purpose of the parks, which is "to conserve the scenery and the natural and historic objects and the wild life therein . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 39 Stat. 535, as amended, 16 U. S. C. § 1.

Under the regulations involved in this case, camping in National Parks is permitted only in campgrounds designated for that purpose. 36 CFR § 50.27(a) (1983). No such campgrounds have ever been designated in Lafayette Park or the Mall. Camping is defined as

"the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose [*291] of sleeping), or storing personal belongings, or making any fire, or using any tents or . . . other structure . . . for sleeping or doing any digging or earth breaking or carrying on cooking activities." *Ibid*.

These activities, the regulation provides,

"constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging." *Ibid*.

[**3068] Demonstrations for the airing of views or grievances are permitted in the Memorial-core parks, but for the most part only by Park Service permits. 36 CFR § 50.19 (1983). Temporary structures may be erected for demonstration purposes but may not be used for camping. 36 CFR § 50.19(e)(8) (1983). ²

2 Section 50.19(e)(8), as amended, prohibits the use of certain temporary structures:

"In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be

used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging."

In [***226] 1982, the Park Service issued a renewable permit to respondent Community for Creative Non-Violence (CCNV) to conduct a wintertime demonstration in Lafayette Park and the Mall for the purpose of demonstrating the plight of the [*292] homeless. The permit authorized the erection of two symbolic tent cities: 20 tents in Lafayette Park that would accommodate 50 people and 40 tents in the Mall with a capacity of up to 100. The Park Service, however, relying on the above regulations, specifically denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents.

[**LEdHR2A] [2A]CCNV and several individuals then filed an action to prevent the application of the no-camping regulations to the proposed demonstration, which, it was claimed, was not covered by the regulation. It was also submitted that the regulations were unconstitutionally vague, had been discriminatorily applied, and could not be applied to prevent sleeping in the tents without violating the First Amendment. The District Court granted summary judgment in favor of the Park Service. The Court of Appeals, sitting en banc, reversed. *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 703 F.2d 586 (1983). The 11 judges produced 6 opinions. Six of the judges believed that application of the regulations so as to prevent sleeping in the tents would infringe the demonstrators' First Amendment right of free expression. The other five judges disagreed and would have sustained the regulations as applied to CCNV's proposed demonstration.³ We granted the Government's petition for certiorari, 464 U.S. 1016 (1983), and now reverse.⁴

³ The *per curiam* opinion preceding the individual opinions described the lineup of the

judges as follows:

"Circuit Judge Mikva files an opinion, in which Circuit Judge Wald concurs, in support of a judgment reversing. Chief Judge Robinson and Circuit Judge Wright file a statement joining in the judgment and concurring in Circuit Judge Mikva's opinion with a caveat. Circuit Judge Edwards files an opinion joining in the judgment and concurring partially in Circuit Judge Mikva's opinion. Circuit Judge Ginsburg files an opinion joining in the judgment. Circuit Judge Wilkey files a dissenting opinion, in which Circuit Judges Tamm, MacKinnon, Bork and Scalia concur. Circuit Judge Scalia files a dissenting opinion, in which Circuit Judges MacKinnon and Bork concur." 227 U. S. App. D. C., at 19-20, 703 F.2d, at 586-587.

4 [**LEdHR2B] [2B]

As a threshold matter, we must address respondents' contention that their proposed activities do not fall within the definition of "camping" found in the regulations. None of the opinions below accepted this contention, and at least nine of the judges expressly rejected it. *Id.*, at 24, 703 F.2d, at 591 (opinion of Mikva, J.); *id.*, at 42, 703 F.2d, at 609 (opinion of Wilkey, J.). We likewise find the contention to be without merit. It cannot seriously be doubted that sleeping in tents for the purpose of expressing the plight of the homeless falls within the regulation's definition of camping.

[*293] II

[**LEdHR3A] [3A] [**LEdHR4] [4] [**LEdHR5] [5]We need not differ with the view of the Court of Appeals that overnight [**3069] sleeping in connection with the demonstration is expressive conduct protected to some [***227] extent by the First Amendment.⁵ We assume for present purposes, but do not decide, that such is the case, cf. *United States v. O'Brien*, 391 U.S. 367, 376 (1968), but this assumption only begins the inquiry. Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions. We have often noted that restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental

468 U.S. 288, *293; 104 S. Ct. 3065, **3069;
82 L. Ed. 2d 221, ***227; 1984 U.S. LEXIS 136

interest, and that they leave open ample alternative channels for communication of the information. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *United States v. Grace*, 461 U.S. 171 (1983); *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45-46 (1983); *Heffron v. International Society for Krishna Consciousness*, [*294] *Inc.*, 452 U.S. 640, 647-648 (1981); *Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976); *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S. 530, 535 (1980).

5 [***LEdHR3B] [3B]

We reject the suggestion of the plurality below, however, that the burden on the demonstrators is limited to "the advancement of a plausible contention" that their conduct is expressive. *Id.*, at 26, n. 16, 703 F.2d, at 593, n. 16. Although it is common to place the burden upon the Government to justify impingements on First Amendment interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the First Amendment even applies. To hold otherwise would be to create a rule that all conduct is presumptively expressive. In the absence of a showing that such a rule is necessary to protect vital First Amendment interests, we decline to deviate from the general rule that one seeking relief bears the burden of demonstrating that he is entitled to it.

[***LEdHR6] [6]It is also true that a message may be delivered by conduct that is intended to be communicative and that, in context, would reasonably be understood by the viewer to be communicative. *Spence v. Washington*, 418 U.S. 405 (1974); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969). Symbolic expression of this kind may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech. *United States v. O'Brien*, *supra*.

[***LEdHR1B] [1B]Petitioners submit, as they did in the Court of Appeals, that the regulation forbidding

sleeping is defensible either as a time, place, or manner restriction or as a regulation of symbolic conduct. We agree with that assessment. The permit that was issued authorized the demonstration but required compliance with 36 CFR § 50.19 (1983), which prohibits "camping" on park lands, that is, the use of park lands for living accommodations, such as sleeping, storing personal belongings, making fires, digging, or cooking. These provisions, including the ban on sleeping, are clearly limitations on the manner in which the demonstration could be carried out. That sleeping, like the symbolic tents themselves, may be expressive and part of the message delivered by [***228] the demonstration does not make the ban any less a limitation on the manner of demonstrating, for reasonable time, place, or manner regulations normally have the purpose and direct effect of limiting expression but are nevertheless valid. *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*; *Heffron v. International Society for Krishna Consciousness, Inc.*, *supra*; *Kovacs v. Cooper*, 336 U.S. 77 (1949). Neither does the fact that sleeping, *arguendo*, may be expressive [*295] conduct, rather than oral or written expression, render [***3070] the sleeping prohibition any less a time, place, or manner regulation. To the contrary, the Park Service neither attempts to ban sleeping generally nor to ban it everywhere in the parks. It has established areas for camping and forbids it elsewhere, including Lafayette Park and the Mall. Considered as such, we have very little trouble concluding that the Park Service may prohibit overnight sleeping in the parks involved here.

The requirement that the regulation be content-neutral is clearly satisfied. The courts below accepted that view, and it is not disputed here that the prohibition on camping, and on sleeping specifically, is content-neutral and is not being applied because of disagreement with the message presented.⁶ Neither was the regulation faulted, nor could it be, on the ground that without overnight sleeping the plight of the homeless could not be communicated in other ways. The regulation otherwise left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil. Respondents do not suggest that there was, or is, any barrier to delivering to the media, or to the public by other means, the intended message concerning the plight of the homeless.

6 Respondents request that we remand to the

Court of Appeals for resolution of their claim that the District Court improperly granted summary judgment on the equal protection claim. Brief for Respondents 91, n. 50. They contend that there were disputed questions of fact concerning the uniformity of enforcement of the regulation, claiming that other groups have slept in the parks. The District Court specifically found that the regulations have been consistently applied and enforced in a fair and non-discriminatory manner. App. to Pet. for Cert. 106a-108a. Only 5 of the 11 judges in the Court of Appeals addressed the equal protection claim. 227 U. S. App. D. C., at 43-44, 703 F.2d, at 610-611 (opinion of Wilkey, J., joined by Tamm, MacKinnon, Bork, and Scalia, JJ.). Our review of the record leads us to agree with their conclusion that there is no genuine issue of material fact and that the most that respondents have shown are isolated instances of undiscovered violations of the regulations.

[*296] It is also apparent to us that the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of our Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping -- using these areas as living accommodations -- would be totally inimical to these purposes, as would be readily understood by those who have frequented the National Parks across the country and observed the unfortunate consequences of the activities of those who refuse to confine their camping to designated areas.

It is urged by respondents, and the Court of Appeals was of this view, that if the symbolic city of tents was to be permitted and if the demonstrators did not intend to cook, dig, [***229] or engage in aspects of camping other than sleeping, the incremental benefit to the parks could not justify the ban on sleeping, which was here an expressive activity said to enhance the message concerning the plight of the poor and homeless. We cannot agree. In the first place, we seriously doubt that the First Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. Furthermore, although we have assumed for present purposes that the sleeping banned in this case would have an expressive element, it is evident that its

major value to this demonstration would be facilitative. Without a permit to sleep, it would be difficult to get the poor and homeless to participate or to be present at all. This much is apparent from the permit application filed by respondents: "Without the incentive of sleeping space or a hot meal, the homeless would not come to the site." App. 14. The sleeping ban, if enforced, would thus effectively limit the nature, extent, and duration of the demonstration and to that extent ease the pressure on the parks.

Beyond this, however, it is evident from our cases that the validity of this [**3071] regulation need not be judged solely by reference [*297] to the demonstration at hand. *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S., at 652-653. Absent the prohibition on sleeping, there would be other groups who would demand permission to deliver an asserted message by camping in Lafayette Park. Some of them would surely have as credible a claim in this regard as does CCNV, and the denial of permits to still others would present difficult problems for the Park Service. With the prohibition, however, as is evident in the case before us, at least some around-the-clock demonstrations lasting for days on end will not materialize, others will be limited in size and duration, and the purposes of the regulation will thus be materially served. Perhaps these purposes would be more effectively and not so clumsily achieved by preventing tents and 24-hour vigils entirely in the core areas. But the Park Service's decision to permit nonsleeping demonstrations does not, in our view, impugn the camping prohibition as a valuable, but perhaps imperfect, protection to the parks. If the Government has a legitimate interest in ensuring that the National Parks are adequately protected, which we think it has, and if the parks would be more exposed to harm without the sleeping prohibition than with it, the ban is safe from invalidation under the First Amendment as a reasonable regulation of the manner in which a demonstration may be carried out. As in *City Council of Los Angeles v. Taxpayers for Vincent*, the regulation "responds precisely to the substantive problems which legitimately concern the [Government]." 466 U.S., at 810.

[***LEdHR7A] [7A] [***LEdHR8A] [8A] We have difficulty, therefore, in understanding why the prohibition against camping, with its ban on sleeping overnight, is not a reasonable time, place, or manner regulation that withstands constitutional scrutiny. Surely the regulation

468 U.S. 288, *297; 104 S. Ct. 3065, **3071;
82 L. Ed. 2d 221, ***LEdHR8A; 1984 U.S. LEXIS 136

is not unconstitutional on its face. None of its provisions appears unrelated to the ends that it was designed to serve. Nor is it any less valid when applied to prevent camping [***230] in Memorial-core parks by those who wish to demonstrate [*298] and deliver a message to the public and the central Government. Damage to the parks as well as their partial inaccessibility to other members of the public can as easily result from camping by demonstrators as by nondemonstrators. In neither case must the Government tolerate it. All those who would resort to the parks must abide by otherwise valid rules for their use, just as they must observe the traffic laws, sanitation regulations, and laws to preserve the public peace.⁷ This is no more than a reaffirmation that reasonable time, place, or manner restrictions on expression are constitutionally acceptable.

7 [***LEdHR7B] [7B] [***LEdHR8B] [8B]

When the Government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation. Thus, even against people who choose to violate Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, 36 CFR § 50.13 (1983); flying model planes, § 50.16; gambling, § 50.17; hunting and fishing, § 50.18; setting off fireworks, § 50.25(g); and urination, § 50.26(b).

[***LEdHR1C] [1C] [***LEdHR9A] [9A] Contrary to the conclusion of the Court of Appeals, the foregoing analysis demonstrates that the Park Service regulation is sustainable under the four-factor standard of *United States v. O'Brien*, 391 U.S. 367 (1968), for validating a regulation of expressive conduct, which, in the last analysis is little, if any, different from the standard applied to time, place, or manner restrictions.⁸ No one contends that aside [*299] from [**3072] its impact on speech a rule against camping or overnight sleeping in public parks is beyond the constitutional power of the Government to enforce. And for the reasons we have discussed above, there is a substantial Government interest in conserving park property, an interest that is plainly served by, and requires for its implementation, measures such as the proscription of sleeping that are designed to limit the wear and tear on park properties.

That interest is unrelated to suppression of expression.

8 [***LEdHR9B] [9B]

Reasonable time, place, or manner restrictions are valid even though they directly limit oral or written expression. It would be odd to insist on a higher standard for limitations aimed at regulable conduct and having only an incidental impact on speech. Thus, if the time, place, or manner restriction on expressive sleeping, if that is what is involved in this case, sufficiently and narrowly serves a substantial enough governmental interest to escape First Amendment condemnation, it is untenable to invalidate it under *O'Brien* on the ground that the governmental interest is insufficient to warrant the intrusion on First Amendment concerns or that there is an inadequate nexus between the regulation and the interest sought to be served. We note that only recently, in a case dealing with the regulation of signs, the Court framed the issue under *O'Brien* and then based a crucial part of its analysis on the time, place, or manner cases. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804-805, 808-810 (1984).

We are unmoved by the Court of Appeals' view that the challenged regulation is unnecessary, and hence invalid, because there are less speech-restrictive alternatives that could have satisfied the Government interest in preserving park lands. There is no gainsaying that preventing overnight sleeping will avoid a measure of actual or threatened damage to Lafayette Park and the Mall. The Court of Appeals' suggestions that the Park Service minimize the possible injury by reducing the size, duration, or frequency of demonstrations would still curtail the [***231] total allowable expression in which demonstrators could engage, whether by sleeping or otherwise, and these suggestions represent no more than a disagreement with the Park Service over how much protection the core parks require or how an acceptable level of preservation is to be attained. We do not believe, however, that either *United States v. O'Brien* or the time, place, or manner decisions assign to the judiciary the authority to replace the Park Service as the manager of the Nation's parks or endow the judiciary with the competence to judge how much protection of park lands is wise and how that level of conservation is to be attained.⁹

468 U.S. 288, *, 104 S. Ct. 3065, **3072;
82 L. Ed. 2d 221, ***231; 1984 U.S. LEXIS 136

9 We also agree with Judge Edwards' observation that "[to] insist upon a judicial resolution of this case, given the facts and record at hand, arguably suggests a lack of common sense." 227 U. S. App. D. C., at 33, 703 F.2d at 600. Nor is it any clearer to us than it was to him "what has been achieved by this rather exhausting expenditure of judicial resources." *Id.*, at 34, 703 F.2d, at 601.

Accordingly, the judgment of the Court of Appeals is
Reversed.

CONCUR BY: BURGER

CONCUR

[*300] CHIEF JUSTICE BURGER, concurring.

I concur fully in the Court's opinion.

I find it difficult to conceive of what "camping" means, if it does not include pitching a tent and building a fire. Whether sleeping or cooking follows is irrelevant. With all its frailties, the English language, as used in this country for several centuries, and as used in the Park Service regulations, could hardly be plainer in informing the public that camping in Lafayette Park was prohibited.

The actions here claimed as speech entitled to the protections of the First Amendment simply are not speech; rather, they constitute conduct. As Justice Black, who was never tolerant of limits on speech, emphatically pointed out in his separate opinion in *Cox v. Louisiana*, 379 U.S. 536, 578 (1965):

"The First and Fourteenth Amendments, I think, take away from government, state and federal, all power to restrict freedom of speech, press, and assembly *where people have a right to be for such purposes*. . . . Picketing, though it may be utilized to communicate ideas, is not speech, and therefore is not of itself protected by the First Amendment." (Emphasis in original; citations omitted.)

Respondents' attempt at camping in the park is a form of "picketing"; it is conduct, not speech. Moreover, it is conduct that interferes with the rights of others to use Lafayette Park for the purposes for which [*3073] it was created. Lafayette Park and others like it are for all the people, and their rights are not to be trespassed even

by those who have some "statement" to make. Tents, fires, and sleepers, real or feigned, interfere with the rights of others to use our parks. Of [*301] course, the Constitution guarantees that people may make their "statements," but Washington has countless places for the kind of "statement" these respondents sought to make.

It trivializes the First Amendment to seek to use it as a shield in the [***232] manner asserted here. And it tells us something about why many people must wait for their "day in court" when the time of the courts is pre-empted by frivolous proceedings that delay the causes of litigants who have legitimate, nonfrivolous claims. This case alone has engaged the time of 1 District Judge, an en banc court of 11 Court of Appeals Judges, and 9 Justices of this Court.

DISSENT BY: MARSHALL

DISSENT

JUSTICE MARSHALL, with whom JUSTICE BRENNAN joins, dissenting.

The Court's disposition of this case is marked by two related failings. First, the majority is either unwilling or unable to take seriously the First Amendment claims advanced by respondents. Contrary to the impression given by the majority, respondents are not supplicants seeking to wheedle an undeserved favor from the Government. They are citizens raising issues of profound public importance who have properly turned to the courts for the vindication of their constitutional rights. Second, the majority misapplies the test for ascertaining whether a restraint on speech qualifies as a reasonable time, place, and manner regulation. In determining what constitutes a sustainable regulation, the majority fails to subject the alleged interests of the Government to the degree of scrutiny required to ensure that expressive activity protected by the First Amendment remains free of unnecessary limitations.

I

The proper starting point for analysis of this case is a recognition that the activity in which respondents seek to engage -- sleeping in a highly public place, outside, in the winter for the purpose of protesting homelessness -- is symbolic speech protected by the First Amendment. The majority [*302] assumes, without deciding, that the respondents' conduct is entitled to constitutional

protection. *Ante*, at 293. The problem with this assumption is that the Court thereby avoids examining closely the reality of respondents' planned expression. The majority's approach denatures respondents' asserted right and thus makes all too easy identification of a Government interest sufficient to warrant its abridgment. A realistic appraisal of the competing interests at stake in this case requires a closer look at the nature of the expressive conduct at issue and the context in which that conduct would be displayed.

In late autumn of 1982, respondents sought permission to conduct a round-the-clock demonstration in Lafayette Park and on the Mall. Part of the demonstration would include homeless persons sleeping outside in tents without any other amenities.¹ Respondents sought to begin their demonstration on a date full of ominous meaning to any homeless person: the first day of winter. Respondents were similarly purposeful in choosing demonstration sites. The Court portrays these sites -- the Mall [***233] and Lafayette Park -- in a peculiar fashion. According to the Court:

"Lafayette Park and the Mall . . . are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly [**3074] 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a 'garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches.' . . . The Mall is a [*303] stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area." *Ante*, at 290.

Missing from the majority's description is any inkling that Lafayette Park and the Mall have served as the sites for some of the most rousing political demonstrations in the Nation's history. It is interesting to learn, I suppose, that Lafayette Park and the Mall were both part of Major Pierre L'Enfant's original plan for the

Capital. Far more pertinent, however, is that these areas constitute, in the Government's words, "a fitting and powerful forum for political expression and political protest." Brief for Petitioners 11.²

1 The previous winter respondents had held a similar demonstration after courts ruled that the Park Service regulations then in effect did not extend to respondents' proposed activities. *Community for Creative Non-Violence v. Watt*, 216 U. S. App. D. C. 394, 670 F.2d 1213 (1982) (*CCNV I*). Those activities consisted of setting up and sleeping in nine tents in Lafayette Park. The regulations at issue in this case were promulgated in direct response to *CCNV I*. 47 Fed. Reg. 24299 (1982).

2 At oral argument, the Government informed the Court "that on any given day there will be an average of three or so demonstrations going on" in the Mall-Lafayette Park area. Tr. of Oral Arg. 3-4. Respondents accurately describe Lafayette Park "as the American analogue to 'Speaker's Corner' in Hyde Park." Brief for Respondents 16, n. 25.

The primary³ purpose for making *sleep* an integral part of the demonstration was "to re-enact the central reality of [*304] homelessness," Brief for Respondents 2, and to impress upon public consciousness, in as dramatic a way as possible, that homelessness is a widespread problem, often ignored, that confronts its victims with life-threatening deprivations.⁴ [***234] As one of the homeless men seeking to demonstrate explained: "Sleeping in Lafayette Park or on the Mall, for me, is to show people that conditions are so poor for the homeless and poor in this city that we would actually sleep *outside* in the winter to get the point across." *Id.*, at 3.

3 Another purpose for making *sleep* part of the demonstration was to enable participants to weather the rigors of the round-the-clock vigil and to encourage other homeless persons to participate in the demonstration. As respondents stated in their application for a demonstration permit:

"If there was ever any question as to whether sleeping was a necessary element in this demonstration, it should be answered by now [in light of the previous year's demonstration]. No matter how hard we tried to get [homeless

persons] to come to Reaganville [the name given to the demonstration by respondents], they simply would not come, until sleeping was permitted." App. 14.

4 Estimates on the number of homeless persons in the United States range from two to three million. See Brief for National Coalition for the Homeless as *Amicus Curiae* 3. Though numerically significant, the homeless are politically powerless inasmuch as they lack the financial resources necessary to obtain access to many of the most effective means of persuasion. Moreover, homeless persons are likely to be denied access to the vote since the lack of a mailing address or other proof of residence within a State disqualifies an otherwise eligible citizen from registering to vote. *Id.*, at 5.

The detrimental effects of homelessness are manifold and include psychic trauma, circulatory difficulties, infections that refuse to heal, lice infestations, and hypothermia. *Id.*, at 14-15. In the extreme, exposure to the elements can lead to death; over the 1983 Christmas weekend in New York City, 14 homeless persons perished from the cold. See N. Y. Times, Dec. 27, 1983, p. A1., col. 1.

In a long line of cases, this Court has afforded First Amendment protection to expressive conduct that qualifies as symbolic speech. See, e. g., *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969) (black armband worn by students in public school as protest against United States policy in Vietnam war); *Brown v. Louisiana*, 383 U.S. 131 [*3075] (1966) (sit-in by Negro students in "whites only" library to protest segregation); *Stromberg v. California*, 283 U.S. 359 (1931) (flying red flag as gesture of support for communism). In light of the surrounding context, respondents' proposed activity meets the qualifications. The Court has previously acknowledged the importance of context in determining [*305] whether an act can properly be denominated as "speech" for First Amendment purposes and has provided guidance concerning the way in which courts should "read" a context in making this determination. The leading case is *Spence v. Washington*, 418 U.S. 405 (1974), where this Court held that displaying a United States flag with a peace symbol attached to it was conduct protected by the First Amendment. The Court looked first to the intent of

the speaker -- whether there was an "intent to convey a particularized message" -- and second to the perception of the audience -- whether "the likelihood was great that the message would be understood by those who viewed it." *Id.*, at 410-411. Here respondents clearly intended to protest the reality of homelessness by sleeping outdoors in the winter in the near vicinity of the magisterial residence of the President of the United States. In addition to accentuating the political character of their protest by their choice of location and mode of communication, respondents also intended to underline the meaning of their protest by giving their demonstration satirical names. Respondents planned to name the demonstration on the Mall "Congressional Village," and the demonstration in Lafayette Park, "Reaganville II." App. 13.

Nor can there be any doubt that in the surrounding circumstances the likelihood was great that the political significance of sleeping in the parks would be understood by those who viewed it. Certainly the news media understood the significance of respondents' proposed activity; newspapers and magazines from around the Nation reported their previous sleep-in and their planned display.⁵ Ordinary citizens, too, would likely understand the political message intended by respondents. This likelihood stems from the remarkably apt fit between the activity [***235] in which respondents seek to engage [*306] and the social problem they seek to highlight. By using sleep as an integral part of their mode of protest, respondents "can express with their bodies the poignancy of their plight. They can physically demonstrate the neglect from which they suffer with an articulateness even Dickens could not match." *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 34, 703 F.2d 586, 601 (1983) (Edwards, J. concurring).

5 See articles appended to Declaration of Mary Ellen Hombs, Record, Vol. 1.

It is true that we all go to sleep as part of our daily regimen and that, for the most part, sleep represents a physical necessity and not a vehicle for expression. But these characteristics need not prevent an activity that is normally devoid of expressive purpose from being used as a novel mode of communication. Sitting or standing in a library is a commonplace activity necessary to facilitate ends usually having nothing to do with making a statement. Moreover, sitting or standing is not conduct that an observer would normally construe as expressive

conduct. However, for Negroes to stand or sit in a "whites only" library in Louisiana in 1965 was powerfully expressive; in that particular context, those acts became "monuments of protest" against segregation. *Brown v. Louisiana*, *supra*, at 139.

The Government contends that a foreseeable difficulty of administration counsels against recognizing sleep as a mode of expression protected by the First Amendment. The predicament the Government envisions can be termed "the imposter problem": the problem of distinguishing bona fide protesters from imposters whose requests for permission to sleep in Lafayette Park or the Mall on First Amendment [*3076] grounds would mask ulterior designs -- the simple desire, for example, to avoid the expense of hotel lodgings. The Government maintains that such distinctions cannot be made without inquiring into the sincerity of demonstrators and that such an inquiry would itself pose dangers to First Amendment values because it would necessarily be content-sensitive. I find this argument unpersuasive. First, a [*307] variety of circumstances *already* require government agencies to engage in the delicate task of inquiring into the sincerity of claimants asserting First Amendment rights. See, e. g., *Wisconsin v. Yoder*, 406 U.S. 205, 215-216 (1972) (exception of members of religious group from compulsory education statute justified by group's adherence to deep religious conviction rather than subjective secular values); *Welsh v. United States*, 398 U.S. 333, 343-344 (1970) (eligibility for exemption from military service as conscientious objector status justified by sincere religious beliefs). It is thus incorrect to imply that any scrutiny of the asserted purpose of persons seeking a permit to display sleeping as a form of symbolic speech would import something altogether new and disturbing into our First Amendment jurisprudence. Second, the administrative difficulty the Government envisions is now nothing more than a vague apprehension. If permitting sleep to be used as a form of protected First Amendment activity actually created the administrative problems the Government now envisions, there would emerge a clear factual basis upon which to establish the [***236] necessity for the limitation the Government advocates.

The Government's final argument against granting respondents' proposed activity any degree of First Amendment protection is that the contextual analysis upon which respondents rely is fatally flawed by overinclusiveness. The Government contends that the

Spence approach is overinclusive because it accords First Amendment status to a wide variety of acts that, although expressive, are obviously subject to prohibition. As the Government notes, "[actions] such as assassination of political figures and the bombing of government buildings can fairly be characterized as intended to convey a message that it readily perceived by the public." Brief for Petitioners 24, n. 18. The Government's argument would pose a difficult problem were the determination whether an act constitutes "speech" the end of First Amendment analysis. But such a determination is not the end. If [*308] an act is defined as speech, it must still be balanced against countervailing government interests. The balancing which the First Amendment requires would doom any argument seeking to protect antisocial acts such as assassination or destruction of government property from government interference because compelling interests would outweigh the expressive value of such conduct.

II

Although sleep in the context of this case is symbolic speech protected by the First Amendment, it is nonetheless subject to reasonable time, place, and manner restrictions. I agree with the standard enunciated by the majority: "[Restrictions] of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Ante*, at 293 (citations omitted).⁶ I conclude, however, that the regulations at issue in this case, as applied to respondents, fail to satisfy this standard.

6 I also agree with the majority that no substantial difference distinguishes the test applicable to time, place, and manner restrictions and the test articulated in *United States v. O'Brien*, 391 U.S. 367 (1968). See *Ante*, at 298-299, n. 8.

According to the majority, the significant Government interest advanced by denying respondents' request to engage in sleep-speech is the interest in "maintaining the parks in the heart of our Capital in an [**3077] attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence." *Ante*, at 296. That interest is indeed significant. However, neither the Government nor the

majority adequately explains how prohibiting respondents' planned activity will substantially further that interest.

The majority's attempted explanation begins with the curious statement that it seriously doubts that the First [*309] Amendment requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. *Ante*, [***237] at 296. I cannot perceive why the Court should have "serious doubts" regarding this matter and it provides no explanation for its uncertainty. Furthermore, even if the majority's doubts were well founded, I cannot see how such doubts relate to the problem at hand. The issue posed by this case is not whether the Government is constitutionally compelled to permit the erection of tents and the staging of a continuous 24-hour vigil; rather, the issue is whether any substantial Government interest is served by banning sleep that is part of a political demonstration.

What the Court may be suggesting is that if the tents and the 24-hour vigil are permitted, but not constitutionally required to be permitted, then respondents have no constitutional right to engage in expressive conduct that supplements these activities. Put in arithmetical terms, the Court appears to contend that if X is permitted by grace rather than by constitutional compulsion, X + 1 can be denied without regard to the requirements the Government must normally satisfy in order to restrain protected activity. This notion, however, represents a misguided conception of the First Amendment. The First Amendment requires the Government to justify *every* instance of abridgment. That requirement stems from our oft-stated recognition that the First Amendment was designed to secure "the widest possible dissemination of information from diverse and antagonistic sources," *Associated Press v. United States*, 326 U.S. 1, 20 (1945), and "to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U.S. 476, 484 (1957). See also *Buckley v. Valeo*, 424 U.S. 1, 49 (1976); *New York Times Co. v. Sullivan*, 376 U.S. 254, 266 (1964); *Whitney v. California*, 274 U.S. 357, 375-378 (1927) (Brandeis, J., concurring). Moreover, the stringency of that requirement is [*310] not diminished simply because the activity the Government seeks to restrain is supplemental to other activity that the Government may have permitted out of grace but was not constitutionally

compelled to allow. If the Government cannot adequately justify abridgment of protected expression, there is no reason why citizens should be prevented from exercising the *first* of the rights safeguarded by our Bill of Rights.

The majority's second argument is comprised of the suggestion that, although sleeping contains an element of expression, "its major value to [respondents'] demonstration would have been facilitative." *Ante*, at 296. While this observation does provide a hint of the weight the Court attached to respondents' First Amendment claims,⁷ it is utterly irrelevant to [***238] whether [*3078] the Government's ban on sleeping advances a substantial Government interest.

7 The facilitative purpose of the sleep-in takes away nothing from its independent status as symbolic speech. Moreover, facilitative conduct that is closely related to expressive activity is itself protected by First Amendment considerations. I therefore find myself in agreement with Judge Ginsburg who noted that "the personal non-communicative aspect of sleeping in symbolic tents at a demonstration site bears a close, functional relationship to an activity that is commonly comprehended as 'free speech.'" *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 40, 703 F.2d 586, 607 (1983). "[Sleeping] in the tents rather than simply standing or sitting down in them, allows the demonstrator to sustain his or her protest without stopping short of the officially-granted round-the-clock permission." *Ibid*. For me, as for Judge Ginsburg, that linkage itself "suffices to require a genuine effort to balance the demonstrators' interests against other concerns for which the government bears responsibility." *Ibid*.

The majority's third argument is based upon two claims. The first is that the ban on sleeping relieves the Government of an administrative burden because, without the flat ban, the process of issuing and denying permits to other demonstrators asserting First Amendment rights to sleep in the parks "would present difficult problems for the Park Service." *Ante*, at 297. The second is that the ban on sleeping [*311] will increase the probability that "some around-the-clock demonstrations for days on end will not materialize, [that] others will be limited in size and duration, and that

468 U.S. 288, *311; 104 S. Ct. 3065, **3078;
82 L. Ed. 2d 221, ***238; 1984 U.S. LEXIS 136

the purpose of the regulation will thus be materially served," *ante*, at 297, that purpose being "to limit the wear and tear on park properties." *Ante*, at 299.

The flaw in these two contentions is that neither is supported by a factual showing that evinces a real, as opposed to a merely speculative, problem. The majority fails to offer any evidence indicating that the absence of an absolute ban on sleeping would present administrative problems to the Park Service that are substantially more difficult than those it ordinarily confronts. A mere apprehension of difficulties should not be enough to overcome the right to free expression. See *United States v. Grace*, 461 U.S. 171, 182 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S., at 508. Moreover, if the Government's interest in avoiding administrative difficulties were truly "substantial," one would expect the agency most involved in administering the parks at least to allude to such an interest. Here, however, the perceived difficulty of administering requests from other demonstrators seeking to convey messages through sleeping was not among the reasons underlying the Park Service regulations.⁸ Nor was it mentioned by the Park Service in its rejection of respondents' particular request.⁹

⁸ See 47 Fed. Reg. 24301 (1982).

⁹ App. 16-17.

The Court's erroneous application of the standard for ascertaining a reasonable time, place, and manner restriction is also revealed by the majority's conclusion that a substantial governmental interest is served by the sleeping ban because it will discourage "around-the-clock demonstrations for days" and thus further the regulation's purpose "to limit wear and tear on park properties." *Ante*, at 299. The majority cites no evidence indicating that sleeping engaged in as symbolic speech will cause *substantial* wear and tear on park property. [*312] Furthermore, the Government's application of the sleeping ban in the circumstances of this case is strikingly underinclusive. The majority acknowledges that a proper time, place, and manner restriction must be "narrowly tailored." Here, however, the tailoring requirement is virtually [***239] forsaken inasmuch as the Government offers no justification for applying its absolute ban on sleeping yet is willing to allow respondents to engage in activities -- such as feigned sleeping -- that is no less burdensome.

In short, there are no substantial Government

interests advanced by the Government's regulations as applied to respondents. All that the Court's decision advances are the prerogatives of a bureaucracy that over the years has shown an implacable hostility toward citizens' exercise of First Amendment rights.¹⁰

10 At oral argument, the Government suggested that the ban on sleeping should not be invalidated as applied to respondents simply because the Government is willing to allow respondents to engage in other nonverbal acts of expression that may also trench upon the Government interests served by the ban. Tr. of Oral Arg. 15, 23. The Government maintains that such a result makes the Government a victim of its own generosity. However the Government's characterization of itself as an unstinting provider of opportunities for protected expression is thoroughly discredited by a long line of decisions *compelling* the National Park Service to allow the expressive conduct it now claims to permit as a matter of grace. See, e. g., *Women Strike for Peace v. Morton*, 153 U. S. App. D. C. 198, 472 F.2d 1273 (1972); *A Quaker Action Group v. Morton*, 170 U. S. App. D. C. 124, 516 F.2d 717 (1975); *United States v. Abney*, 175 U. S. App. D. C. 247, 534 F.2d 984 (1976).

[**3079] III

The disposition of this case impels me to make two additional observations. First, in this case, as in some others involving time, place, and manner restrictions,¹¹ the Court [*313] has dramatically lowered its scrutiny of governmental regulations once it has determined that such regulations are content-neutral. The result has been the creation of a two-tiered approach to First Amendment cases: while regulations that turn on the content of the expression are subjected to a strict form of judicial review,¹² regulations that are aimed at matters other than expression receive only a minimal level of scrutiny. The minimal scrutiny prong of this two-tiered approach has led to an unfortunate diminution of First Amendment protection. By narrowly limiting its concern to whether a given regulation creates a content-based distinction, the Court has seemingly overlooked the fact that content-neutral restrictions are also capable of unnecessarily restricting protected expressive activity.¹³ To be sure, the general prohibition against content-based regulations is an essential tool of First Amendment analysis. It helps to put into operation the

468 U.S. 288, *313; 104 S. Ct. 3065, **3079;
82 L. Ed. 2d 221, ***239; 1984 U.S. LEXIS 136

well-established principle [***240] that "government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views." *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972). The Court, however, has transformed the ban against content distinctions from a floor that offers all persons at least equal liberty under the First Amendment into a ceiling that restricts persons to the protection of First Amendment equality -- but nothing more.¹⁴ [**3080] The consistent [*314] imposition of silence upon all may fulfill the dictates of an evenhanded content-neutrality. But it offends our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S., at 270.¹⁵

11 See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981). But see *United States v. Grace*, 461 U.S. 171 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969); *Brown v. Louisiana*, 383 U.S. 131 (1966).
12 See, e. g., *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978). It should be noted, however, that there is a context in which regulations that are facially content-neutral are nonetheless subjected to strict scrutiny. This situation arises when a regulation vests standardless discretion in officials empowered to dispense permits for the use of public forums. See, e. g., *Lovell v. City of Griffin*, 303 U.S. 444 (1938); *Hague v. CIO*, 307 U.S. 496 (1939); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

13 See Redish, *The Content Distinction in First Amendment Analysis*, 34 Stan. L. Rev. 113 (1981).

14 Furthermore, a content-neutral regulation does not necessarily fall with random or equal force upon different groups or different points of view. A content-neutral regulation that restricts an inexpensive mode of communication will fall most heavily upon relatively poor speakers and the points of view that such speakers typically espouse. See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*, at 812-813, n. 30. This sort of latent inequality is very much in evidence in this case for respondents lack the

financial means necessary to buy access to more conventional modes of persuasion.

A disquieting feature about the disposition of this case is that it lends credence to the charge that judicial administration of the First Amendment, in conjunction with a social order marked by large disparities in wealth and other sources of power, tends systematically to discriminate against efforts by the relatively disadvantaged to convey their political ideas. In the past, this Court has taken such considerations into account in adjudicating the First Amendment rights of those among us who are financially deprived. See, e. g., *Martin v. Struthers*, 319 U.S. 141, 146 (1943) (striking down ban on door-to-door distribution of circulars in part because this mode of distribution is "essential to the poorly financed causes of little people"); *Marsh v. Alabama*, 326 U.S. 501 (1946) (State cannot impose criminal sanction on person for distributing literature on sidewalk of town owned by private corporation). Such solicitude is noticeably absent from the majority's opinion, continuing a trend that has not escaped the attention of commentators. See, e. g., Dorsen & Gora, *Free Speech, Property, and The Burger Court: Old Values, New Balances*, 1982 S. Ct. Rev. 195; Van Alstyne, *The Recrudescence of Property Rights as the Foremost Principle of Civil Liberties: The First Decade of the Burger Court*, 43 Law & Contemp. Prob. 66 (summer 1980).

15 For a critique of the limits of the equality principle in First Amendment analysis see Redish, *supra*, at 134-139.

Second, the disposition of this case reveals a mistaken assumption regarding the motives and behavior of Government officials who create and administer content-neutral regulations. The Court's salutary skepticism of governmental decisionmaking in First Amendment matters suddenly dissipates once it determines that a restriction is not [*315] content-based. The Court evidently assumes that the balance struck by officials is deserving of deference so long as it does not appear to be tainted by content discrimination. What the Court fails to recognize is that public officials have strong incentives to overregulate even in the absence of an intent to censor particular views. This incentive stems from the fact that of the two groups whose interests officials must accommodate -- on the one hand, the

468 U.S. 288, *315; 104 S. Ct. 3065, **3080;
82 L. Ed. 2d 221, ***240; 1984 U.S. LEXIS 136

interests of the general public and, on the other, the interests of those who seek to use a particular forum for First Amendment activity -- the political [***241] power of the former is likely to be far greater than that of the latter.¹⁶

16 See Goldberger, *Judicial Scrutiny in Public Forum Cases: Misplaced Trust in the Judgment of Public Officials*, 32 *Buffalo L. Rev.* 175, 208 (1983).

The political dynamics likely to lead officials to a disproportionate sensitivity to regulatory as opposed to First Amendment interests can be discerned in the background of this case. Although the Park Service appears to have applied the revised regulations consistently, there are facts in the record of this case that raise a substantial possibility that the impetus behind the revision may have derived less from concerns about administrative difficulties and wear and tear on the park facilities, than from other, more "political," concerns. The alleged need for more restrictive regulations stemmed from a court decision favoring the same First Amendment claimants that are parties to this case. See n. 1, *supra*. Moreover, in response both to the Park Service's announcement that it was considering changing its rules and the respondents' expressive activities, at least one powerful group urged the Service to tighten its regulations.¹⁷ The point of these observations is not to impugn the integrity of the National Park Service. Rather, my intention is to illustrate concretely that government agencies by their [*316] very nature are driven to overregulate public forums to the detriment of First Amendment rights, that facial viewpoint-neutrality

is no shield against unnecessary restrictions on unpopular ideas or modes of expression, and that in this case in particular there was evidence readily available that should have impelled the Court to subject the Government's restrictive policy to something more than minimal scrutiny.

17 See Declaration of Mary Ellen Hombs, Exhibit 1kk, Record, Vol. 1.

For the foregoing reasons, I respectfully dissent.

REFERENCES

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution

59 Am Jur 2d, Parks, Squares, and Playgrounds 33

USCS, Constitution, 1st Amendment

US L Ed Digest, Constitutional Law 934, 960

L Ed Index to Annos, Parks

ALR Quick Index, Parks and Playgrounds

Federal Quick Index, National Parks; Parks

Annotation References:

Restriction of use of public parks as violating freedom of speech or press under First Amendment of Federal Constitution. 82 L Ed 2d 958.



Claire Rozdilski/WASO/NPS

12/08/2011 09:32 AM

To RANDOLPH_MYERS@sol.doi.gov, Teresa
Chambers/USPP/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Bob Vogel/NAMA/NPS@NPS,
cc Pamela Blyth/USPP/NPS@NPS, Judy
Bowman/NCR/NPS@NPS, Tasha
Robbins/WASO/NPS@NPS, Tonya
bcc

Subject Occupy DC call/meeting on Mondays at 4:30pm

Good morning,

I believe after Monday's meeting, it was agreed that everyone would meet weekly on Mondays at 4:30pm, either in person or on a conference call.

I have reserved the Director's conference room for this, Room 3121.
If you are calling in, please use this call-in number:

Passcode: [REDACTED]

FOIA5D

FOIA5A

Please pass this on to anyone who needs to be included and I missed in this email.

Best,
Claire

Claire C. Rozdilski
National Park Service
Staff Assistant to the Deputy Director, Operations
1849 C Street NW
Washington, DC 20240
202-208-3818 (Office)
202-306-4023 (Cell)
202-208-7889 (Fax)



"Davis, Laura"
<Laura_Davis@ios.doi.gov>
12/05/2011 02:54 PM

To "Teresa_Chambers@nps.gov"
<Teresa_Chambers@nps.gov>
cc "Jarvis, Jon" <Jon_Jarvis@nps.gov>, "O'Dell, Peggy"
<Peggy_O'Dell@nps.gov>

bcc

Subject RE: Great Column in Today's Washington Post

Teresa-

Thank you. This is indeed a great - and spot on - column.. You and your team did truly outstanding work yesterday (and every day). Appreciate your passing this along.

Laura

-----Original Message-----

From: Teresa_Chambers@nps.gov [mailto:Teresa_Chambers@nps.gov]
Sent: Monday, December 05, 2011 2:30 PM
To: Davis, Laura
Cc: Jarvis, Jon; O'Dell, Peggy
Subject: Great Column in Today's Washington Post

In addition to the article in the WP this morning, I just discovered this column. I couldn't be more pleased with the tactful manner in which our officers comported themselves and the effective tactics they deployed during this lengthy situation yesterday. : o)

Teresa

PS -- If one goes to the link on line, video and a photo gallery of yesterday's events are available.

http://www.washingtonpost.com/local/police-maintain-professionalism-in-occupy-dc-confrontation/2011/12/05/gIQAXWsXWO_story.html

(Embedded image moved to file: pic26353.jpg)

Petula Dvorak

Columnist

Police maintain professionalism in Occupy D.C. confrontation
(Embedded image moved to file: pic18409.jpg)

By Petula Dvorak, Monday, December 5, 12:18 PM

All day and into the night, the police were being taunted. Insults and sometimes water bottles were hurled their way. Cameras were pointed at them from every direction.

Yet, as they have done throughout the downtown drama known as Occupy D.C., the U.S. Park Police and D.C. officers displayed remarkable discipline and restraint Sunday during their confrontation with protesters in McPherson Square. Even as they arrested 31 Occupiers, the officers didn't become a laughing stock Internet meme. They didn't succumb to the brutality we witnessed in Oakland, or the appallingly brazen pepper-spraying that was filmed at the University of California at Davis.

And that's saying something, given the reality show-style stunt the police were asked to pull off Sunday night, after park protesters living in tents erected the bones of a small barn.

For any structure in the square to be legal, it has to be temporary. But there was nothing temporary about the sturdy two-by-fours that made up the new building's bones.

Its construction was pure provocation of a police force that has already been stunningly accommodating and patient with the Occupy protesters.

Police asked them to take the barn down. They said no. Instead, some of them climbed up to the top, where they prostrated themselves, crucifixion style, on the rafters or straddled them like jungle gym bars and occasionally fist-pumped to the crowd below.

So authorities called in a building inspector to check it for safety.

Within minutes of arriving, the inspector slapped orange "Danger" stickers on the building and police closed in to take it down. The protesters got a few more warnings to leave.

Like a game of wills between parent and toddler, the police counted - one, two, three. And they began arresting the ones who remained inside the barn.

Then there was the challenge of safely arresting the ones who remained clinging to the rafters while dozens of cameras recorded their every move. The police pulled up a tactical vehicle and stood on the roof, hoping to get them off that way. No dice. The Occupiers scrambled to the other side.

They had a giant inflatable mattress that two guys eventually jumped into (that would've been my choice, it looked fun). Finally, there was a huge cherry picker, which maneuvered around the structure cornering each protester. The two cops inside it harnessed, roped and very precariously hauled each remaining Occupier into the bucket.

It was sort of like rodeo meets Cirque du Soleil.

The cost of this little passion play had to be staggering, though no one has put a dollar figure on it yet. I counted dozens of officers, a tiny herd of horses, at least two tactical vehicles, a forklift, a cherry picker, plus that moonbounce thing.

Mark Francis Nickens, 51, stood outside the police barricade, watching the confrontation get more and more tense. Nickens has been hanging with the protesters for weeks. In fact, he's got one of the most visible structures; the tepee that's closest to the White House is his doing. But on Sunday, he was fuming, certain that the hubris of lumber and nails would spell the end of their stay.

"Damn thing. This was not what was supposed to happen," said the musician and dog walker from Takoma Park. "You don't just go and antagonize the cops for nothing."

But that's exactly what they were doing. Young protesters hopped up on empowerment and anything else that could be found in those tents randomly spit insults at officers who were standing nearby, simply doing their jobs. Park Police officers, who make starting salaries of \$52,000 a year, are firmly part of that 99 percent the movement keeps talking about.

U.S. Park Police spokesman Sgt. David Schlosser said the officers are trained to stay professional, to see the insults as "meaningless." They got called pigs and po-po, but the officers were as poker-faced as beefeaters.

The protesters are blatantly violating the law on a daily basis in the park, cooking, showering, sleeping, occupying. Yet they also have a righteous message about the nation's widening wealth gap that a good chunk of the 99 percent agree with. The protests are making people think and talk about the nation's housing and unemployment crises. Many people are just as angry as the protesters. They are ready for change and hungry for solutions.

The protesters have a powerful platform and a silent blessing from a police force that has looked the other way on loads of petty stuff. Taunting those officers undermines the very message the Occupiers are trying to deliver. It's cowardly and ridiculous, especially when there are so many real villains to holler at.

E-mail me at dvorakp@washpost.com.

Myers, Randolph

From: Lisa_Mendelson-Ielmini@nps.gov
Sent: Wednesday, November 23, 2011 2:22 PM
To: Myers, Randolph
Subject: RE: DRAFT ATTACHED -- Occupy DC public inquiry
Attachments: 2011 11 23 Community Response DRAFT RMyers 11.23.11.docx

Thanks, will take a look

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

"Myers, Randolph"
<RANDOLPH.MYERS@sol.doi.gov>

11/23/2011 01:35
PM

"Mendelson, Lisa"
<Lisa_Mendelson-Ielmini@nps.gov>

To

cc

Subject

RE: DRAFT ATTACHED -- Occupy DC
public inquiry

Lisa: Attached is my redline/strikeout edits. Thanks!

Randy

Randolph J. Myers
U.S. Department of the Interior, Office of the Solicitor DPW Branch of National Parks
1849 C Street, NW, Room 5320
Washington, D.C. 20240
w (202) 208-4338 fax (202) 208-3877
Randolph.Myers@sol.doi.gov

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distribution, copying, or use of this e-mail or its contents is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy all copies.

-----Original Message-----

From: Lisa_Mendelson-Ielmini@nps.gov
[mailto:Lisa_Mendelson-Ielmini@nps.gov]
Sent: Wednesday, November 23, 2011 12:08 PM
To: Myers, Randolph
Subject: Fw: DRAFT ATTACHED -- Occupy DC public inquiry

You, too! Thanks for being on the call this morning. NAMA and USPP are wrapping up their reviews of the Exec brief...

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region 202-619-7000 office
202-297-1338 cell

----- Forwarded by Lisa Mendelson-Ielmini/NCR/NPS on 11/23/2011 12:06 PM

Lisa
Mendelson-Ielmini
/NCR/NPS

11/23/2011 11:53
AM

To
"Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>,
"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>,
"Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>,
"Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>, KatherineKelly
<Kate_Kelly@ios.doi.gov>,
"Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>,
"Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>,
"William_Line@nps.gov"
<William_Line@nps.gov>, D Barna,
Matt Lee-Ashley, Matt
Lee-Ashley/OCO/OS/DOI, Bob Vogel,
Steve Whitesell

cc

Subject
DRAFT ATTACHED -- Occupy DC public
inquiry(Document link: Lisa
Mendelson-Ielmini)

Thanks everyone for coming together for the call this morning.

Karen Cucurullo, Kathy Harasek, and I just wrapped up this DRAFT for everyone's review. As we discussed on the call, this is intended to be broad so that it may be repurposed for other inquiries.

(See attached file: 2011 11 23 Community Response DRAFT.docx)

If you do have comments, please use TRACK CHANGES so we'll be able to pick them out. In order to respond today, I'd ask that everyone read and review as soon as possible, no later than 2 pm.

I'm in the office and you can reach me at the numbers below if you'd like to talk about this.

Thanks everyone for your participation and thoughts,

~Lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region 202-619-7000 office
202-297-1338 cell

David Barna
<david_barna@nps.gov>

11/22/2011 08:16
PM

Lisa Mendelson-Ielmini
<lisa_mendelson-ielmini@nps.gov>

To

cc

"Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>,
"David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>,
"William_Line@nps.gov"
<William_Line@nps.gov>,
"Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>,
"Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>,
"Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>,
"Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>,
"Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>,
KatherineKelly
<Kate_Kelly@ios.doi.gov>

Subject

9:30 okay for call Wednesday
morning on Occupy DC issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov> wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All
Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues
As most of you know they seem to be on the move today
The Region is starting to get emails from the public like the one below
I will be at home tomorrow [REDACTED] but can participate
What's a good time in the morning for a call?
Here's our office call in line that we can use for a conference call

FOIA6

FOIA5D

David

Carter DeWitt

<cdewitt@taxfound

ation.org>

To

"

lisa_mendelson-ielmini@nps.gov"

11/22/2011 01:49

<

lisa_mendelson-ielmini@nps.gov>

PM

cc

Subject

Occupy Dc versus

other park users -

I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom - my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off - Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you - and who butters your bread with their labor. It isn't Occupy DC - it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay

into next year. I
sincerely hope this is not the case. They need to go home
and have someone
else support them if they are not willing to work. I have
no desire to pay
for this via my tax dollars you take from me in so many
ways. They do not
have a permit and it is unlawful for them to be there. If
I tried to camp
in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about
them - why are you
not hearing us?

Laurie Carter DeWitt

(b) (6) [REDACTED]
Washington, DC 20005

Carter

Ms. Carter DeWitt

Vice President of Development

Tax Foundation

National Press Building

529 14th St., NW, Suite 420

Washington, DC 20045

(202) 464-5110 (Direct line)

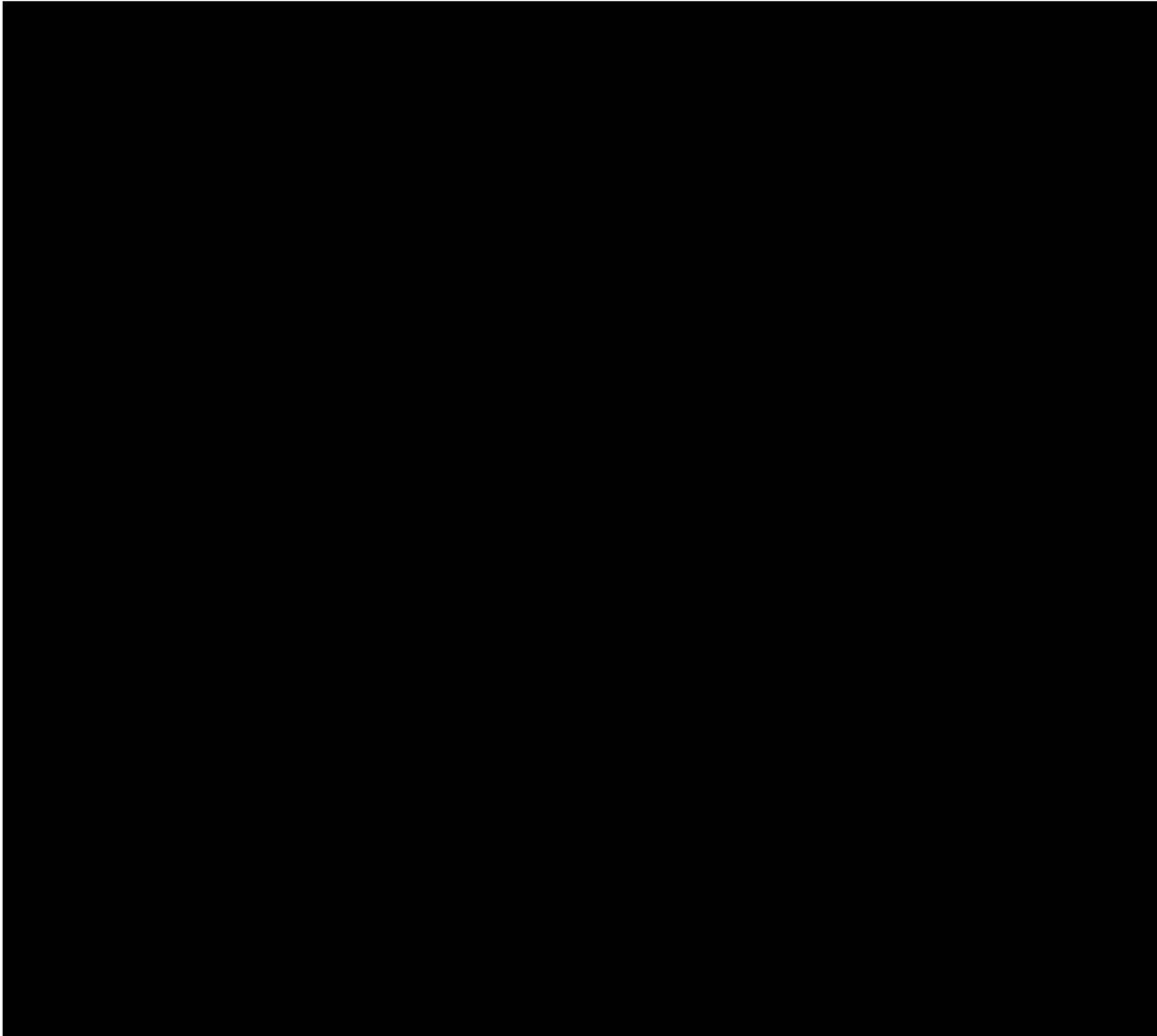
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound
tax policy --

neutrality, simplicity, transparency, and stability (See attached file:

2011 11 23 Community Response DRAFT RMyers
11.23.11.docx)

Thank you for your inquiry, it is our hope that the following information will provide helpful information on the role and responsibilities of the National Park Service (NPS) and its United States Park Police (USPP) and the actions we are taking to address your concerns.



We appreciate your taking the time to share your concerns. If there is any way we may be of further assistance in providing information and insight, please be in touch. The NPS and the USPP remain committed to the citizens who live near, work near, or use the parks for their enjoyment. We routinely meet with the business community and would be willing to attend citizen group meetings, if you think this would be valuable in maintaining our relationships.

Superintendent Bob Vogel
National Mall and Memorial Parks

Bob_Vogel@nps.gov 202-245-4661

Chief Teresa C. Chambers

United States Park Police

Teresa_Chambers@nps.gov 202-619-7350

DRAFT PREDECISIONAL DRAFT PREDECISIONAL DRAFT PREDECISIONAL 11/23/11 by NCR, NAMA,

| USPP;SOL/RMyers redline/strikeout edits 11/23/11



Teresa Chambers/USPP/NPS

12/05/2011 02:30 PM

To Laura_Davis@ios.doi.gov

cc Jon Jarvis/WASO/NPS@NPS, Peggy
O'Dell/WASO/NPS@NPS

bcc

Subject Great Column in Today's Washington Post

In addition to the article in the WP this morning, I just discovered this column. I couldn't be more pleased with the tactful manner in which our officers comported themselves and the effective tactics they deployed during this lengthy situation yesterday. : o)

Teresa

PS -- If one goes to the link on line, video and a photo gallery of yesterday's events are available.

http://www.washingtonpost.com/local/police-maintain-professionalism-in-occupy-dc-confrontation/2011/12/05/gIQAXWsXWO_story.html



Petula Dvorak

Columnist

Police maintain professionalism in Occupy D.C. confrontation



By Petula Dvorak, Monday, December 5, 12:18 PM

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Yet, as they have done throughout the downtown drama known as Occupy D.C., the U.S. Park Police and D.C. officers displayed remarkable discipline and restraint Sunday during their confrontation with protesters in McPherson Square. Even as they arrested 31 Occupiers, the officers didn't become a laughing stock Internet meme. They didn't succumb to the brutality we witnessed in Oakland, or the appallingly brazen pepper-spraying that was filmed at the University of California at Davis.

And that's saying something, given the reality show-style stunt the police were asked to pull off

Sunday night, after park protesters living in tents erected the bones of a small barn.

For any structure in the square to be legal, it has to be temporary. But there was nothing temporary about the sturdy two-by-fours that made up the new building's bones.

Its construction was pure provocation of a police force that has already been stunningly accommodating and patient with the Occupy protesters.

Police asked them to take the barn down. They said no. Instead, some of them climbed up to the top, where they prostrated themselves, crucifixion style, on the rafters or straddled them like jungle gym bars and occasionally fist-pumped to the crowd below.

So authorities called in a building inspector to check it for safety.

Within minutes of arriving, the inspector slapped orange "Danger" stickers on the building and police closed in to take it down. The protesters got a few more warnings to leave.

Like a game of wills between parent and toddler, the police counted — one, two, three. And they began arresting the ones who remained inside the barn.

Then there was the challenge of safely arresting the ones who remained clinging to the rafters while dozens of cameras recorded their every move. The police pulled up a tactical vehicle and stood on the roof, hoping to get them off that way. No dice. The Occupiers scrambled to the other side.

They had a giant inflatable mattress that two guys eventually jumped into (that would've been my choice, it looked fun). Finally, there was a huge cherry picker, which maneuvered around the structure cornering each protester. The two cops inside it harnessed, roped and very precariously hauled each remaining Occupier into the bucket.

It was sort of like rodeo meets Cirque du Soleil.

The cost of this little passion play had to be staggering, though no one has put a dollar figure on it yet. I counted dozens of officers, a tiny herd of horses, at least two tactical vehicles, a forklift, a cherry picker, plus that moonbounce thing.

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"Damn thing. This was *not* what was supposed to happen," said the musician and dog walker from Takoma Park. "You don't just go and antagonize the cops for nothing."

But that's exactly what they were doing. Young protesters hopped up on empowerment and anything else that could be found in those tents randomly spit insults at officers who were standing nearby, simply doing their jobs. Park Police officers, who make starting salaries of \$52,000 a year, are firmly part of that 99 percent the movement keeps talking about.

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The protesters are blatantly violating the law on a daily basis in the park, cooking, showering, sleeping, occupying. Yet they also have a righteous message about the nation's widening wealth gap that a good chunk of the 99 percent agree with. The protests are making people think and talk about the nation's housing and unemployment crises. Many people are just as angry as the protesters. They are ready for change and hungry for solutions.

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E-mail me at dvorakp@washpost.com.

Myers, Randolph

From: Fondren, Kimberly
Sent: Thursday, October 13, 2011 3:03 PM
To: Guddemi, Charlie; Owen, Robbin
Cc: Eaton, Robert; Roth, Barry; Young, Michael; Myers, Randolph
Subject: Guidance on Camping in the DC National Parks as 1st Amendment treats it.
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This is simply a brief synopsis of applicable case law standards, after our meeting with the DC government tomorrow and the MLK celebration briefing we can further flesh out what you need in order to address these issues.

Id. at Exhibit 4

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**CLARK, SECRETARY OF THE INTERIOR, ET AL. v. COMMUNITY FOR
CREATIVE NON-VIOLENCE ET AL.**

No. 82-1998

SUPREME COURT OF THE UNITED STATES

*468 U.S. 288; 104 S. Ct. 3065; 82 L. Ed. 2d 221; 1984 U.S. LEXIS 136; 52 U.S.L.W.
4986*

**March 21, 1984, Argued
June 29, 1984, Decided**

PRIOR HISTORY: CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

DISPOSITION: 227 U. S. App. D. C. 19, 703 F.2d 586, reversed.

DECISION:

National Park Service anti-camping regulation held constitutionally applied to Washington, D.C., demonstrators.

SUMMARY:

The Community for Creative Non-Violence and several individuals brought suit in the United States District Court for the District of Columbia to prevent the application of a National Park Service regulation, prohibiting camping in national parks except in designated campgrounds, to a proposed demonstration in Lafayette Park and the Mall, in the heart of Washington, D.C., in which demonstrators would sleep in symbolic tents to demonstrate the plight of the homeless. The District Court granted summary judgment in favor of the Park Service. The United States Court of Appeals for the District of Columbia Circuit reversed on the ground that the application of the regulation so as to prevent sleeping in the tents would infringe the demonstrators' *First Amendment* right of free expression (703 F2d 586).

On certiorari, the United States Supreme Court reversed. In an opinion by White, J., expressing the views of Burger, Ch. J., and Blackmun, Powell, Rehnquist, Stevens, and O'Connor, JJ., it was held that the Park Ser-

vice regulation did not violate the *First Amendment* when applied to the demonstrators because the regulation was justified without reference to the content of the regulated speech, was narrowly tailored to serve a significant governmental interest, and left open ample alternative channels for communication of the information.

Burger, Ch. J., while concurring fully in the court's opinion, filed a concurring opinion stating that the camping was conduct and not speech.

Marshall, J., joined by Brennan, J., dissented on the ground that the demonstrators' sleep was symbolic speech and that the regulation of it was not reasonable.

LAWYERS' EDITION HEADNOTES:

[***LEdHN1]

CONSTITUTIONAL LAW §960

demonstration -- camping --

Headnote:[1A][1B][1C]

A National Park Service regulation prohibiting camping in national parks except in campgrounds designated for that purpose does not violate the *First Amendment* when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall, in the heart of Washington, D. C., in connection with a demonstration intended to call attention to the plight of the homeless. (Marshall and Brennan, JJ, dissented from this holding.)

[***LEdHN2]

PARKS, SQUARES, AND COMMONS §2

camping --

Headnote:[2A][2B]

Sleeping in tents for the purpose of expressing the plight of the homeless falls within the definition of "camping" in a National Park Service regulation defining camping as the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping or doing any digging or earth breaking or carrying on cooking activities when it appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

[***LEdHN3]

EVIDENCE §102

First Amendment -- application --

Headnote:[3A][3B]

Although it is common to place the burden on the government to justify impingements on *First Amendment* interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the *First Amendment* even applies.

[***LEdHN4]

CONSTITUTIONAL LAW §934

expression -- restriction --

Headnote:[4]

Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, and manner restrictions.

[***LEdHN5]

CONSTITUTIONAL LAW §934

expression -- regulation --

Headnote:[5]

Restrictions on expression, whether oral or written or symbolized by conduct, are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information.

[***LEdHN6]

CONSTITUTIONAL LAW §934

symbolic speech -- regulation --

Headnote:[6]

Symbolic expression delivered by conduct intended to be communicative and in context reasonably understood by the viewer to be communicative may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech.

[***LEdHN7]

UNITED STATES §57

regulation -- situs --

Headnote:[7A][7B]

When the government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation.

[***LEdHN8]

PARKS, SQUARES, AND COMMONS §2

expressive violations --

Headnote:[8A][8B]

Even against people who choose to violate National Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, flying model planes, gambling, hunting and fishing, setting off fireworks, and urination.

[***LEdHN9]

CONSTITUTIONAL LAW §934

expression-restriction --

Headnote:[9A][9B]

Reasonable time, place, and manner restrictions are valid even though they directly limit oral or written expression.

SYLLABUS

In 1982, the National Park Service issued a permit to respondent Community for Creative Non-Violence (CCNV) to conduct a demonstration in Lafayette Park and the Mall, which are National Parks in the heart of Washington, D. C. The purpose of the demonstration was to call attention to the plight of the homeless, and the permit authorized the erection of two symbolic tent

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

cities. However, the Park Service, relying on its regulations -- particularly one that permits "camping" (defined as including sleeping activities) only in designated campgrounds, no campgrounds having ever been designated in Lafayette Park or the Mall -- denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents. CCNV and the individual respondents then filed an action in Federal District Court, alleging, *inter alia*, that application of the regulations to prevent sleeping in the tents violated the *First Amendment*. The District Court granted summary judgment for the Park Service, but the Court of Appeals reversed.

Held : The challenged application of the Park Service regulations does not violate the *First Amendment*. Pp. 293-299.

(a) Assuming that overnight sleeping in connection with the demonstration is expressive conduct protected to some extent by the *First Amendment*, the regulation forbidding sleeping meets the requirements for a reasonable time, place, or manner restriction of expression, whether oral, written, or symbolized by conduct. The regulation is neutral with regard to the message presented, and leaves open ample alternative methods of communicating the intended message concerning the plight of the homeless. Moreover, the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of the Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping would be totally inimical to these purposes. The validity of the regulation need not be judged solely by reference to the demonstration at hand, and none of its provisions are unrelated to the ends that it was designed to serve. Pp. 293-298.

(b) Similarly, the challenged regulation is also sustainable as meeting the standards for a valid regulation of expressive conduct. Aside from its impact on speech, a rule against camping or overnight sleeping in public parks is not beyond the constitutional power of the Government to enforce. And as noted above, there is a substantial Government interest, unrelated to suppression of expression, in conserving park property that is served by the proscription of sleeping. Pp. 298-299.

COUNSEL: Deputy Solicitor General Bator argued the cause for petitioners. With him on the briefs were Solicitor General Lee, Assistant Attorney General McGrath, Alan I. Horowitz, Leonard Schaitman, and Katherine S. Gruenheck.

Burt Neuborne argued the cause for respondents. With him on the brief were Charles S. Sims, Laura Macklin, Arthur B. Spitzer, and Elizabeth Symonds. *

* Ogden Northrop Lewis filed a brief for the National Coalition for the Homeless as amicus curiae urging affirmance.

JUDGES: WHITE, J., delivered the opinion of the Court, in which BURGER, C. J., and BLACKMUN, POWELL, REHNQUIST, STEVENS, and O'CONNOR, JJ., joined. BURGER, C. J., filed a concurring opinion, post, p. 300. MARSHALL, J., filed a dissenting opinion, in which BRENNAN, J., joined, post, p. 301.

OPINION BY: WHITE

OPINION

[*289] [***224] [**3067] JUSTICE WHITE delivered the opinion of the Court.

[***LEdHR1A] [1A]The issue in this case is whether a National Park Service regulation prohibiting camping in certain parks violates the *First Amendment* when applied to prohibit demonstrators from sleeping in Lafayette Park and the Mall in connection with a demonstration intended to call attention to the plight of the homeless. We hold that it does not and reverse the contrary judgment of the Court of Appeals.

I

The Interior Department, through the National Park Service, is charged with responsibility for the management and maintenance of the National Parks and is authorized to promulgate rules and regulations for the use of the parks in accordance with the purposes for which they were established.

[*290] 16 U. S. C. §§ 1, 1a-1, 3. ¹ [***225] The network of National Parks includes the National Memorial-core parks, Lafayette Park and the Mall, which are set in the heart of Washington, D. C., and which are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a "garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches." National Park Service, U.S. Department of the Interior, White House and President's Park, Resource Management Plan 4.3 (1981). The Mall is a stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast

numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area.

1 The Secretary is admonished to promote and regulate the use of the parks by such means as conform to the fundamental purpose of the parks, which is "to conserve the scenery and the natural and historic objects and the wild life therein . . . in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 39 Stat. 535, as amended, 16 U. S. C. § 1.

Under the regulations involved in this case, camping in National Parks is permitted only in campgrounds designated for that purpose. 36 CFR § 50.27(a) (1983). No such campgrounds have ever been designated in Lafayette Park or the Mall. Camping is defined as

"the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose [*291] of sleeping), or storing personal belongings, or making any fire, or using any tents or . . . other structure . . . for sleeping or doing any digging or earth breaking or carrying on cooking activities." *Ibid.*

These activities, the regulation provides,

"constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging." *Ibid.*

[**3068] Demonstrations for the airing of views or grievances are permitted in the Memorial-core parks, but for the most part only by Park Service permits. 36 CFR § 50.19 (1983). Temporary structures may be erected for demonstration purposes but may not be used for camping. 36 CFR § 50.19(e)(8) (1983).²

2 Section 50.19(e)(8), as amended, prohibits the use of certain temporary structures:

"In connection with permitted demonstrations or special events, temporary structures may be erected for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays. Temporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleep-

ing), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging."

In [***226] 1982, the Park Service issued a renewable permit to respondent Community for Creative Non-Violence (CCNV) to conduct a wintertime demonstration in Lafayette Park and the Mall for the purpose of demonstrating the plight of the [*292] homeless. The permit authorized the erection of two symbolic tent cities: 20 tents in Lafayette Park that would accommodate 50 people and 40 tents in the Mall with a capacity of up to 100. The Park Service, however, relying on the above regulations, specifically denied CCNV's request that demonstrators be permitted to sleep in the symbolic tents.

[***LEdHR2A] [2A]CCNV and several individuals then filed an action to prevent the application of the no-camping regulations to the proposed demonstration, which, it was claimed, was not covered by the regulation. It was also submitted that the regulations were unconstitutionally vague, had been discriminatorily applied, and could not be applied to prevent sleeping in the tents without violating the *First Amendment*. The District Court granted summary judgment in favor of the Park Service. The Court of Appeals, sitting en banc, reversed. *Community for Creative Non-Violence v. Watt*, 227 U. S. App. D. C. 19, 703 F.2d 586 (1983). The 11 judges produced 6 opinions. Six of the judges believed that application of the regulations so as to prevent sleeping in the tents would infringe the demonstrators' *First Amendment* right of free expression. The other five judges disagreed and would have sustained the regulations as applied to CCNV's proposed demonstration.³ We granted the Government's petition for certiorari, 464 U.S. 1016 (1983), and now reverse.⁴

3 The *per curiam* opinion preceding the individual opinions described the lineup of the judges as follows:

"Circuit Judge Mikva files an opinion, in which Circuit Judge Wald concurs, in support of a judgment reversing. Chief Judge Robinson and Circuit Judge Wright file a statement joining in the judgment and concurring in Circuit Judge Mikva's opinion with a caveat. Circuit Judge Edwards files an opinion joining in the judgment and concurring partially in Circuit Judge Mikva's

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

opinion. Circuit Judge Ginsburg files an opinion joining in the judgment. Circuit Judge Wilkey files a dissenting opinion, in which Circuit Judges Tamm, MacKinnon, Bork and Scalia concur. Circuit Judge Scalia files a dissenting opinion, in which Circuit Judges MacKinnon and Bork concur." 227 U. S. App. D. C., at 19-20, 703 F.2d, at 586-587.

4 [***LEdHR2B] [2B]

As a threshold matter, we must address respondents' contention that their proposed activities do not fall within the definition of "camping" found in the regulations. None of the opinions below accepted this contention, and at least nine of the judges expressly rejected it. *Id.*, at 24, 703 F.2d, at 591 (opinion of Mikva, J.); *id.*, at 42, 703 F.2d, at 609 (opinion of Wilkey, J.). We likewise find the contention to be without merit. It cannot seriously be doubted that sleeping in tents for the purpose of expressing the plight of the homeless falls within the regulation's definition of camping.

[*293] II

[***LEdHR3A] [3A] [***LEdHR4] [4] [***LEdHR5] [5] We need not differ with the view of the Court of Appeals that overnight [**3069] sleeping in connection with the demonstration is expressive conduct protected to some [***227] extent by the *First Amendment*.⁵ We assume for present purposes, but do not decide, that such is the case, cf. *United States v. O'Brien*, 391 U.S. 367, 376 (1968), but this assumption only begins the inquiry. Expression, whether oral or written or symbolized by conduct, is subject to reasonable time, place, or manner restrictions. We have often noted that restrictions of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *United States v. Grace*, 461 U.S. 171 (1983); *Perry Education Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37, 45-46 (1983); *Heffron v. International Society for Krishna Consciousness*, [**294] *Inc.*, 452 U.S. 640, 647-648 (1981); *Virginia Pharmacy Board v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 771 (1976); *Consolidated Edison Co. v. Public Service Comm'n of N. Y.*, 447 U.S. 530, 535 (1980).

5 [***LEdHR3B] [3B]

We reject the suggestion of the plurality below, however, that the burden on the demonstra-

tors is limited to "the advancement of a plausible contention" that their conduct is expressive. *Id.*, at 26, n. 16, 703 F.2d, at 593, n. 16. Although it is common to place the burden upon the Government to justify impingements on *First Amendment* interests, it is the obligation of the person desiring to engage in assertedly expressive conduct to demonstrate that the *First Amendment* even applies. To hold otherwise would be to create a rule that all conduct is presumptively expressive. In the absence of a showing that such a rule is necessary to protect vital *First Amendment* interests, we decline to deviate from the general rule that one seeking relief bears the burden of demonstrating that he is entitled to it.

[***LEdHR6] [6] It is also true that a message may be delivered by conduct that is intended to be communicative and that, in context, would reasonably be understood by the viewer to be communicative. *Spence v. Washington*, 418 U.S. 405 (1974); *Tinker v. Des Moines School District*, 393 U.S. 503 (1969). Symbolic expression of this kind may be forbidden or regulated if the conduct itself may constitutionally be regulated, if the regulation is narrowly drawn to further a substantial governmental interest, and if the interest is unrelated to the suppression of free speech. *United States v. O'Brien*, *supra*.

[***LEdHR1B] [1B] Petitioners submit, as they did in the Court of Appeals, that the regulation forbidding sleeping is defensible either as a time, place, or manner restriction or as a regulation of symbolic conduct. We agree with that assessment. The permit that was issued authorized the demonstration but required compliance with 36 CFR § 50.19 (1983), which prohibits "camping" on park lands, that is, the use of park lands for living accommodations, such as sleeping, storing personal belongings, making fires, digging, or cooking. These provisions, including the ban on sleeping, are clearly limitations on the manner in which the demonstration could be carried out. That sleeping, like the symbolic tents themselves, may be expressive and part of the message delivered by [***228] the demonstration does not make the ban any less a limitation on the manner of demonstrating, for reasonable time, place, or manner regulations normally have the purpose and direct effect of limiting expression but are nevertheless valid. *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*; *Heffron v. International Society for Krishna Consciousness, Inc.*, *supra*; *Kovacs v. Cooper*, 336 U.S. 77 (1949). Neither does the fact that sleeping, *arguendo*, may be expressive [*295] conduct, rather than oral or written expression, render [**3070] the sleeping prohibition any less a time, place, or manner regulation. To the con-

trary, the Park Service neither attempts to ban sleeping generally nor to ban it everywhere in the parks. It has established areas for camping and forbids it elsewhere, including Lafayette Park and the Mall. Considered as such, we have very little trouble concluding that the Park Service may prohibit overnight sleeping in the parks involved here.

The requirement that the regulation be content-neutral is clearly satisfied. The courts below accepted that view, and it is not disputed here that the prohibition on camping, and on sleeping specifically, is content-neutral and is not being applied because of disagreement with the message presented.⁶ Neither was the regulation faulted, nor could it be, on the ground that without overnight sleeping the plight of the homeless could not be communicated in other ways. The regulation otherwise left the demonstration intact, with its symbolic city, signs, and the presence of those who were willing to take their turns in a day-and-night vigil. Respondents do not suggest that there was, or is, any barrier to delivering to the media, or to the public by other means, the intended message concerning the plight of the homeless.

⁶ Respondents request that we remand to the Court of Appeals for resolution of their claim that the District Court improperly granted summary judgment on the equal protection claim. Brief for Respondents 91, n. 50. They contend that there were disputed questions of fact concerning the uniformity of enforcement of the regulation, claiming that other groups have slept in the parks. The District Court specifically found that the regulations have been consistently applied and enforced in a fair and non-discriminatory manner. App. to Pet. for Cert. 106a-108a. Only 5 of the 11 judges in the Court of Appeals addressed the equal protection claim. *227 U. S. App. D. C.*, at 43-44, 703 F.2d, at 610-611 (opinion of Wilkey, J., joined by Tamm, MacKinnon, Bork, and Scalia, JJ.). Our review of the record leads us to agree with their conclusion that there is no genuine issue of material fact and that the most that respondents have shown are isolated instances of undiscovered violations of the regulations.

[*296] It is also apparent to us that the regulation narrowly focuses on the Government's substantial interest in maintaining the parks in the heart of our Capital in an attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence. To permit camping -- using these areas as living accommodations -- would be totally inimical to these purposes, as would be readily understood by those who have frequented the National Parks across the coun-

try and observed the unfortunate consequences of the activities of those who refuse to confine their camping to designated areas.

It is urged by respondents, and the Court of Appeals was of this view, that if the symbolic city of tents was to be permitted and if the demonstrators did not intend to cook, dig, [***229] or engage in aspects of camping other than sleeping, the incremental benefit to the parks could not justify the ban on sleeping, which was here an expressive activity said to enhance the message concerning the plight of the poor and homeless. We cannot agree. In the first place, we seriously doubt that the *First Amendment* requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. Furthermore, although we have assumed for present purposes that the sleeping banned in this case would have an expressive element, it is evident that its major value to this demonstration would be facilitative. Without a permit to sleep, it would be difficult to get the poor and homeless to participate or to be present at all. This much is apparent from the permit application filed by respondents: "Without the incentive of sleeping space or a hot meal, the homeless would not come to the site." App. 14. The sleeping ban, if enforced, would thus effectively limit the nature, extent, and duration of the demonstration and to that extent ease the pressure on the parks.

Beyond this, however, it is evident from our cases that the validity of this [**3071] regulation need not be judged solely by reference [*297] to the demonstration at hand. *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S., at 652-653. Absent the prohibition on sleeping, there would be other groups who would demand permission to deliver an asserted message by camping in Lafayette Park. Some of them would surely have as credible a claim in this regard as does CCNV, and the denial of permits to still others would present difficult problems for the Park Service. With the prohibition, however, as is evident in the case before us, at least some around-the-clock demonstrations lasting for days on end will not materialize, others will be limited in size and duration, and the purposes of the regulation will thus be materially served. Perhaps these purposes would be more effectively and not so clumsily achieved by preventing tents and 24-hour vigils entirely in the core areas. But the Park Service's decision to permit nonsleeping demonstrations does not, in our view, impugn the camping prohibition as a valuable, but perhaps imperfect, protection to the parks. If the Government has a legitimate interest in ensuring that the National Parks are adequately protected, which we think it has, and if the parks would be more exposed to harm without the sleeping prohibition than with it, the ban is

safe from invalidation under the *First Amendment* as a reasonable regulation of the manner in which a demonstration may be carried out. As in *City Council of Los Angeles v. Taxpayers for Vincent*, the regulation "responds precisely to the substantive problems which legitimately concern the [Government]." 466 U.S., at 810.

[**LEdHR7A] [7A] [**LEdHR8A] [8A] We have difficulty, therefore, in understanding why the prohibition against camping, with its ban on sleeping overnight, is not a reasonable time, place, or manner regulation that withstands constitutional scrutiny. Surely the regulation is not unconstitutional on its face. None of its provisions appears unrelated to the ends that it was designed to serve. Nor is it any less valid when applied to prevent camping [**230] in Memorial-core parks by those who wish to demonstrate [*298] and deliver a message to the public and the central Government. Damage to the parks as well as their partial inaccessibility to other members of the public can as easily result from camping by demonstrators as by nondemonstrators. In neither case must the Government tolerate it. All those who would resort to the parks must abide by otherwise valid rules for their use, just as they must observe the traffic laws, sanitation regulations, and laws to preserve the public peace.⁷ This is no more than a reaffirmation that reasonable time, place, or manner restrictions on expression are constitutionally acceptable.

7 [**LEdHR7B] [7B] [**LEdHR8B] [8B]

When the Government seeks to regulate conduct that is ordinarily nonexpressive it may do so regardless of the situs of the application of the regulation. Thus, even against people who choose to violate Park Service regulations for expressive purposes, the Park Service may enforce regulations relating to grazing animals, 36 CFR § 50.13 (1983); flying model planes, § 50.16; gambling, § 50.17; hunting and fishing, § 50.18; setting off fireworks, § 50.25(g); and urination, § 50.26(b).

[**LEdHR1C] [1C] [**LEdHR9A] [9A] Contrary to the conclusion of the Court of Appeals, the foregoing analysis demonstrates that the Park Service regulation is sustainable under the four-factor standard of *United States v. O'Brien*, 391 U.S. 367 (1968), for validating a regulation of expressive conduct, which, in the last analysis is little, if any, different from the standard applied to time, place, or manner restrictions.⁸ No one contends that aside [*299] from [**3072] its impact on speech a rule against camping or overnight sleeping in public parks is beyond the constitutional power of the Government to enforce. And for the reasons we have

discussed above, there is a substantial Government interest in conserving park property, an interest that is plainly served by, and requires for its implementation, measures such as the proscription of sleeping that are designed to limit the wear and tear on park properties. That interest is unrelated to suppression of expression.

8 [**LEdHR9B] [9B]

Reasonable time, place, or manner restrictions are valid even though they directly limit oral or written expression. It would be odd to insist on a higher standard for limitations aimed at regulable conduct and having only an incidental impact on speech. Thus, if the time, place, or manner restriction on expressive sleeping, if that is what is involved in this case, sufficiently and narrowly serves a substantial enough governmental interest to escape *First Amendment* condemnation, it is untenable to invalidate it under *O'Brien* on the ground that the governmental interest is insufficient to warrant the intrusion on *First Amendment* concerns or that there is an inadequate nexus between the regulation and the interest sought to be served. We note that only recently, in a case dealing with the regulation of signs, the Court framed the issue under *O'Brien* and then based a crucial part of its analysis on the time, place, or manner cases. *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 804-805, 808-810 (1984).

We are unmoved by the Court of Appeals' view that the challenged regulation is unnecessary, and hence invalid, because there are less speech-restrictive alternatives that could have satisfied the Government interest in preserving park lands. There is no gainsaying that preventing overnight sleeping will avoid a measure of actual or threatened damage to Lafayette Park and the Mall. The Court of Appeals' suggestions that the Park Service minimize the possible injury by reducing the size, duration, or frequency of demonstrations would still curtail the [**231] total allowable expression in which demonstrators could engage, whether by sleeping or otherwise, and these suggestions represent no more than a disagreement with the Park Service over how much protection the core parks require or how an acceptable level of preservation is to be attained. We do not believe, however, that either *United States v. O'Brien* or the time, place, or manner decisions assign to the judiciary the authority to replace the Park Service as the manager of the Nation's parks or endow the judiciary with the competence to judge how much protection of park lands is wise and how that level of conservation is to be attained.

⁹

9 We also agree with Judge Edwards' observation that "[to] insist upon a judicial resolution of this case, given the facts and record at hand, arguably suggests a lack of common sense." 227 U. S. App. D. C., at 33, 703 F.2d at 600. Nor is it any clearer to us than it was to him "what has been achieved by this rather exhausting expenditure of judicial resources." *Id.*, at 34, 703 F.2d, at 601.

Accordingly, the judgment of the Court of Appeals is

Reversed.

CONCUR BY: BURGER

CONCUR

[*300] CHIEF JUSTICE BURGER, concurring.

I concur fully in the Court's opinion.

I find it difficult to conceive of what "camping" means, if it does not include pitching a tent and building a fire. Whether sleeping or cooking follows is irrelevant. With all its frailties, the English language, as used in this country for several centuries, and as used in the Park Service regulations, could hardly be plainer in informing the public that camping in Lafayette Park was prohibited.

The actions here claimed as speech entitled to the protections of the *First Amendment* simply are not speech; rather, they constitute conduct. As Justice Black, who was never tolerant of limits on speech, emphatically pointed out in his separate opinion in *Cox v. Louisiana*, 379 U.S. 536, 578 (1965):

"The *First* and *Fourteenth Amendments*, I think, take away from government, state and federal, all power to restrict freedom of speech, press, and assembly *where people have a right to be for such purposes*. . . . Picketing, though it may be utilized to communicate ideas, is not speech, and therefore is not of itself protected by the *First Amendment*." (Emphasis in original; citations omitted.)

Respondents' attempt at camping in the park is a form of "picketing"; it is conduct, not speech. Moreover, it is conduct that interferes with the rights of others to use Lafayette Park for the purposes for which [*3073] it was created. Lafayette Park and others like it are for all the people, and their rights are not to be trespassed even by those who have some "statement" to make. Tents, fires, and sleepers, real or feigned, interfere with the rights of others to use our parks. Of [*301] course, the Constitution guarantees that people may make their "statements," but Washington has count-

less places for the kind of "statement" these respondents sought to make.

It trivializes the *First Amendment* to seek to use it as a shield in the [***232] manner asserted here. And it tells us something about why many people must wait for their "day in court" when the time of the courts is pre-empted by frivolous proceedings that delay the causes of litigants who have legitimate, nonfrivolous claims. This case alone has engaged the time of 1 District Judge, an en banc court of 11 Court of Appeals Judges, and 9 Justices of this Court.

DISSENT BY: MARSHALL

DISSENT

JUSTICE MARSHALL, with whom JUSTICE BRENNAN joins, dissenting.

The Court's disposition of this case is marked by two related failings. First, the majority is either unwilling or unable to take seriously the *First Amendment* claims advanced by respondents. Contrary to the impression given by the majority, respondents are not supplicants seeking to wheedle an undeserved favor from the Government. They are citizens raising issues of profound public importance who have properly turned to the courts for the vindication of their constitutional rights. Second, the majority misapplies the test for ascertaining whether a restraint on speech qualifies as a reasonable time, place, and manner regulation. In determining what constitutes a sustainable regulation, the majority fails to subject the alleged interests of the Government to the degree of scrutiny required to ensure that expressive activity protected by the *First Amendment* remains free of unnecessary limitations.

I

The proper starting point for analysis of this case is a recognition that the activity in which respondents seek to engage -- sleeping in a highly public place, outside, in the winter for the purpose of protesting homelessness -- is symbolic speech protected by the *First Amendment*. The majority [*302] assumes, without deciding, that the respondents' conduct is entitled to constitutional protection. *Ante*, at 293. The problem with this assumption is that the Court thereby avoids examining closely the reality of respondents' planned expression. The majority's approach denatures respondents' asserted right and thus makes all too easy identification of a Government interest sufficient to warrant its abridgment. A realistic appraisal of the competing interests at stake in this case requires a closer look at the nature of the expressive conduct at issue and the context in which that conduct would be displayed.

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

In late autumn of 1982, respondents sought permission to conduct a round-the-clock demonstration in Lafayette Park and on the Mall. Part of the demonstration would include homeless persons sleeping outside in tents without any other amenities.¹ Respondents sought to begin their demonstration on a date full of ominous meaning to any homeless person: the first day of winter. Respondents were similarly purposeful in choosing demonstration sites. The Court portrays these sites -- the Mall [***233] and Lafayette Park -- in a peculiar fashion. According to the Court:

"Lafayette Park and the Mall . . . are unique resources that the Federal Government holds in trust for the American people. Lafayette Park is a roughly [**3074] 7-acre square located across Pennsylvania Avenue from the White House. Although originally part of the White House grounds, President Jefferson set it aside as a park for the use of residents and visitors. It is a 'garden park with a . . . formal landscaping of flowers and trees, with fountains, walks and benches.' . . . The Mall is a [*303] stretch of land running westward from the Capitol to the Lincoln Memorial some two miles away. It includes the Washington Monument, a series of reflecting pools, trees, lawns, and other greenery. It is bordered by, *inter alia*, the Smithsonian Institution and the National Gallery of Art. Both the Park and the Mall were included in Major Pierre L'Enfant's original plan for the Capital. Both are visited by vast numbers of visitors from around the country, as well as by large numbers of residents of the Washington metropolitan area." *Ante*, at 290.

Missing from the majority's description is any inkling that Lafayette Park and the Mall have served as the sites for some of the most rousing political demonstrations in the Nation's history. It is interesting to learn, I suppose, that Lafayette Park and the Mall were both part of Major Pierre L'Enfant's original plan for the Capital. Far more pertinent, however, is that these areas constitute, in the Government's words, "a fitting and powerful forum for political expression and political protest." Brief for Petitioners 11.²

1 The previous winter respondents had held a similar demonstration after courts ruled that the Park Service regulations then in effect did not extend to respondents' proposed activities. *Community for Creative Non-Violence v. Watt*, 216 U. S. App. D. C. 394, 670 F.2d 1213 (1982) (CCNV I). Those activities consisted of setting up and sleeping in nine tents in Lafayette Park. The regulations at issue in this case were promulgated in direct response to CCNV I. 47 Fed. Reg. 24299 (1982).

2 At oral argument, the Government informed the Court "that on any given day there will be an average of three or so demonstrations going on" in the Mall-Lafayette Park area. Tr. of Oral Arg. 3-4. Respondents accurately describe Lafayette Park "as the American analogue to 'Speaker's Corner' in Hyde Park." Brief for Respondents 16, n. 25.

The primary³ purpose for making *sleep* an integral part of the demonstration was "to re-enact the central reality of [*304] homelessness," Brief for Respondents 2, and to impress upon public consciousness, in as dramatic a way as possible, that homelessness is a widespread problem, often ignored, that confronts its victims with life-threatening deprivations.⁴ [***234] As one of the homeless men seeking to demonstrate explained: "Sleeping in Lafayette Park or on the Mall, for me, is to show people that conditions are so poor for the homeless and poor in this city that we would actually sleep *outside* in the winter to get the point across." *Id.*, at 3.

3 Another purpose for making sleep part of the demonstration was to enable participants to weather the rigors of the round-the-clock vigil and to encourage other homeless persons to participate in the demonstration. As respondents stated in their application for a demonstration permit:

"If there was ever any question as to whether sleeping was a necessary element in this demonstration, it should be answered by now [in light of the previous year's demonstration]. No matter how hard we tried to get [homeless persons] to come to Reaganville [the name given to the demonstration by respondents], they simply would not come, until sleeping was permitted." App. 14.

4 Estimates on the number of homeless persons in the United States range from two to three million. See Brief for National Coalition for the Homeless as *Amicus Curiae* 3. Though numerically significant, the homeless are politically powerless inasmuch as they lack the financial resources necessary to obtain access to many of the most effective means of persuasion. Moreover, homeless persons are likely to be denied access to the vote since the lack of a mailing address or other proof of residence within a State disqualifies an otherwise eligible citizen from registering to vote. *Id.*, at 5.

The detrimental effects of homelessness are manifold and include psychic trauma, circulatory difficulties, infections that refuse to heal, lice infestations, and hypothermia. *Id.*, at 14-15. In

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

the extreme, exposure to the elements can lead to death; over the 1983 Christmas weekend in New York City, 14 homeless persons perished from the cold. See N. Y. Times, Dec. 27, 1983, p. A1., col. 1.

In a long line of cases, this Court has afforded *First Amendment* protection to expressive conduct that qualifies as symbolic speech. See, e. g., *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969) (black armband worn by students in public school as protest against United States policy in Vietnam war); *Brown v. Louisiana*, 383 U.S. 131 [*3075] (1966) (sit-in by Negro students in "whites only" library to protest segregation); *Stromberg v. California*, 283 U.S. 359 (1931) (flying red flag as gesture of support for communism). In light of the surrounding context, respondents' proposed activity meets the qualifications. The Court has previously acknowledged the importance of context in determining [*305] whether an act can properly be denominated as "speech" for *First Amendment* purposes and has provided guidance concerning the way in which courts should "read" a context in making this determination. The leading case is *Spence v. Washington*, 418 U.S. 405 (1974), where this Court held that displaying a United States flag with a peace symbol attached to it was conduct protected by the *First Amendment*. The Court looked first to the intent of the speaker -- whether there was an "intent to convey a particularized message" -- and second to the perception of the audience -- whether "the likelihood was great that the message would be understood by those who viewed it." *Id.*, at 410-411. Here respondents clearly intended to protest the reality of homelessness by sleeping outdoors in the winter in the near vicinity of the magisterial residence of the President of the United States. In addition to accentuating the political character of their protest by their choice of location and mode of communication, respondents also intended to underline the meaning of their protest by giving their demonstration satirical names. Respondents planned to name the demonstration on the Mall "Congressional Village," and the demonstration in Lafayette Park, "Reaganville II." App. 13.

Nor can there be any doubt that in the surrounding circumstances the likelihood was great that the political significance of sleeping in the parks would be understood by those who viewed it. Certainly the news media understood the significance of respondents' proposed activity; newspapers and magazines from around the Nation reported their previous sleep-in and their planned display.⁵ Ordinary citizens, too, would likely understand the political message intended by respondents. This likelihood stems from the remarkably apt fit between the activity [***235] in which respondents seek to engage [*306] and the social problem they seek to highlight.

By using sleep as an integral part of their mode of protest, respondents "can express with their bodies the poignancy of their plight. They can physically demonstrate the neglect from which they suffer with an articulateness even Dickens could not match." *Community for Creative Non-Violence v. Watt*, 227 U.S. App. D. C. 19, 34, 703 F.2d 586, 601 (1983) (Edwards, J. concurring).

5 See articles appended to Declaration of Mary Ellen Hombs, Record, Vol. 1.

It is true that we all go to sleep as part of our daily regimen and that, for the most part, sleep represents a physical necessity and not a vehicle for expression. But these characteristics need not prevent an activity that is normally devoid of expressive purpose from being used as a novel mode of communication. Sitting or standing in a library is a commonplace activity necessary to facilitate ends usually having nothing to do with making a statement. Moreover, sitting or standing is not conduct that an observer would normally construe as expressive conduct. However, for Negroes to stand or sit in a "whites only" library in Louisiana in 1965 was powerfully expressive; in that particular context, those acts became "monuments of protest" against segregation. *Brown v. Louisiana*, *supra*, at 139.

The Government contends that a foreseeable difficulty of administration counsels against recognizing sleep as a mode of expression protected by the *First Amendment*. The predicament the Government envisions can be termed "the imposter problem": the problem of distinguishing bona fide protesters from imposters whose requests for permission to sleep in Lafayette Park or the Mall on *First Amendment* [***3076] grounds would mask ulterior designs -- the simple desire, for example, to avoid the expense of hotel lodgings. The Government maintains that such distinctions cannot be made without inquiring into the sincerity of demonstrators and that "such an inquiry would itself pose dangers to *First Amendment* values because it would necessarily be content-sensitive. I find this argument unpersuasive. First, a [*307] variety of circumstances *already* require government agencies to engage in the delicate task of inquiring into the sincerity of claimants asserting *First Amendment* rights. See, e. g., *Wisconsin v. Yoder*, 406 U.S. 205, 215-216 (1972) (exception of members of religious group from compulsory education statute justified by group's adherence to deep religious conviction rather than subjective secular values); *Welsh v. United States*, 398 U.S. 333, 343-344 (1970) (eligibility for exemption from military service as conscientious objector status justified by sincere religious beliefs). It is thus incorrect to imply that any scrutiny of the asserted purpose of persons seeking a permit to display sleeping as a form of symbolic speech would import something altogether new

and disturbing into our *First Amendment* jurisprudence. Second, the administrative difficulty the Government envisions is now nothing more than a vague apprehension. If permitting sleep to be used as a form of protected *First Amendment* activity actually created the administrative problems the Government now envisions, there would emerge a clear factual basis upon which to establish the [***236] necessity for the limitation the Government advocates.

The Government's final argument against granting respondents' proposed activity any degree of *First Amendment* protection is that the contextual analysis upon which respondents rely is fatally flawed by overinclusiveness. The Government contends that the *Spence* approach is overinclusive because it accords *First Amendment* status to a wide variety of acts that, although expressive, are obviously subject to prohibition. As the Government notes, "[actions] such as assassination of political figures and the bombing of government buildings can fairly be characterized as intended to convey a message that it readily perceived by the public." Brief for Petitioners 24, n. 18. The Government's argument would pose a difficult problem were the determination whether an act constitutes "speech" the end of *First Amendment* analysis. But such a determination is not the end. If [*308] an act is defined as speech, it must still be balanced against countervailing government interests. The balancing which the *First Amendment* requires would doom any argument seeking to protect antisocial acts such as assassination or destruction of government property from government interference because compelling interests would outweigh the expressive value of such conduct.

II

Although sleep in the context of this case is symbolic speech protected by the *First Amendment*, it is nonetheless subject to reasonable time, place, and manner restrictions. I agree with the standard enunciated by the majority: "[Restrictions] of this kind are valid provided that they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." *Ante*, at 293 (citations omitted).⁶ I conclude, however, that the regulations at issue in this case, as applied to respondents, fail to satisfy this standard.

⁶ I also agree with the majority that no substantial difference distinguishes the test applicable to time, place, and manner restrictions and the test articulated in *United States v. O'Brien*, 391 U.S. 367 (1968). See *Ante*, at 298-299, n. 8.

According to the majority, the significant Government interest advanced by denying respondents' request to engage in sleep-speech is the interest in "maintaining the parks in the heart of our Capital in an [**3077] attractive and intact condition, readily available to the millions of people who wish to see and enjoy them by their presence." *Ante*, at 296. That interest is indeed significant. However, neither the Government nor the majority adequately explains how prohibiting respondents' planned activity will substantially further that interest.

The majority's attempted explanation begins with the curious statement that it seriously doubts that the *First* [*309] *Amendment* requires the Park Service to permit a demonstration in Lafayette Park and the Mall involving a 24-hour vigil and the erection of tents to accommodate 150 people. *Ante*, [***237] at 296. I cannot perceive why the Court should have "serious doubts" regarding this matter and it provides no explanation for its uncertainty. Furthermore, even if the majority's doubts were well founded, I cannot see how such doubts relate to the problem at hand. The issue posed by this case is not whether the Government is constitutionally compelled to permit the erection of tents and the staging of a continuous 24-hour vigil; rather, the issue is whether any substantial Government interest is served by banning sleep that is part of a political demonstration.

What the Court may be suggesting is that if the tents and the 24-hour vigil are permitted, but not constitutionally required to be permitted, then respondents have no constitutional right to engage in expressive conduct that supplements these activities. Put in arithmetical terms, the Court appears to contend that if X is permitted by grace rather than by constitutional compulsion, X + 1 can be denied without regard to the requirements the Government must normally satisfy in order to restrain protected activity. This notion, however, represents a misguided conception of the *First Amendment*. The *First Amendment* requires the Government to justify every instance of abridgment. That requirement stems from our oft-stated recognition that the *First Amendment* was designed to secure "the widest possible dissemination of information from diverse and antagonistic sources," *Associated Press v. United States*, 326 U.S. 1, 20 (1945), and "to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth v. United States*, 354 U.S. 476, 484 (1957). See also *Buckley v. Valeo*, 424 U.S. 1, 49 (1976); *New York Times Co. v. Sullivan*, 376 U.S. 254, 266 (1964); *Whitney v. California*, 274 U.S. 357, 375-378 (1927) (Brandeis, J., concurring). Moreover, the stringency of that requirement is [*310] not diminished simply because the activity the Government seeks to restrain is supplemental to other activity that the Gov-

ernment may have permitted out of grace but was not constitutionally compelled to allow. If the Government cannot adequately justify abridgment of protected expression, there is no reason why citizens should be prevented from exercising the *first* of the rights safeguarded by our *Bill of Rights*.

The majority's second argument is comprised of the suggestion that, although sleeping contains an element of expression, "its major value to [respondents'] demonstration would have been facilitative." *Ante*, at 296. While this observation does provide a hint of the weight the Court attached to respondents' *First Amendment* claims,⁷ it is utterly irrelevant to [***238] whether [**3078] the Government's ban on sleeping advances a substantial Government interest.

7 The facilitative purpose of the sleep-in takes away nothing from its independent status as symbolic speech. Moreover, facilitative conduct that is closely related to expressive activity is itself protected by *First Amendment* considerations. I therefore find myself in agreement with Judge Ginsburg who noted that "the personal non-communicative aspect of sleeping in symbolic tents at a demonstration site bears a close, functional relationship to an activity that is commonly comprehended as 'free speech.'" *Community for Creative Non-Violence v. Watt*, 227 U.S. App. D. C. 19, 40, 703 F.2d 586, 607 (1983). "[Sleeping] in the tents rather than simply standing or sitting down in them, allows the demonstrator to sustain his or her protest without stopping short of the officially-granted round-the-clock permission." *Ibid*. For me, as for Judge Ginsburg, that linkage itself "suffices to require a genuine effort to balance the demonstrators' interests against other concerns for which the government bears responsibility." *Ibid*.

The majority's third argument is based upon two claims. The first is that the ban on sleeping relieves the Government of an administrative burden because, without the flat ban, the process of issuing and denying permits to other demonstrators asserting *First Amendment* rights to sleep in the parks "would present difficult problems for the Park Service." *Ante*, at 297. The second is that the ban on sleeping [*311] will increase the probability that "some around-the-clock demonstrations for days on end will not materialize, [that] others will be limited in size and duration, and that the purpose of the regulation will thus be materially served," *ante*, at 297, that purpose being "to limit the wear and tear on park properties." *Ante*, at 299.

The flaw in these two contentions is that neither is supported by a factual showing that evinces a real, as

opposed to a merely speculative, problem. The majority fails to offer any evidence indicating that the absence of an absolute ban on sleeping would present administrative problems to the Park Service that are substantially more difficult than those it ordinarily confronts. A mere apprehension of difficulties should not be enough to overcome the right to free expression. See *United States v. Grace*, 461 U.S. 171, 182 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S., at 508. Moreover, if the Government's interest in avoiding administrative difficulties were truly "substantial," one would expect the agency most involved in administering the parks at least to allude to such an interest. Here, however, the perceived difficulty of administering requests from other demonstrators seeking to convey messages through sleeping was not among the reasons underlying the Park Service regulations.⁸ Nor was it mentioned by the Park Service in its rejection of respondents' particular request.⁹

8 See 47 Fed. Reg. 24301 (1982).

9 App. 16-17.

The Court's erroneous application of the standard for ascertaining a reasonable time, place, and manner restriction is also revealed by the majority's conclusion that a substantial governmental interest is served by the sleeping ban because it will discourage "around-the-clock demonstrations for days" and thus further the regulation's purpose "to limit wear and tear on park properties." *Ante*, at 299. The majority cites no evidence indicating that sleeping engaged in as symbolic speech will cause *substantial* wear and tear on park property. [*312] Furthermore, the Government's application of the sleeping ban in the circumstances of this case is strikingly underinclusive. The majority acknowledges that a proper time, place, and manner restriction must be "narrowly tailored." Here, however, the tailoring requirement is virtually [***239] forsaken inasmuch as the Government offers no justification for applying its absolute ban on sleeping yet is willing to allow respondents to engage in activities -- such as feigned sleeping -- that is no less burdensome.

In short, there are no substantial Government interests advanced by the Government's regulations as applied to respondents. All that the Court's decision advances are the prerogatives of a bureaucracy that over the years has shown an implacable hostility toward citizens' exercise of *First Amendment* rights.¹⁰

10 At oral argument, the Government suggested that the ban on sleeping should not be invalidated as applied to respondents simply because the Government is willing to allow respondents to engage in other nonverbal acts of expression that

may also trench upon the Government interests served by the ban. Tr. of Oral Arg. 15, 23. The Government maintains that such a result makes the Government a victim of its own generosity. However the Government's characterization of itself as an unstinting provider of opportunities for protected expression is thoroughly discredited by a long line of decisions compelling the National Park Service to allow the expressive conduct it now claims to permit as a matter of grace. See, e. g., *Women Strike for Peace v. Morton*, 153 U. S. App. D. C. 198, 472 F.2d 1273 (1972); *A Quaker Action Group v. Morton*, 170 U. S. App. D. C. 124, 516 F.2d 717 (1975); *United States v. Abney*, 175 U. S. App. D. C. 247, 534 F.2d 984 (1976).

[**3079] III

The disposition of this case impels me to make two additional observations. First, in this case, as in some others involving time, place, and manner restrictions,¹¹ the Court [*313] has dramatically lowered its scrutiny of governmental regulations once it has determined that such regulations are content-neutral. The result has been the creation of a two-tiered approach to *First Amendment* cases: while regulations that turn on the content of the expression are subjected to a strict form of judicial review,¹² regulations that are aimed at matters other than expression receive only a minimal level of scrutiny. The minimal scrutiny prong of this two-tiered approach has led to an unfortunate diminution of *First Amendment* protection. By narrowly limiting its concern to whether a given regulation creates a content-based distinction, the Court has seemingly overlooked the fact that content-neutral restrictions are also capable of unnecessarily restricting protected expressive activity.¹³ To be sure, the general prohibition against content-based regulations is an essential tool of *First Amendment* analysis. It helps to put into operation the well-established principle [***240] that "government may not grant the use of a forum to people whose views it finds acceptable, but deny use to those wishing to express less favored or more controversial views." *Police Department of Chicago v. Mosley*, 408 U.S. 92, 95-96 (1972). The Court, however, has transformed the ban against content distinctions from a floor that offers all persons at least equal liberty under the *First Amendment* into a ceiling that restricts persons to the protection of *First Amendment* equality -- but nothing more.¹⁴ [**3080] The consistent [*314] imposition of silence upon all may fulfill the dictates of an evenhanded content-neutrality. But it offends our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." *New York Times Co. v. Sullivan*, 376 U.S., at 270.¹⁵

11 See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984); *Heffron v. International Society for Krishna Consciousness, Inc.*, 452 U.S. 640 (1981). But see *United States v. Grace*, 461 U.S. 171 (1983); *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969); *Brown v. Louisiana*, 383 U.S. 131 (1966).

12 See, e. g., *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978). It should be noted, however, that there is a context in which regulations that are facially content-neutral are nonetheless subjected to strict scrutiny. This situation arises when a regulation vests standardless discretion in officials empowered to dispense permits for the use of public forums. See, e. g., *Lovell v. City of Griffin*, 303 U.S. 444 (1938); *Hague v. CIO*, 307 U.S. 496 (1939); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969).

13 See Redish, *The Content Distinction in First Amendment Analysis*, 34 Stan. L. Rev. 113 (1981).

14 Furthermore, a content-neutral regulation does not necessarily fall with random or equal force upon different groups or different points of view. A content-neutral regulation that restricts an inexpensive mode of communication will fall most heavily upon relatively poor speakers and the points of view that such speakers typically espouse. See, e. g., *City Council of Los Angeles v. Taxpayers for Vincent*, *supra*, at 812-813, n. 30. This sort of latent inequality is very much in evidence in this case for respondents lack the financial means necessary to buy access to more conventional modes of persuasion.

A disquieting feature about the disposition of this case is that it lends credence to the charge that judicial administration of the *First Amendment*, in conjunction with a social order marked by large disparities in wealth and other sources of power, tends systematically to discriminate against efforts by the relatively disadvantaged to convey their political ideas. In the past, this Court has taken such considerations into account in adjudicating the *First Amendment* rights of those among us who are financially deprived. See, e. g., *Martin v. Struthers*, 319 U.S. 141, 146 (1943) (striking down ban on door-to-door distribution of circulars in part because this mode of distribution is "essential to the poorly financed causes of little people"); *Marsh v. Alabama*, 326 U.S. 501 (1946) (State cannot impose criminal sanction on person for distributing literature on sidewalk of town owned by private corporation).

468 U.S. 288, *; 104 S. Ct. 3065, **;
82 L. Ed. 2d 221, ***; 1984 U.S. LEXIS 136

Such solicitude is noticeably absent from the majority's opinion, continuing a trend that has not escaped the attention of commentators. See, e.g., Dorsen & Gora, Free Speech, Property, and The Burger Court: Old Values, New Balances, 1982 S. Ct. Rev. 195; Van Alstyne, The Recrudescence of Property Rights as the Foremost Principle of Civil Liberties: The First Decade of the Burger Court, 43 Law & Contemp. Prob. 66 (summer 1980).

15 For a critique of the limits of the equality principle in *First Amendment* analysis see Redish, *supra*, at 134-139.

Second, the disposition of this case reveals a mistaken assumption regarding the motives and behavior of Government officials who create and administer content-neutral regulations. The Court's salutary skepticism of governmental decisionmaking in *First Amendment* matters suddenly dissipates once it determines that a restriction is not [*315] content-based. The Court evidently assumes that the balance struck by officials is deserving of deference so long as it does not appear to be tainted by content discrimination. What the Court fails to recognize is that public officials have strong incentives to overregulate even in the absence of an intent to censor particular views. This incentive stems from the fact that of the two groups whose interests officials must accommodate -- on the one hand, the interests of the general public and, on the other, the interests of those who seek to use a particular forum for *First Amendment* activity -- the political [***241] power of the former is likely to be far greater than that of the latter.¹⁶

16 See Goldberger, Judicial Scrutiny in Public Forum Cases: Misplaced Trust in the Judgment of Public Officials, 32 Buffalo L. Rev. 175, 208 (1983).

The political dynamics likely to lead officials to a disproportionate sensitivity to regulatory as opposed to *First Amendment* interests can be discerned in the background of this case. Although the Park Service appears to have applied the revised regulations consistently, there are facts in the record of this case that raise a substantial possibility that the impetus behind the revision may have derived less from concerns about administrative difficulties and wear and tear on the park facilities, than from

other, more "political," concerns. The alleged need for more restrictive regulations stemmed from a court decision favoring the same *First Amendment* claimants that are parties to this case. See n. 1, *supra*. Moreover, in response both to the Park Service's announcement that it was considering changing its rules and the respondents' expressive activities, at least one powerful group urged the Service to tighten its regulations.¹⁷ The point of these observations is not to impugn the integrity of the National Park Service. Rather, my intention is to illustrate concretely that government agencies by their [*316] very nature are driven to overregulate public forums to the detriment of *First Amendment* rights, that facial viewpoint-neutrality is no shield against unnecessary restrictions on unpopular ideas or modes of expression, and that in this case in particular there was evidence readily available that should have impelled the Court to subject the Government's restrictive policy to something more than minimal scrutiny.

17 See Declaration of Mary Ellen Hombs, Exhibit 1kk, Record, Vol. 1.

For the foregoing reasons, I respectfully dissent.

REFERENCES

Restriction of use of public parks as violating freedom of speech or press under *First Amendment of Federal Constitution*

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L Ed Index to Annos, Parks

ALR Quick Index, Parks and Playgrounds

Federal Quick Index, National Parks; Parks

Annotation References:

Restriction of use of public parks as violating freedom of speech or press under *First Amendment of Federal Constitution*. 82 L Ed 2d 958.

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1 of 100 DOCUMENTS

**WILLIAM THOMAS, et al., Plaintiffs, v. THE UNITED STATES OF AMERICA,
et al., Defendants**

Civil Action Nos. 84-3552-LFO, 87-1820-LFO

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

696 F. Supp. 702; 1988 U.S. Dist. LEXIS 10516

**September 16, 1988, Decided
September 16, 1988, Filed**

COUNSEL: **[**1]** Counsel for Plaintiffs: William Thomas, Pro Se, Washington, District of Columbia, Mark A. Venuti, Esq., Washington, District of Columbia.

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JUDGES: Louis F. Oberdorfer, United States District Judge.

OPINION BY: OBERDORFER

OPINION

[*703] MEMORANDUM

LOUIS F. OBERDORFER, UNITED STATES DISTRICT JUDGE.

Pro se plaintiffs William Thomas, Ellen Thomas, Concepcion Picciotto, Robert Dorrough, and others, individually and as organized, in various combinations, into the "White House Antinuclear Vigil" and the "Peace

Park Anti-Nuclear Vigil" sue President Reagan, the Secretary of the Interior, and numerous Interior and Park Police officials for injuries allegedly arising out of plaintiffs' communicative activities in Lafayette Park, Washington, D.C.

In 1984, plaintiffs filed suit against Department of the Interior officials challenging the constitutionality of several regulations regulating the time, place, and manner of *First Amendment* activity near the White House and in Lafayette Park. Plaintiffs also sought damages for injuries arising out of an alleged federal conspiracy to promulgate **[**2]** those regulations for the purpose of infringing plaintiffs' *First Amendment* freedoms. In 1987, plaintiffs filed a second action against many of the same federal defendants together with News World Communications, doing business as the *Washington Times*, the Reverend Sun Myung Moon, and others associated with the newspaper and with a political association known as the Young Americans for Freedom. The 1987 complaint reiterated the constitutional challenges launched against the regulations and against federal officials in 1984. At the same time, plaintiffs broadened their constitutional tort allegations to embrace the nonfederal defendants, on a theory that the *Washington Times* had engaged in a campaign to libel plaintiffs and to discredit and, eventually, to suppress their expressive activity.

An Order issued on February 23, 1988, dismissed all counts of the 1987 complaint against all but three of the named nonfederal defendants. Because the reasoning of the February 23 Order applies with equal force to plaintiffs' claims against these three defendants as to the claims against the *Times* defendants, those claims must

also be dismissed for failure to state a claim upon which relief [**3] can be granted.

The February 23 Order also consolidated plaintiffs' 1987 claims against the various Department of the Interior officials with plaintiffs' 1984 claims against those officials. Defendants in these consolidated cases move to dismiss or for summary judgment. For the reasons stated in this Memorandum, an accompanying Order grants that motion and dismisses both complaints without prejudice.

[*704] I.

Plaintiffs have attempted to maintain a continuous anti-nuclear demonstration in front of the White House, along Pennsylvania Avenue, and in Lafayette Park. One of the individual plaintiffs commenced his vigil in 1981; other plaintiffs joined throughout the following six years. The February 23, 1988 Order recounts in some detail the factual circumstances of plaintiffs' vigil and of the communicative activity in which they are engaged. The complete factual narrative is not repeated here.

Over the course of their vigil, plaintiffs and federal law enforcement officials have engaged in an ongoing confrontation arising from plaintiffs' exercise of *First Amendment* rights. At the core of this chronic struggle lie several Department of the Interior regulations that establish the time, [**4] place, and manner of *First Amendment* activity in Lafayette Park. See 36 C.F.R. § 7.96(g)(5) (1987). Among other things, these regulations specify the size and number of signs that may be in the possession of an individual in the park and require that someone "attend" the signs at all times. See 36 C.F.R. § 7.96(g) (5) (x) (B) (2). For purposes of the regulation, to "attend" one's sign is to remain within three feet of it. *Id.* Most importantly, for purposes of this litigation, the regulations proscribe "camping" in Lafayette Park. See 36 C.F.R. §§ 7.96(g) (5) (x), 7.96(i).

It is undisputed that plaintiffs have been repeatedly warned, cited, arrested, and convicted for violating one or another of these regulations. Plaintiff Thomas alone has been tried for such infractions in this Court at least a dozen times since 1982. See Federal Defendants' Motion to Dismiss or for Summary Judgment, Statement of Material Facts, paras. 1-10 (recounting specific instances of citation and arrest).

Plaintiffs challenge these regulations on two fronts. Claiming a cause of action under 42 U.S.C. §§ 1983, 1985(3), and 1986, as well as *Bivens v. Six Unknown Named Agents*, 403 U.S. 388, 29 L. Ed. 2d 619, 91 S. Ct. 1999 (1971), [**5] and various common law tort theories, plaintiffs seek damages both against those responsible for promulgating the regulations and against those who have enforced them against participants in the vigil. Moreover, plaintiffs pray for declaratory and injunctive

relief invalidating the regulations themselves on constitutional grounds.

II.

Plaintiffs' damage claims against the federal defendants must fail. Those claims center on a theory that the regulations themselves, and the emergent pattern of their enforcement, reveal a conspiracy among Department of the Interior and Park Police officials to quell plaintiffs' twenty-four hour *First Amendment* vigil in Lafayette Park. The 1987 complaint enlarged the conspiracy theory to embrace private defendants who allegedly contributed to the plot by publishing unflattering criticism of plaintiffs' demonstration and the content of their expression.

Neither the 1984 nor the 1987 complaint, however, satisfies the standards that govern the assertion of such constitutional tort claims under sections 1983 or 1985(3). As elaborated in some detail in the February 23, 1988 Order, section 1983 cannot support an action against federal actors arising out [**6] of actions taken under color of federal law, as is the case when federal officials promulgate and then enforce a federal regulation. See *Thomas v. News World Communications*, 681 F. Supp. 55, 67 (D.D.C. 1988), and cases there collected.

Moreover, again as discussed in the previous Order, the claims advanced in both actions fall short of the heightened pleading standard imposed on civil rights complaints under *Hobson v. Wilson*, 237 U.S. App. D.C. 219, 737 F.2d 1, 30 (D.C. Cir. 1984), cert. denied, 470 U.S. 1084, 85 L. Ed. 2d 142, 105 S. Ct. 1843 (1985), and *Martin v. Malhoyt*, 265 U.S. App. D.C. 89, 830 F.2d 237, 258 (D.C. Cir. 1987). Indeed, as *Martin* emphasizes, the policies underlying the imposition of a heightened pleading standard are most compelling where, as here, civil rights claims are brought against a public official. The requirement that plaintiffs asserting such claims "come forward with 'nonconclusory allegations of evidence [if they are] [*705] to proceed to discovery on the claim'" operates by design "to protect federal officials' freedom of [**7] action from the 'fear of damage suits.'" *Martin*, 830 F.2d at 257 (quoting *Hobson*, 737 F.2d at 29), 250 n.32 (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 814, 73 L. Ed. 2d 396, 102 S. Ct. 2727 (1982)). The heightened pleading standard in actions against government officials also serves to shield public officials from becoming unduly enmeshed in protracted discovery. See *id.* at 257. None of the damage claims can survive defendants' motion to dismiss.

III.

Plaintiffs' claim for injunctive and declaratory relief raises closer questions. Plaintiffs claim that the regula-

tion codified at 36 C.F.R. § 7.96(g)(5)(x)(B), which prohibits the placement of unattended signs in Lafayette Park, "plac[es] arbitrary, capricious, and unwarranted restrictions" on those who "wish[] to demonstrate" there. 1987 Complaint at para. 64. Plaintiffs imply that abusive and selective enforcement of this regulation, *id.* at para. 65, has resulted in an unconstitutional infringement of their *First Amendment* rights, *id.* at para. 107. Similarly, plaintiffs cite numerous arrests by Park Police officers [**8] for violations of the "camping" and "storage of property" regulations, codified at 36 C.F.R. § 7.96(i), to support a general allegation that these regulations are being enforced in a manner that violates the *First Amendment*. It is beyond question that all three regulations constitute valid time, place, and manner restrictions on the exercise of *First Amendment* rights in Lafayette Park. The constitutionality of the "camping" regulations has been explicitly upheld by the Supreme Court. *See Clark v. Community for Creative Non-Violence*, 468 U.S. 288, 82 L. Ed. 2d 221, 104 S. Ct. 3065 (1984) ("CCNV"). Plaintiffs acknowledge the Supreme Court's ruling on this question. *See* Plaintiffs [sic] Opposition to Federal Defendants' Motion to Dismiss or for Summary Judgment [hereinafter Plaintiffs' Opposition (2)] at 26 n.10.

The challenged three-foot sign attendance requirement, codified at 36 C.F.R. section 7.96(g)(5)(x)(B)(2), was upheld against constitutional challenge in this Court in litigation brought by several of these same plaintiffs in *United States v. Musser*, Cr. No. 87-157 (D.D.C. June 17, 1987) (Richey, J.). *See* Federal Defendants' [**9] Opposition to Plaintiffs' Motion for a Preliminary Injunction and a Temporary Restraining Order at 4. Plaintiffs advance no argument compelling a contrary ruling in this action. It is important to note, in this regard, that the CCNV Court made it clear that the judiciary is not to substitute its own judgment for that of the Department of the Interior by evaluating the wisdom and necessity of protective parkland regulation such as the "unattended structure" proscription plaintiffs now challenge. CCNV, 468 U.S. at 299.

Plaintiffs' challenge to the Park Police's enforcement of these indisputably valid regulations against them raises more difficult questions. Plaintiffs allege a pattern of arrests and seizures of property that exceed, in their view, the appropriate scope of enforcement of the regulations. *See, e.g.*, Complaint (1) at paras. 64-71. Relying on that pattern, plaintiffs claim that defendant Hodel and two Assistant Solicitors for the Department of Interior, as the ultimate supervisors of the Park Police, have pursued a policy intended to prohibit demonstrations and protests altogether in Lafayette Park "on an incremental basis." [**10] *See id.* at paras. 84-86. Yet, central to plaintiffs' claims, as expressed in both actions, lies their contention that

the [Lafayette Park] regulations have . . . had the propensity or effect to be enforced in such a manner as to effectively disrupt or terminate every . . . form of legitimate communication in which plaintiffs were engaged . . . , as well as subjecting plaintiffs to unend[ing] mental anguish, and a judicial system whose patience for "repeat offenders" might be wearing a bit thin.

Plaintiffs' Statement of Material Facts in Dispute, filed with Plaintiffs' Opposition to Federal Defendants' Motion to Dismiss, or for Summary Judgment (No. 87-1820) [*706] (filed Oct. 28, 1987) [hereinafter Plaintiffs' 2d Statement of Facts] at para. 22.

Plaintiffs thus raise a serious vagueness challenge to the regulations. Regulations of the sort at issue here are *criminal laws*. "No one may be required at peril of life, liberty or property to speculate as to the meaning of penal statutes. All are entitled to be informed as to what the State commands or forbids." *Bouie v. City of Columbia*, 378 U.S. 347, 351, 12 L. Ed. 2d 894, 84 S. Ct. 1697 (1964) [**11] (quoting *Lanzetta v. New Jersey*, 306 U.S. 451, 453, 83 L. Ed. 888, 59 S. Ct. 618 (1939)). In order to conform to the due process component of the *Fifth Amendment*, a criminal provision must

define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.

Kolender v. Lawson, 461 U.S. 352, 357, 75 L. Ed. 2d 903, 103 S. Ct. 1855 (1983) (citing, *inter alia*, *Grayned v. City of Rockford*, 408 U.S. 104, 33 L. Ed. 2d 222, 92 S. Ct. 2294 (1972) and *Papachristou v. City of Jacksonville*, 405 U.S. 156, 31 L. Ed. 2d 110, 92 S. Ct. 839 (1972)). Accordingly, under the void-for-vagueness doctrine, criminal statutes, as well as administrative regulations carrying penal sanctions, must be held unconstitutional when they fall short of this standard. *See Grayned*, 408 U.S. at 108. Vagueness is an especial evil where the criminal provision "abut[s]" [**12] upon sensitive areas of basic *First Amendment* freedoms' [because] it 'operates to inhibit the exercise of [those] freedoms.'" *Id.* at 109 (quoting *Baggett v. Bullitt*, 377 U.S. 360, 372, 12 L. Ed. 2d 377, 84 S. Ct. 1316 (1964), and *Cramp v. Board of Public Instruction*, 368 U.S. 278, 287, 7 L. Ed. 2d 285, 82 S. Ct. 275 (1961)). Vague time, place, and manner regulations cause citizens to steer wider of the

unlawful zone than they would if the boundaries of the forbidden areas were clearly marked. See *United States Civil Serv. Comm'n v. National Ass'n of Letter Carriers*, 413 U.S. 548, 577-81, 37 L. Ed. 2d 796, 93 S. Ct. 2880 (1973) (hereinafter *Letter Carriers*) (subjecting Civil Service regulation that prohibits participation in partisan politics to scrutiny under vagueness doctrine and concluding that regulation is constitutional); *Keeffe v. Library of Congress*, 250 U.S. App. D.C. 117, 777 F.2d 1573, 1581 (D.C. Cir. 1985) (applying "the degree of precision required by *Letter* [**13] *Carriers*" to all regulations "validly promulgated under an enabling statute").

In *Kolender v. Lawson*, *supra*, the Supreme Court observed that, although the vagueness doctrine "focuses both on actual notice to citizens and arbitrary enforcement," its most important aspect "is not actual notice, but . . . the requirement that a legislature establish minimal guidelines to govern law enforcement." 461 U.S. at 357-58 (quoting *Smith v. Goguen*, 415 U.S. 566, 574, 39 L. Ed. 2d 605, 94 S. Ct. 1242 (1974)). *Kolender* held unconstitutionally vague a California penal statute that required persons who loitered or wandered on the streets to provide a "credible and reliable" identification and to account for their presence when detained by a police officer. Finding that the "credible and reliable" standard provided insufficient particularity "for determining what a suspect has to do in order to satisfy the requirement," the Court ruled the statute "unconstitutionally vague on its face because it encourages arbitrary enforcement. . . ." *Id.* at 358, 361.

Plaintiffs [**14] here report a series of incidents over the past six years in which one, some, or all of them were arrested, threatened with arrest, or otherwise confronted by Park Police officers regarding alleged violations of the Lafayette Park regulations. See Memorandum Opinion, Report & Recommendation of Magistrate Burnett (No. 84-3552, filed Jan. 23, 1987) at 8-14 (summarizing factual allegations contained in 1984 complaint); Plaintiffs' Motion for Additional Discovery and for Leave to Perfect Service of Process, Statement of Claims and Issues for Trial, and Response to Magistrate's Report and Recommendations (filed in 84-3552 on March 6, 1987 by [*707] counsel Mark Venuti) at 17-20 (characterizing defendants' reaction over time to plaintiffs' persistent demonstration as a "campaign of harassment and unlawful arrest"); Plaintiffs' 2d Statement of Material Facts at paras. 2-12 (narrating incidents in 1986 and 1987). Defendants do not contest the claim that plaintiffs have been repeatedly arrested for violations of the "camping" and other regulations and have had property seized by Park Police in conjunction with their expressive activities in Lafayette Park. See Federal Defendants' [**15] Statement of Material Facts Not in

Dispute (filed August 29, 1986, in C.A. No. 84-3552) [hereinafter Defendants' 1st Statement of Facts] at para. 2; Federal Defendants' Statement of Material Facts Not in Dispute (filed in C.A. No. 87-1820) [hereinafter Defendants' 2d Statement of Facts] at paras. 1-10. Defendants do, however, deny that the regulations, as written or as enforced against plaintiffs, are unconstitutionally vague. See Federal Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction and Temporary Restraining Order at 23.

Plaintiffs maintain that they sincerely want to conduct their demonstration within the boundaries of legitimate time, place, and manner restrictions. They contend that they have attempted to "clarify with the Secretary of Interior or his delegates the terms and conditions which would have enabled a law abiding person to accommodate a protest like [plaintiffs'] with the valid laws regulating the use of public parks." Memorandum in Support of Plaintiffs [sic] Notice of Filing [hereinafter Notice of Filing] at 3. Indeed, plaintiffs proffer evidence of persistent correspondence to this end with, among others, the Assistant Secretary for [**16] Fish and Wildlife and Parks, *id.* at Exhibit 6 (letter from plaintiffs dated July 21, 1984), defendant Secretary of the Interior, *id.* at Exhibit 10 (letter from plaintiffs dated April 28, 1986), the Director of Public Affairs for the National Park Service, *id.* at Exhibit 13 (letter from plaintiffs dated May 17, 1986), and defendants' counsel, *id.* at Exhibit 19 (letter from plaintiffs' counsel dated March 26, 1987). These letters reveal a sustained effort by plaintiffs to ascertain the precise meaning and scope of the Lafayette Park regulations in order to avoid both criminal sanctions and the concomitant interruption of their expressive demonstration.

Plaintiffs' uncertainty centers on two particular elements of the Park regulations: the ban on "camping" codified at 36 C.F.R. section 7.96(i) and the ban on the storage of personal property, contained within the ban on camping. See Plaintiffs' Response to Federal Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction and Temporary Restraining Order (filed in 87-1820, July 27, 1987 at 2-3). The regulation provides:

Camping is defined as the use of park land for living accommodation purposes such [**17] as sleeping activities, or making preparations to sleep . . . , or storing personal belongings. . . .

36 C.F.R. § 7.96(i).

Defendants and others associated with the Department of the interior have made a considerable effort to specify the acts that, in their view, fall within the area of

legitimate expressive activity untouched by these regulations. Although they have refused to meet with plaintiffs to discuss the restrictions in person, defendants have engaged in extensive correspondence with plaintiffs and their representatives regarding the precise requirements imposed by the "camping" and "storage of property" rules. *See* Federal Defendants' Opposition to Motion for Preliminary Injunction at Exhibits 3-9. For example, towards the end of March 1987, the Department of the Interior issued a memorandum entitled "Permit Conditions" to demonstrators in Lafayette Park, which memorandum plaintiffs acknowledge having received. *Id.* at Exhibit 3; *see* Plaintiffs' Notice of Filing at Exhibit 15 (letter dated March 27, 1987 from plaintiffs to official who signed memorandum and referring to contents). The memorandum reminds all demonstrators that their activities are subject to, among [**18] other things, the proscription of "camping or using park land for living accommodations purposes." Further, the memorandum gives notice that the Regional Director of [**708] National Capital Parks had imposed additional conditions on all demonstrations, including the following:

Property may not be stored in the Park, including, but not limited to construction materials, lumber, paint, tools, household items, food, tarps, bedding, blankets, sleeping bags, luggage, and other personal property. (In this regard, certain personal property that is reasonably required by a demonstration participant during any one 24-hour period will not be considered to violate this permit condition. Such property may include items such as a coat, a thermos, and a small quantity of literature. However, the quantity of these items may not exceed that which is reasonably necessary in a 24-hour period)

Defendants' Opposition, Exhibit 3 at 2.

Defendant Robbins, Assistant Solicitor for National Capital Parks, Department of the Interior, communicated a similar definition in May of 1986 to plaintiff Picciotto in response to her letter of April 28, 1986 requesting a statement about "precisely what is [**19] meant by the term 'storage of personal property.'" Robbins replied:

The storage of property regulations . . . do not prohibit the storage of a modest quantity of . . . items Specifically, it is my position that you are permitted to have a limited quantity of literature, writing material, rainwear, an umbrella, and a couple of thermoses containing coffee and

lunch, and a camera and a tape recorder, if you choose. Also I do not believe that it is unreasonable to have small quantities of plastic to cover those items in inclement weather.

Id. at Exhibit 4. This letter appears to summarize the Department of Interior's position with respect to the *nature* of personal property acceptable under the "storage" regulations. Moreover, Interior officials made clear that "personal property and literature that is actually in use or that will be reasonably required during any one 24-hour period is not considered to violate the storage violations." *Id.* at Exhibit 6 (letter dated May 15, 1986, from Interior Solicitor to Arthur B. Spitzer, Legal Director, ACLU). This position is repeated in letters from the Department to various plaintiffs and to interested parties throughout [**20] May of 1986. *See id.* at Exhibits 5-7. This correspondence suggests that, at least as between plaintiffs and policymakers within the Department of the Interior, an understanding has been attempted concerning which items of personal property demonstrators may possess.

Yet, a crucial area of uncertainty remains. Resolving *which* items may accompany a demonstrator does not clarify the *quantity* of possessions a demonstrator may maintain in Lafayette Park. Responding to a letter from the ACLU to the Chief of the United States Park Police questioning plaintiffs' repeated arrests, an Assistant Solicitor, National Capital Parks, asserted that

[plaintiff] Picciotto frequently has in her possession a large quantity of bags and boxes containing numerous personal belongings. The problem is not so much the nature of the items Ms. Picciotto has in her possession but the quantity of items, a quantity that could not realistically be used in the space of one day. When Ms. Picciotto has a quantity of these items in her possession in the Park, she is in violation of the storage regulations and is subject to appropriate enforcement action.

Id. at Exhibit 6. The Solicitor could be no [**21] more explicit in defining the precise "quantity" of permitted items that would render a demonstrator vulnerable to criminal sanctions than to suggest that Picciotto "limit the quantity of materials she keeps in Lafayette Park." *Id.* Nonetheless, he maintained, the position that literature or personal property "reasonably required during any one 24-hour period is not considered to violate the storage

regulations . . . has been communicated to Park Police and forms the touchstone for their enforcement of the storage regulations." *Id.*

A similar problem persists with respect to the element of the regulation which bars use of the park "for living accommodation purposes such as sleeping activities, or marking preparations to sleep." Several bench trials of plaintiffs charged with illegal [*709] camping have featured swearing matches between police testifying that one of the plaintiffs was observed to be sleeping and the alleged camper testifying that he or she was not asleep. The sleeping-therefore-camping issue is troubling because, if a person is in the park 24 hours per day, for days on end, it is judicially noticeable that some of that time must be consumed by sleeping. It is [**22] also judicially noticeable that casual dozing in a park is a generally accepted American tradition but for the regulation which forbids use of a national park for living accommodations. An alleged camper's claim to living accommodations elsewhere does not yield a clean cut issue for decision because, for example, it is entirely possible for a person to maintain more than one living accommodation. As the regulation is drawn and administered, a decision by a plaintiff, the police, or a court as to whether one of the plaintiffs is maintaining an impermissible living accommodation in the park is seldom free from reasonable doubt.

Thus, like the identification regulation at issue in *Kolender, supra*, the camping and storage regulation presently in dispute vests significant discretion in the police to determine whether an individual demonstrator's conduct conforms to the law being enforced. According to the California Court of Appeals, "credible and reliable" identification was "identification 'carrying reasonable assurance that the identification is authentic and providing means for later getting in touch with the person who has identified himself.'" [**23] *Kolender*, 461 U.S. at 357 (quoting *People v. Solomon*, 33 Cal. App. 3d 429, 108 Cal. Rptr. 867 (1973)). It was left to the California police to decide whether a suspect had provided "credible and reliable" identification, just as the Lafayette Park regulations delegate to the U.S. Park Police the decisions as to how much personal property one "reasonably require[s] during one 24-hour period" or what constitutes a living accommodation. *Kolender* held that this delegation "necessarily 'entrust[s] lawmaking 'to the moment-to-moment judgment of the policeman on his beat.'" *Id.* at 361 (quoting *Smith*, 415 U.S. at 575, quoting *Gregory v. Chicago*, 394 U.S. 111, 120, 22 L. Ed. 2d 134, 89 S. Ct. 946 (1969) (Black, J., concurring)).

The same flaw threatens to render the camping and storage regulations unconstitutionally vague. As was true of the *Kolender* statute, the Park regulations

"furnish[] a convenient tool for 'harsh and discriminatory enforcement by local prosecuting officials, against particular groups deemed to [**24] merit their displeasure'" . . . and "confers on police a virtually unrestrained power to arrest and charge persons with a violation."

Id. at 360 (quoting, *inter alia*, *Papachristou*, 405 U.S. at 170, and *Lewis v. City of New Orleans*, 415 U.S. 130, 135, 39 L. Ed. 2d 214, 94 S. Ct. 970 (1974) (Powell, J., concurring in the result)). Even absent a finding that the Park Police officers have taken advantage of such opportunity in dealing with plaintiffs, the Department of the Interior, like the State of California, must "establish standards by which the officers may determine whether the suspect has complied with the . . . [regulations]." *Id.* at 361.

Plaintiffs' experience proves that violation of the Lafayette Park regulations results in repeated deprivation of liberty through arrest, seizure of property, and, perhaps most seriously, deprivation of access to an important public forum for the exercise of *First Amendment* rights. Were the camping regulation to stand only on its own terms, the regulation's enforcement might well be enjoined on the grounds that its proscription is too vague to serve [**25] the interest, emphasized in *Kolender*, of restraining the prosecutorial discretion exercised by the individual Park Police officer on his or her own beat.

Nonetheless, precedent in this area teaches that the potentially unconstitutional vagueness of a regulation may be ameliorated through procedures providing an avenue whereby an authoritative interpretation of the restriction may be obtained [*710] before an individual hazards conduct that may fall within its proscriptive scope. In *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 71 L. Ed. 2d 362, 102 S. Ct. 1186 (1982), the Supreme Court rejected a pre-enforcement facial challenge on *First Amendment* overbreadth and vagueness grounds to a municipal ordinance that required businesses wishing to sell drug paraphernalia to secure a license to do so. Sale of such items without a license exposed the vendor to daily fines. Reversing a Court of Appeals decision that the regulation was unconstitutionally vague, the Court observed:

The degree of vagueness that the Constitution tolerates -- as well as the relative importance of fair notice and fair enforcement -- [**26] depends in part on the nature of the enactment.

Id. at 498. The Court listed several factors that should be considered when evaluating the constitutional significance of a regulation's vagueness. Included among these was whether

the regulated enterprise may have the ability to clarify the meaning of the regulation by its own inquiry, or by resort to an administrative process.

Id. (footnote omitted).

Similarly, in *Letter Carriers*, the Court upheld against a vagueness challenge a regulation implementing the Hatch Act's restrictions on political activity by federal civil servants. Acknowledging that "there might be quibbles about the meaning of" particular phrases defining the proscribed political activity, 413 U.S. at 577-78, the Court determined that the challenged regulations met constitutional standards of clarity. The Court emphasized the availability to individual civil servants of interpretive rulings regarding the permissibility of particular forms of political activity:

It is also important in this respect that the Commission has established a procedure by which an employee in [**27] doubt about the validity of a proposed course of conduct may seek and obtain advice from the [Civil Service] Commission and thereby remove any doubt there may be as to the meaning of the law, at least insofar as the Commission itself is concerned.

Id. at 580. Cf. *Houston v. Hill*, 482 U.S. 451, 107 S. Ct. 2502, 2513, 96 L. Ed. 2d 398 (1987) (holding invocation of *Pullman* abstention doctrine inappropriate where local ordinance's language "is plain and its meaning unambiguous").

As there was for the civil servants in *Letter Carriers* and for the drug paraphernalia vendors in *Hoffman Estates*, there exists in the present situation an avenue for particularized interpretation of the regulations restricting the time, place, and manner of plaintiffs' *First Amendment* activity in Lafayette Park. Department of the Interior regulations establish a permit procedure whereby those who wish to demonstrate in areas designated as the "National Capital Region parks," which areas include Lafayette Park and other memorial sites, may apply for and receive authorization to carry out a specific activity within [**28] those areas.

Although not required to obtain a permit because their vigil involves fewer than twenty-five participants,

see 36 C.F.R. § 7.96(g)(2)(i), plaintiffs could pursue this avenue and have in the past availed themselves of the permit procedure for finite periods. Moreover, they have gained authorization thereby to conduct their demonstration according to standards that refine the rather amorphous definition of "camping" found in the regulation itself. See Permit Application Form attached as Appendix A. Specifically, the standard permit application requests "plans for the proposed activity," including "the complete time schedule for the activity." *Id.* at para. 10. In addition, the application directs potential demonstrators to "list all props, stages, sound equipment, and other items to be provided (Include approximate number and size(s) of supports, standards, . . . necessary medical/sanitary facilities and other similar items)." *Id.* at para. 11(a). The permit that is ultimately issued if such an application is granted, as was the case with plaintiffs' permit in December of 1987, bears the same reference number that appears [**711] on the application [**29] and would seem to reflect authorization of the particular demonstration described by the applicants in the application itself. See Permit attached as Appendix B.

The permit procedure reflects a fact-specific communication between a potential demonstrator and the law enforcement agency that carries the responsibility as well as the authority to enforce the time, place, and manner regulations that constitute the background rules for all demonstrations in National Park areas. Hence, the permit procedure provides a mechanism for generating practical and comprehensible standards for plaintiffs' conduct of a twenty-four hour vigil. As indicated, the application itself invites a detailed catalogue of the type and quantity of personal property the demonstrator wishes to possess in the park. Moreover, the applicant may indicate the length of time he or she desires to continue the expressive activity. In the course of processing these applications, the Park Service has the opportunity to reject certain aspects of the proposed demonstration and to authorize only those belongings or the duration of demonstration that the Department of the Interior deems appropriate under the regulations.

Given [**30] the availability of this individualized interpretative mechanism, the Lafayette Park camping regulation, although certainly less than clear when considered in isolation, escapes the twin evils of vagueness examined in *Kolender*. Not only may plaintiffs and other prospective demonstrators conform their prospective conduct to a standard that is specific and comprehensible, but they should be shielded by grant of a specific permit from arbitrary and discriminatory enforcement in the form of "a standardless sweep [that] allows [Park Police], prosecutors, and juries to pursue their personal predilections." *Kolender*, 461 U.S. at 358 (quoting *Smith*, 415 U.S. at 575).

An example is the permit system implementing regulations that address demonstrations on the grounds of the U.S. Capitol. *Community for Creative Non-Violence v. Carvino*, 660 F. Supp. 744 (D.D.C. 1987), approved a regulation issued by the Capitol Police Board creating a permit system for demonstrations requiring props on Capitol grounds. Permits issued under that regulation required demonstrators to absent themselves [**31] and to remove their props from the demonstration site for some time during each twenty-four hour period as evidence that they were not installing themselves on the grounds in a continuous or permanent way. So here, plaintiffs may wish to include in their permit applications, or defendants may wish to include in the permits ultimately issued, some condition relating to a period of time each week during which the demonstrators will remove themselves from Lafayette Park and a specific list of the quantity or dimension of each item in the possession of each demonstrator. Such a permit conditioned on an itemized list of possessions and a prescribed period of absence from the park could provide a crystal clear basis for determination by plaintiffs, law enforcement authorities and courts as to whether or not a particular plaintiff (or a person similarly situated) is "us[ing] park land for living accommodation purposes" and, therefore, "camping" there under the terms of 36 C.F.R. § 7.96(i). Plaintiffs in the present actions may pursue definitive interpretation of the camping proscription *as it relates specifically to their twenty-four hour vigil* through the existing permit procedure. The [**32] permit application's acceptance or rejection will reflect the Department of the Interior's authoritative ruling that the demonstration plaintiffs describe does or does not constitute "camping." Thus, the grant of that permit could operate as a commitment by the agency and by the Park Police that, at least during the period covered by the permit, the plaintiffs' activity, if confined within the bounds described in the application, will not constitute a "camping" violation. Refusal of a particular permit could be tested in court in a civil context, a forum much more appropriate than criminal court for adjudication of the delicate balance required by the Constitution in cases of this kind.

Until plaintiffs have applied for such a permit and the Department of Interior or [**712] its delegate have acted on such a permit, plaintiffs' constitutional challenge to the Lafayette Park regulations on vagueness grounds must fail. Accordingly, an accompanying Order dismisses both complaints, without prejudice.

ORDER

For the reasons stated in the memoranda filed on February 23, 1988, and on today's date, it is this 16th day of September, 1988, hereby

ORDERED: that the complaints in Civil Action [**33] No. 84-3552-LFO and Civil Action No. 87-1820-LFO should be, and are hereby, dismissed without prejudice.

Appendix A

NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION APPLICATION FOR A PERMIT TO CONDUCT A DEMONSTRATION OR SPECIAL EVENT IN PARK AREAS AND APPLICATION FOR A WAIVER OF NUMERICAL LIMITATIONS ON DEMONSTRATIONS FOR WHITE HOUSE SIDEWALK * AND/OR LAFAYETTE PARK

* (The "White House Sidewalk" is the sidewalk between East and West Executive Avenues, on the south side of Pennsylvania Avenue N.W.)

Dec. 18, 1987

Date of this application

1. Individual and/or organization sponsor(s) W. THOMAS and ELLEN THOMAS Address(es) 1440 N. ST. NW. # 410, WASHINGTON, DC 20005 Telephone Nos. (include area code) Day (202) 462-0757 Evening 462-0757

2. This is an application for a permit to conduct a DEMONSTRATION XX SPECIAL EVENT (For definitions, see instructions.)

3. This is an application for a WAIVER OF THE NUMERICAL LIMITATIONS on certain demonstrations. Yes No X. (A waiver is required if it is expected that a demonstration on the White House Sidewalk * will include more than 750 participants or that a demonstration in Lafayette Park will include more than [**34] 3000 participants.)

* (The "White House Sidewalk" is the sidewalk between East and West Executive Avenues, on the south side of Pennsylvania Avenue N.W.)

4. Date(s) of proposed activity: From 12-21-87/Month Day Year To 12-28-87/Month Day Year

Time: Begin 00:01 (a.m.) (xxx) Terminate: 24:00 (xxx) (p.m.)

5. Location(s) of proposed activity. (Include assembly and dispersal areas.) 24 SQ. FT. ON the SOUTH SIDEWALK of LAFAYETTE PARK, WEST of the CENTER PANEL

6. Purpose of proposed activity. TO PROMOTE and DEMONSTRATE the RESOLUTION of CONFLICT

THROUGH PATIENCE, UNDERSTANDING, and REASON.

7. Estimated maximum number of participants. (If more than one park area is to be used, list numbers separately for each area.) THREE

8. Will cleanup people be provided for the area? XX yes no How will they be identified? BY NAME (SEE ABOVE PARA. 1.)

9. Person(s) in charge of activity. (One person must be listed as in charge of the activity. If different individuals are to be in charge of various activities at different locations, each must be listed.)

Person in charge W. THOMAS

Address [**35] 1440 N. St. NW # 410, WASHINGTON, DC 20005

Telephone Nos. (Include area code) Day (202) 462-0757 Evening 462-0757

10. Plans for proposed activity. (Include a list of all principal speakers and the complete time schedule for the activity. Include proposed route of any march or parade, and [*713] plans for the orderly termination and dispersal of the proposed activity which might affect the regular flow of city traffic.)

We propose to demonstrate individual responsibility and moral commitment to our religious principle that "sin is to value one's own pleasure or comfort above the life of another" by maintaining a continuous, 24-hour presence WITHOUT what might reasonably be considered living accommodations, to illustrate that the value of a human being is best measured by the being's spirit (i.e. soul/mind) rather than its monetary net worth. We will seek and/or welcome public dialogue at all hours, day and night.

NOTE: Our "presence" will be "continuous" excepting we will leave the Park area to wash, launder our clothes, prepare food, store personal property, and perform all eliminatory and other biological bodily functions. None of the aforesaid functions [**36] will be performed in the Park. We may engage in short-term, intermittent, INVOLUNTARY sleep during the course of our presence, but only as nature demands.

11. (a) List all props, stages, sound equipment, and other items to be provided by applicant/sponsor. (Include approximate number and size(s) of supports, standards, and handles; necessary medical/sanitary facilities and other similar items.)

2 signs; 1 flag; 1 insulated bag per person (during cold weather, to be removed when not in use); literature (not to exceed 2,500 pieces at any one time); literature

trays; one piece of 20 mm. plastic (10 ft. x 12 ft.); pencils, pens, writing and editing materials (to be contained in one box measuring 4 in. x 6 in. x 18 in.); books (not to exceed 10); camera; tape recorder; umbrellas (1 per person); 1 water jug; 1 broom; 1 blanket per person to sit on; 1 plastic "Great Peace March" crate (12" x 12" x 18", approx.); no more food than might reasonably be consumed during a 24-hour period.

(b) If boxes, crates, coffins, or similar items will be used, state whether they are to be carried opened or closed, their proposed size, the materials constructed from, and their proposed [**37] contents and use. SMALL SPEAKER'S PLATFORM

12. (a) Do you have any reason to believe or any information indicating that any individual, group, or organization might seek to disrupt the activity for which this application is submitted? YES

(b) If YES, list each such individual, group, or organization, with all information as to each, including addresses and telephone numbers.

Washington TIMES (and/or the Unification Church), 3600 New York Avenue NE, Washington, D.C. Upon information published and from personal experience we believe this organ will place our form above our substance and attempt to disrupt our activities by telling the public that we are ugly and "anti-American," because of editorial ideological opposition to the substance of our message.

Young Americans for Freedom, national headquarters in Wilmington, Delaware, precise local address currently unknown. Upon personal experience we believe members of this organization may resort to actual physical violence against us because of ideological opposition to the substance of our message.

Nevertheless, in spite of potential unpleasantness, we do not require any special protection or surveillance, convinced (from [**38] experience) that God, and our commitment to nonviolence as the only path to peace, protect us.

13. Marshals: (a) Will applicant/sponsor furnish marshals? (Required for waivers of numerical limitations and for demonstration activities held simultaneously on White House sidewalk and Lafayette Park.) Yes No X. If YES how many marshals will be furnished?

(b) Person(s) responsible for supervision of marshals
(for each location): Location(s) NOT APPLICABLE
/APPLICATION NOT VALID UNLESS SIGNED

[*714] Middle of the Road/Position of person
diling application

W. Thomas/Signature of person filing application

Day 462-0757

Evening SAME

Telephone Nos. of person filing application

W. THOMAS/Typed or printed name of person diling
application

1440 N. ST. NW # 410, D.C. 20005/Address of
person filing application

Appendix B

United States Department of the Interior

NATIONAL PARK SERVICE

NATIONAL CAPITAL REGION

1100 OHIO DRIVE, S. W.

WASHINGTON, D.C. 20242

87-1024

PUBLIC GATHERING PERMIT

[**39] Date: December 21, 1987

In accordance with Park Regulations as contained in
C.F.R., Title 36, Chapter 1, Section 50.19, permission is
granted to conduct a public gathering to the following:
W. Thomas and Ellen Thomas

(Person(s) and, or Organization(s))

Date(s) December 21, 1987 to December 28, 1987

Time: Starting: 12:01 a.m. Ending: 11:59 p.m. (con-
tinuous)

Location(s) 24 sq. ft. on the south sidewalk of Lafa-
yette Park, west of the center panel.

Purpose(s) To promote and demonstrate the resolu-
tion of conflict through patience, understanding and rea-
son.

Anticipated Number of Participants 3

Person(s) in Charge W. Thomas

Address(es) 1440 N. St., NW # 410, Washington, D.
C. 20005

Telephone Nos. Day 462-0757 Evening 462-0757

This permit is granted subject to the following con-
ditions:

1. Permittee and all participants authorized herein
must comply with all of the conditions of this permit and
with all reasonable directions of the United States Park
Police.

2. All sidewalks, walkways, and roadways must re-
main unobstructed to allow for the reasonable use of
these areas by pedestrians, vehicles, and other park visi-
tors. PLEASE [*40] READ ATTACHED REGU-
LATIONS REGARDING SIGNS & STRUCTURES IN
LAFAYETTE PARK AND ADDITIONAL PERMIT
CONDITIONS APPLICABLE TO YOUR DEMON-
STRATION ACTIVITIES.

3. All laws, rules, and regulations applicable to the
area covered by this permit remain in effect.

4. No fee may be collected, donations solicited, nor
commercial activity conducted, and no articles, except
those expressing views through printed matter, such as
newspapers, pamphlets, posters, buttons, or bumper
stickers, may be offered for sale.

5. The area must be left in substantially the same
condition as it was prior to the activities authorized
herein, and all litter shall be placed in the trash contain-
ers provided.

[*715] 6. This permit is applicable only for the
use of the area designated above, and during the times
designated above, or in any area as may hereafter be
designated by the United States Park Police.

7. The use of sound amplification equipment, other
than hand-portable sound amplification equipment to be
used for crowd control purposes only, is prohibited on
the White House Sidewalk (South 1600 Pennsylvania
Avenue, N.W., sidewalk between East Executive Avenue
and West Executive Avenue). All sound [*41] am-
plification equipment shall be limited so that it will not
unreasonably disturb nonparticipating persons in, or in
the vicinity of, the area.

8. The National Park Service reserves the right to
immediately revoke this permit at any time should it
reasonably appear that the public gathering presents a
clear and present danger to the public safety, good order
or health, or if any conditions of this permit are violated.

Manus J. Fish

Regional Director,

National Capital Region

By: R. Merryman

Al Dale

Chief, Division of

Public Events

United States Department of the Interior

NATIONAL PARK SERVICE

NATIONAL CAPITAL REGION

1100 OHIO DRIVE, S. W.

WASHINGTON, D.C. 20242

PERMIT CONDITIONS

This is to notify you of restrictions applicable to your demonstration activities. Whether you are demonstrating under permit or pursuant to the small-group exemption to permit requirements, you must comply with regulations applicable to park lands and demonstrations found at 36 C.F.R. Parts 1 through 7. We would especially note the following activities that are prohibited [**42] in all park areas:

1. Injuring federal property, including snow fencing, grass, and other vegetation or structures (See 36 C.F.R. § 2.1(a) and § 2.31);

2. Failing to have dogs or cats entirely under control and caged or on a leash not more than six feet long (See 36 C.F.R. § 2.15); and

7. Camping or using park land for living accommodation purposes (See 36 C.F.R. § 7.96(i)).

Further, special regulations applicable to Lafayette Park, found at 36 C.F.R. § 7.96(g)(5)(x), impose additional restrictions on demonstrations in that park area. These regulations restrict the size, number, and use of stationary signs in Lafayette Park and prohibit the use of structures, except certain speaker's platforms, there. These regulations should be carefully studied before carrying on a demonstration in Lafayette Park.

In addition, pursuant to 36 C.F.R. § 7.96(g)(5)(xii)(B) and § 7.96(g)(5)(xiii), the Regional Director, National Capital Parks, imposes the following additional conditions on all demonstrations occurring in Lafayette Park:

[*716] 1. Property may not be stored in the Park, including, but not limited to construction materials, lumber, paint, tools, household items, food, tarps, [**43] bedding, blankets, sleeping bags, luggage, and other personal property. (In this regard, certain personal property that is reasonably required by a demonstration participant during any one 24-hour period will not be considered to violate this permit condition. Such property may include items such as a coat, a thermos, and a small quantity of literature. However, the quantity of these items may not exceed that which is reasonably necessary in a 24-hour period);

2. Signs or other objects may not be attached to lamp posts, trees, or structures in the Park;

3. Construction activities, including, but not limited to painting of signs, may not be undertaken in the Park;

4. All materials used in demonstration activities must be safe for use in public areas, for example, signs must be held or secured so as not to fall on pedestrians and supports must not pose a tripping, or other hazard;

5. Sound equipment may not be used at such a volume as to unreasonably disturb nonparticipating persons in the area;

6. Activity on the sidewalks must allow for an eight-foot clearance for the passage of pedestrians, emergency vehicles, and trash removal carts;

7. Activities on the sidewalks may [**44] not result in damage to or loosening of sidewalk bricks, such prohibited activities include but are not limited to: staking, chipping, nailing or wedging materials to or between bricks;

8. Activities may not obstruct access to park benches, trash receptacles or adjacent lawn areas; and

9. Demonstrators will be required to move their materials upon the request of National Park Service personnel when park maintenance is necessary.

If you have questions regarding these regulations or permit conditions, please contact Sandra Alley, Associate Regional Director, Public Affairs, at 485-9666, or Rick Merryman on her staff at 485-9660.

Associate Regional Director Public Affairs

10922M

***** Print Completed *****

Time of Request: Thursday, October 13, 2011 13:50:03 EST

Print Number: 1828:311836650

Number of Lines: 604

Number of Pages:

Send To: FONDREN, KIMBERLY
DOI OFFICE OF THE SOLICITOR
1849 C ST NW RM 7440
WASHINGTON, DC 20240-0001



David Barna/WASO/NPS

12/09/2011 01:55 PM

To Peggy O'Dell, Jon Jarvis, Maureen Foster,
william_line@nps.gov, Matt_Lee-Ashley@ios.doi.gov,
adam_fetcher@ios.doi.gov, Sue Waldron
cc david_barna@nps.gov

bcc

Subject heads-up: Washington Post call on Occupy DC

Washington Post reporter Robert McCarthy has contacted US Park Police spokesman David Schlosser with some questions: are we ramping up? Are we taking a more aggressive posture? Has our relationship with the protestors changed since the 2 story building was taken down? What's the difference between McPherson Square and Freedom Plaza.

David is working with Chief Chambers on a response. They will be very general, no specifics. Freedom Plaza, for example, is a "permitted" event. We believe we have a professional relationship with the protestors, we respect their right to free speech and they respect our need to insure resource protection and safety. USPP has seen an uptick in the reporting of "quality of life" violations. Protestors are coming to the USPP with complains about smoking pot, knives, etc. Interesting that they have asked for our help in policing the area.

He plans to run a story on Sunday about Occupy DC, the USPP portion will be a small sidebar.

David



Teresa Chambers/USPP/NPS
12/12/2011 03:32 PM

To David Barna/WASO/NPS@NPS
cc adam_fetcher@ios.doi.gov, David Barna/WASO/NPS@NPS,
David Schlosser/USPP/NPS@NPS, Jon
Jarvis/WASO/NPS@NPS, kate_kelly@ios.doi.gov,
bcc
Subject Re: Wash Post call and FOIA on Occupy DC

David -- FYI -- Director Jarvis has a weekly meeting (this is the second week) on Monday afternoons at 4:30 p.m. to review Occupy DC updates. Perhaps we can discuss it during that meeting. While I believe that Sergeant Schlosser can provide back-up information regarding our role, I don't believe this is a USPP story. We are approaching this from a pretty interesting community policing perspective (especially McPherson), so there actually is some positive information to share in addition to the growing number of arrests that are made (again, primarily at McPherson), almost on a daily basis.

Thanks.

T

Chief Teresa C. Chambers
United States Park Police
1100 Ohio Drive, SW
Washington, DC 20024
202-619-7350

David Barna	FYI Bill Line is looking for guidance on...	12/12/2011 03:23:46 PM
-------------	---	------------------------



David Barna/WASO/NPS
12/12/2011 03:23 PM

To adam_fetcher@ios.doi.gov, Matt_Lee-Ashley@ios.doi.gov,
kate_kelly@ios.doi.gov, Jon Jarvis, Peggy O'Dell, David
Schlosser
cc Sue Waldron, Maureen Foster, Teresa
Chambers/USPP/NPS@NPS, David
Barna/WASO/NPS@NPS
Subject Wash Post call and FOIA on Occupy DC

FYI

Bill Line is looking for guidance on who, if anyone, should do the interview.

David

----- Forwarded by David Barna/WASO/NPS on 12/12/2011 03:20 PM -----



William Line/NCR/NPS
12/12/2011 03:19 PM EST

To David Barna/WASO/NPS@NPS
cc Sue Waldron/WASO/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS
Subject Fw: Occupy DC

Dave:

Thanks for taking my call. Please see the email below from WPost reporter Annie Gowen. Gowen called me and asked to speak to "whoever is making all the decisions about Occupy DC and we want to talk to as high up the ladder or as low down the ladder as to who or which persons are making the decisions about Occupy DC." Gowen directly mentioned Jon Jarvis' name, directly mentioned Secretary Salazar's name, and directly mentioned U.S. Park Police Chief Teresa Chambers' name. As you can see, Gowen wants to talk this week, as she is writing for next Sunday.

Also please note that Gowen is working closely with WPost reporter Tim Craig, who filed a Freedom of Information (FOIA) Request today, asking for copies of emails and other correspondence between Steve Whitesell, Bob Vogel (NAMA), Ann Bowman Smith (Presidents Park) and me on the issue of Occupy DC. Craig asked for both Expedited Processing of the Request AND for a Request for a Fee Waiver in regard to his FOIA.

Please let me know if you have any questions.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: (202) 359-0321; Fax: (202) 619-7302

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<http://www.youtube.com/gwnppublicaffairs1>

<http://www.flickr.com/photos/gwnppublicaffairs>

----- Forwarded by William Line/NCR/NPS on 12/12/2011 03:12 PM -----



Annie Gowen

[<gowena@washpost.com>](mailto:gowena@washpost.com)

12/12/2011 02:23 PM

To william_line@nps.gov

cc

Subject Occupy DC

Mr. Line:

Thanks for all your help today. As we discussed, I am working on a story for Sunday's paper about the future of the Occupy encampments in D.C. We're hoping to speak to someone within your agency who is overseeing the matter to discuss how long they will be allowed to stay, if there have been any significant problems with either encampment and other issues. As I said, I'm available this week for any interviews you may be able to arrange.

Thanks.

Annie
Annie Gowen
Reporter, Wealth Class & Income
The Washington Post
O(202) 334-9599
C(202) 621 3315



David Barna
<david_barna@nps.gov>
11/22/2011 03:38 PM

To Lisa Mendelson-ielmini <Lisa_Mendelson-ielmini@nps.gov>,
Bill Line <William_Line@nps.gov>, Carol Johnson
<carol_b_johnson@nps.gov>, Jody Lyle

cc

bcc

Subject Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues

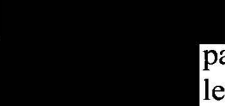
As most of you know they seem to be on the move today

The Region is starting to get emails from the public like the one below

I will be at home tomorrow [REDACTED] but can participate **FOIA6**

What's a good time in the morning for a call?

Here's our office call in line that we can use for a conference call



participant
leader

FOIA5D

David

FOIA5A

Carter DeWitt
<cdewitt@taxfound
ation.org>

To

"lisa_mendelson-ielmini@nps.gov"

11/22/2011 01:49
PM

<lisa_mendelson-ielmini@nps.gov>

cc

Subject

Occupy Dc versus other park users -
I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom – my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off – Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you – and who butters your bread with their labor. It isn't Occupy DC – it isn't the new generation of class warfare you are propping up - it is me. I am disgusted. I am angry and want this to end. Yesterday I read that the Occupy DC residents at McPherson Square expect to stay into next year. I sincerely hope this is not the case. They need to go home and have someone else support them if they are not willing to work. I have no desire to pay for this via my tax dollars you take from me in so many ways. They do not have a permit and it is unlawful for them to be there. If I tried to camp in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them – why are you not hearing us?

Laurie Carter DeWitt

FOIA6

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation


National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)

www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy --
neutrality, simplicity, transparency, and stability



Peggy O'Dell/WASO/NPS
10/24/2011 10:46 AM

To "Hanson, Polly L" <Polly_Hanson@ios.doi.gov>
cc
bcc
Subject Re: Occupy DC 

Thanks Polly. I just wanted to be sure OLES is aware of what is going on with Occupy DC and with your networks of folks you could share any info you might have.

Peggy O'Dell
Deputy Director, Operations

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA

"Hanson, Polly L" <Polly_Hanson@ios.doi.gov>



"Hanson, Polly L"
<Polly_Hanson@ios.doi.gov>

10/24/2011 08:15 AM

To "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>
cc
Subject Occupy DC

Good Morning:

Kathy Harasek called me last week per your instructions. We brainstormed regarding the Occupy folks in Macpherson Park. She indicated a plan was to be submitted for your review last Friday. I'd be happy to look it or do anything else to support NPS, if you wish. I look forward to our trip out west.

Polly Hanson
Director

Office of Law Enforcement and Security
U.S. Department of the Interior
1849 C Street, NW. Room # 3411
Mail Stop: MS-3409-MIB
Washington, DC 20240.
(202) 208-6319
(202) 219-1185 (Fax)

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"Davis, Laura"
<Laura_Davis@ios.doi.gov>
11/17/2011 03:07 PM

To "Foster, Maureen" <Maureen_Foster@nps.gov>, "O'Dell,
Peggy" <Peggy_O'Dell@nps.gov>
cc
bcc
Subject Fwd: Occupy

Incoming. At retreat in WV will let you know what I get next.

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
Date: November 17, 2011 1:56:54 PM EST
To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: Occupy

Laura - We are watching them closely today. If they disrupt rush hour as has been suggested I think it is time we plan together for a serious change in how we have been approaching them in DC. We are increasingly concerned.

Thanks,
Chris

Join Mayor Gray's One City • One Hire - 10,000 Jobs Campaign
"Putting District Residents Back to Work – One Hire at a Time"
Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.
Learn more at www.dconefund.org or www.onefund.dc.gov. One City, Working Together!



Jon Jarvis/WASO/NPS
12/09/2011 02:20 PM

To David Barna/WASO/NPS
cc adam_fetcher@ios.doi.gov, david_barna@nps.gov,
Matt_Lee-Ashley@ios.doi.gov, Maureen
Foster/WASO/NPS@NPS, Peggy_O'Dell@nps.gov,
bcc
Subject Re: heads-up: Washington Post call on Occupy DC

This is a good opportunity to distinguish the work of NPS/USPP in Washington as the center of First Amendment experiences. The focus by USPP on "quality of life" ensures the safety of the occupiers and visitors while respecting their rights to protest.

Jonathan B. Jarvis, Director
National Park Service
"Working with extraordinary people
to make America's best idea even better!"
David Barna/WASO/NPS



David Barna/WASO/NPS
12/09/2011 01:55 PM

To Peggy O'Dell, Jon Jarvis, Maureen Foster,
william_line@nps.gov, Matt_Lee-Ashley@ios.doi.gov,
adam_fetcher@ios.doi.gov, Sue Waldron
cc david_barna@nps.gov
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He plans to run a story on Sunday about Occupy DC, the USPP portion will be a small sidebar.

David



David Barna/WASO/NPS
12/09/2011 02:24 PM

To Jon Jarvis/WASO/NPS@NPS
cc
bcc
Subject Re: heads-up: Washington Post call on Occupy DC 

got it thanks.

d



David Barna/WASO/NPS

12/09/2011 01:55 PM

To Peggy O'Dell, Jon Jarvis, Maureen Foster,
william_line@nps.gov, Matt_Lee-Ashley@ios.doi.gov,
adam_fetcher@ios.doi.gov, Sue Waldron
cc david_barna@nps.gov

bcc

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David



"Davis, Laura"
<Laura_Davis@ios.doi.gov>
10/20/2011 05:32 AM

To "Jarvis, Jon" <Jon_Jarvis@nps.gov>, "O'Dell, Peggy"
<Peggy_O'Dell@nps.gov>, "Foster, Maureen"
<Maureen_Foster@nps.gov>
cc "Jacobson, Rachel - Deputy Solicitor"
<Rachel.Jacobson@sol.doi.gov>, "Lee-Ashley, Matt"
<Matt_Lee-Ashley@ios.doi.gov>, "Hayes, David"
bcc
Subject Fwd: Occupy DC Update - McPherson Square

Jon, Peggy, Maureen,
I'm hearing directly from Mayor Gray's COS regarding their concerns about impacts to McPherson Square (and Freedom Plaza) from the Occupy DC folks. The Mayor's office has been working directly with Bob Vogel and my sense is that relationship is fine, but becoming strained as the protests and impacts grow. I'm sure this is already taking quite a bit of your time, but I need to call Chris today and hear his concerns, and he will be looking for some new solutions. Can you get me up to speed this morning? I'll forward an additional email next.

Thanks.

Laura

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: FW: Occupy DC Update - McPherson Square

FYI

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Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.
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<<http://www.onefund.dc.gov>>. One City, Working Together!

From: David Kamperin [mailto:davidk@downtowndc.org]
Sent: Wednesday, October 19, 2011 4:21 PM
To: bob_vogel@nps.gov; steve_lorenzetti@nps.gov; karen_cucurullo@nps.gov;
Kathleen_Harasek@nps.gov; teresa_chambers@nps.gov; kevin_hay@nps.gov
Cc: Richard Bradley; Rick Reinhard; Murphy, Christopher (EOM); Karyn LeBlanc
Subject: FW: Occupy DC Update - McPherson Square

Superintendent Vogel

Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response – to include increased trash pick ups and enforcement of these severe public safety issues.

[cid:image001.jpg@01CC8E7B.0DC2E5E0]

Preventing terrorism is everybody's business.

If you SEE something, SAY something.

Call the Metropolitan Police Department at (202) 727-9099 or email at SAR@DC.GOV <blocked::mailto:SAR@DC.GOV> to report suspicious activity or behavior that has already occurred.

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To learn more, visit

<http://www.mpdc.dc.gov/operationtipp> <blocked::http://www.mpdc.dc.gov/operationtipp>

From: Blake Holub

Sent: Wednesday, October 19, 2011 4:04 PM

To: David Kamperin

Cc: Kenneth Gregory

Subject: Occupy DC Update - McPherson Square

Dave,

As we had discussed earlier, Kenny and I visited the Occupy DC site today. We noted that the site had expanded since Monday, roughly totaling 125-150 people with nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all of the activity. Also, the demonstration has two working generators which they seem to be rotating out. They also have a storage tent which looks like a quasi-pantry for demonstrators to receive rations. Additionally, the smell was quite putrid when we walked through the encampment which most likely stems from the lack of sanitary conditions and the presence of dogs. Lastly, we noted around 15 or so trash bags stacked

on the corner of K and 15th St. I have also attached photos for your viewing.

Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA

Quality Control Manager

Public Space Management

Downtown DC BID













1250 H Street, NW Suite 1000

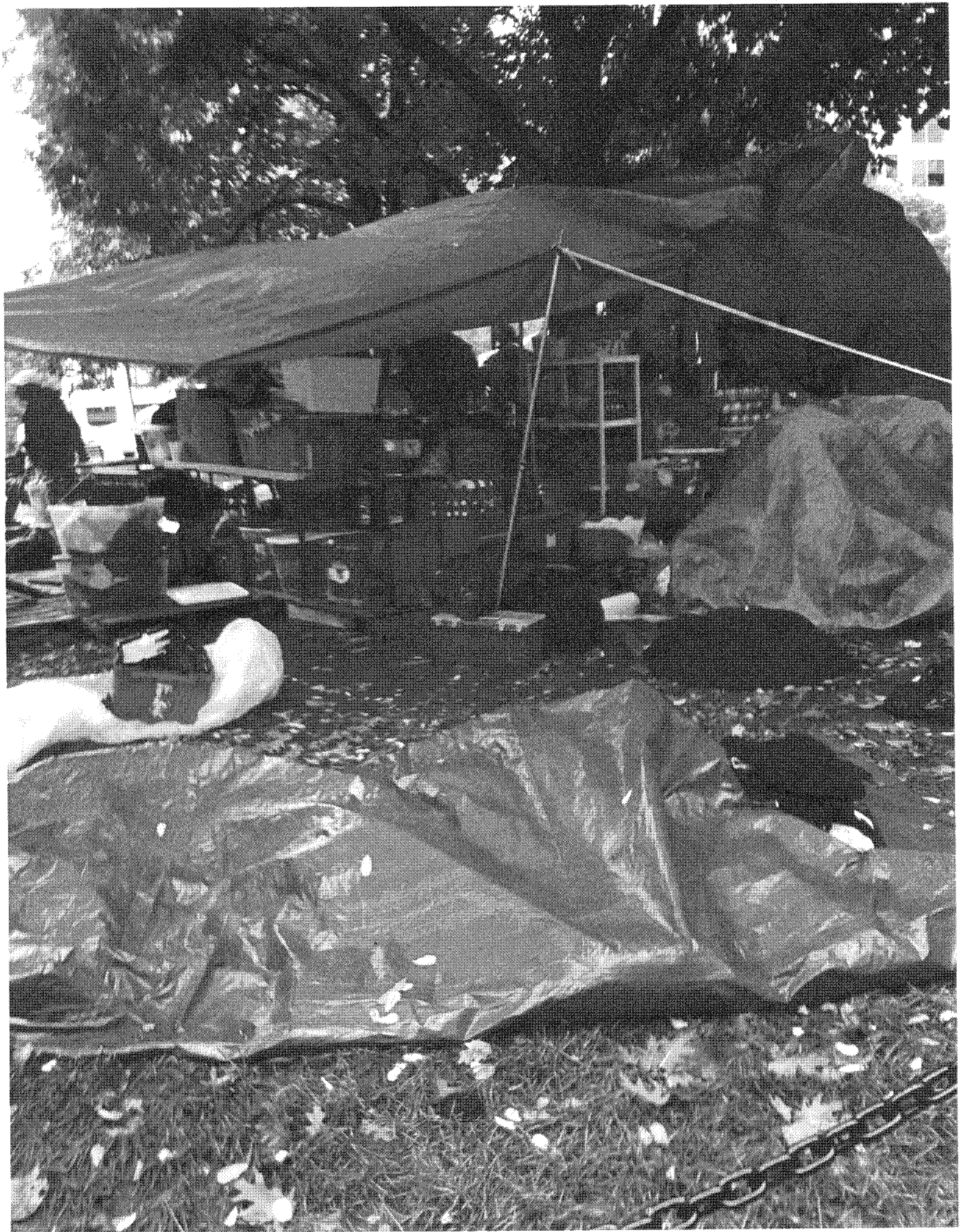
Washington, DC 20005

Desk: (202) 661-7571

Fax: (202) 661-7599

Email: blake@downtowndc.org<<mailto:blake@downtowndc.org>>

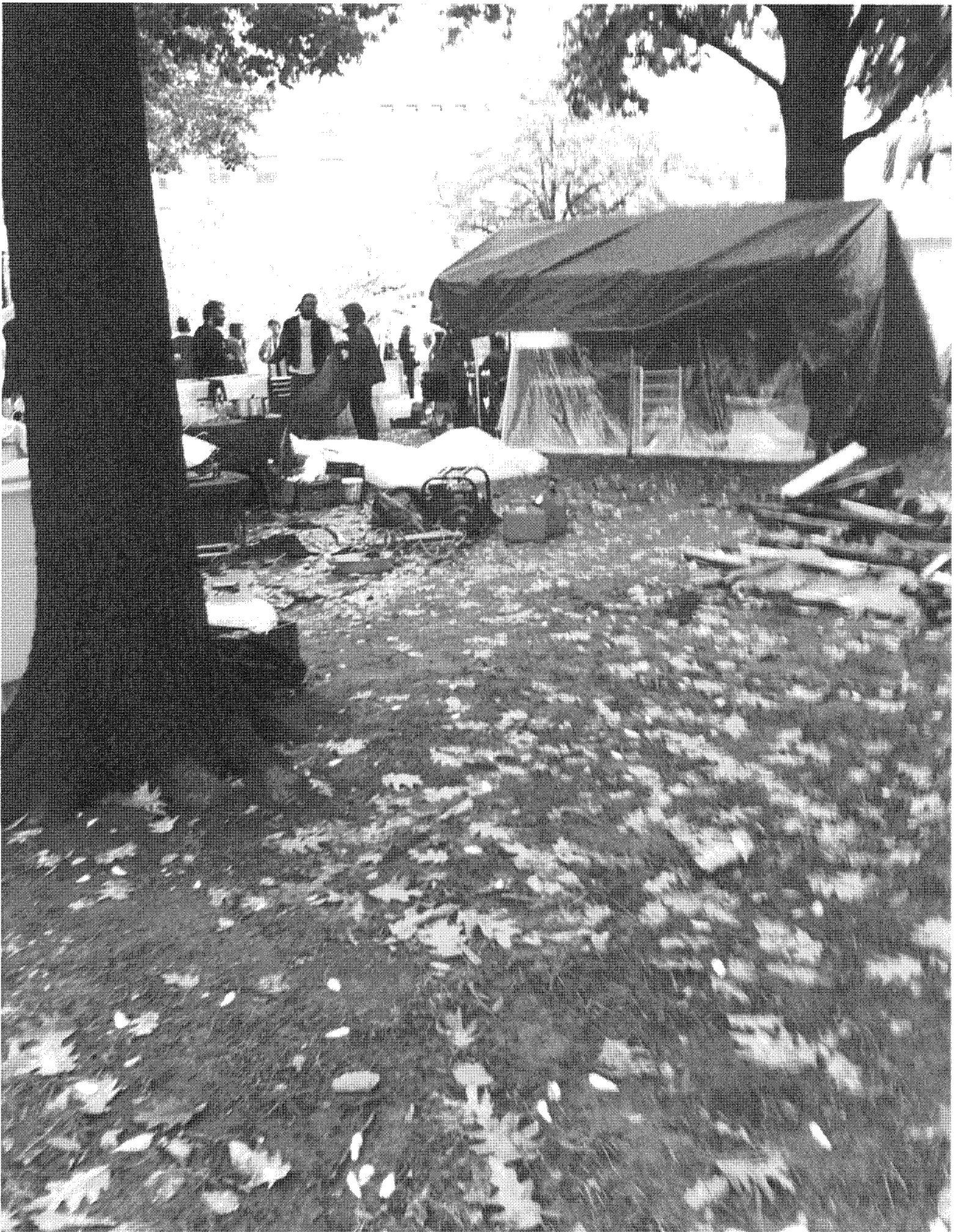
    
image001.jpg ATT00001.htm Storage_Tent_10-19-11.JPG ATT00002.htm Excessive Trash 10-19-11.JPG
    
ATT00003.htm Generator_2 10-19-11.JPG ATT00004.htm occupy_dc_10_19_11.JPG ATT00005.htm
 
ODC_generator.JPG ATT00006.htm













Teresa Chambers/USPP/NPS
12/12/2011 03:32 PM

To David Barna/WASO/NPS@NPS
cc adam_fetcher@ios.doi.gov, David Barna/WASO/NPS@NPS,
David Schlosser/USPP/NPS@NPS, Jon
Jarvis/WASO/NPS@NPS, kate_kelly@ios.doi.gov,
bcc
Subject Re: Wash Post call and FOIA on Occupy DC

David -- FYI -- Director Jarvis has a weekly meeting (this is the second week) on Monday afternoons at 4:30 p.m. to review Occupy DC updates. Perhaps we can discuss it during that meeting. While I believe that Sergeant Schlosser can provide back-up information regarding our role, I don't believe this is a USPP story. We are approaching this from a pretty interesting community policing perspective (especially McPherson), so there actually is some positive information to share in addition to the growing number of arrests that are made (again, primarily at McPherson), almost on a daily basis.

Thanks.

T

Chief Teresa C. Chambers
United States Park Police
1100 Ohio Drive, SW
Washington, DC 20024
202-619-7350

David Barna FYI Bill Line is looking for guidance on who, if an... 12/12/2011 03:23:46 PM



David Barna/WASO/NPS
12/12/2011 03:23 PM

To adam_fetcher@ios.doi.gov, Matt_Lee-Ashley@ios.doi.gov,
kate_kelly@ios.doi.gov, Jon Jarvis, Peggy O'Dell, David
Schlosser
cc Sue Waldron, Maureen Foster, Teresa
Chambers/USPP/NPS@NPS, David
Barna/WASO/NPS@NPS
Subject Wash Post call and FOIA on Occupy DC

FYI

Bill Line is looking for guidance on who, if anyone, should do the interview.

David

----- Forwarded by David Barna/WASO/NPS on 12/12/2011 03:20 PM -----



William Line/NCR/NPS
12/12/2011 03:19 PM EST

To David Barna/WASO/NPS@NPS
cc Sue Waldron/WASO/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS
Subject Fw: Occupy DC

Dave:

Thanks for taking my call. Please see the email below from WPost reporter Annie Gowen. Gowen called me and asked to speak to "whoever is making all the decisions about Occupy DC and we want to talk to as high up the ladder or as low down the ladder as to who or which persons are making the decisions about Occupy DC." Gowen directly mentioned Jon Jarvis' name, directly mentioned Secretary Salazar's name, and directly mentioned U.S. Park Police Chief Teresa Chambers' name. As you can see, Gowen wants to talk this week, as she is writing for next Sunday.

Also please note that Gowen is working closely with WPost reporter Tim Craig, who filed a Freedom of Information (FOIA) Request today, asking for copies of emails and other correspondence between Steve Whitesell, Bob Vogel (NAMA), Ann Bowman Smith (Presidents Park) and me on the issue of Occupy DC. Craig asked for both Expedited Processing of the Request AND for a Request for a Fee Waiver in regard to his FOIA.

Please let me know if you have any questions.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: (202) 359-0321; Fax: (202) 619-7302

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<http://www.youtube.com/gwnppublicaffairs1>

<http://www.flickr.com/photos/gwnppublicaffairs>

----- Forwarded by William Line/NCR/NPS on 12/12/2011 03:12 PM -----



Annie Gowen

[<gowena@washpost.com>](mailto:gowena@washpost.com)

12/12/2011 02:23 PM

To william_line@nps.gov

cc

Subject Occupy DC

Mr. Line:

Thanks for all your help today. As we discussed, I am working on a story for Sunday's paper about the future of the Occupy encampments in D.C. We're hoping to speak to someone within your agency who is overseeing the matter to discuss how long they will be allowed to stay, if there have been any significant problems with either encampment and other issues. As I said, I'm available this week for any interviews you may be able to arrange.

Thanks.

Annie
Annie Gowen
Reporter, Wealth Class & Income
The Washington Post
O(202) 334-9599
C(202) 621 3315



Jon Jarvis/WASO/NPS

12/09/2011 02:20 PM

To David Barna/WASO/NPS

cc adam_fetcher@ios.doi.gov, david_barna@nps.gov,
Matt_Lee-Ashley@ios.doi.gov, Maureen
Foster/WASO/NPS@NPS, Peggy_O'Dell@nps.gov,
bcc

Subject Re: heads-up: Washington Post call on Occupy DC

This is a good opportunity to distinguish the work of NPS/USPP in Washington as the center of First Amendment experiences. The focus by USPP on "quality of life" ensures the safety of the occupiers and visitors while respecting their rights to protest.

Jonathan B. Jarvis, Director
National Park Service
"Working with extraordinary people
to make America's best idea even better!"
David Barna/WASO/NPS



David Barna/WASO/NPS

12/09/2011 01:55 PM

To Peggy O'Dell, Jon Jarvis, Maureen Foster,
william_line@nps.gov, Matt_Lee-Ashley@ios.doi.gov,
adam_fetcher@ios.doi.gov, Sue Waldron
cc david_barna@nps.gov

Subject heads-up: Washington Post call on Occupy DC

Washington Post reporter Robert McCarthy has contacted US Park Police spokesman David Schlosser with some questions: are we ramping up? Are we taking a more aggressive posture? Has our relationship with the protestors changed since the 2 story building was taken down? What's the difference between McPherson Square and Freedom Plaza.

David is working with Chief Chambers on a response. They will be very general, no specifics. Freedom Plaza, for example, is a "permitted" event. We believe we have a professional relationship with the protestors, we respect their right to free speech and they respect our need to insure resource protection and safety. USPP has seen an uptick in the reporting of "quality of life" violations. Protestors are coming to the USPP with complains about smoking pot, knives, etc. Interesting that they have asked for our help in policing the area.

He plans to run a story on Sunday about Occupy DC, the USPP portion will be a small sidebar.

David



Jeffrey Olson/WASO/NPS

11/23/2011 01:06 PM

To Lisa Mendelson-Ielmini/NCR/NPS@NPS

cc "Alma_Ripps@nps.gov" <Alma_Ripps@nps.gov>, Bob_Vogel@nps.gov, "Carol_B_Johnson@nps.gov" <Carol_B_Johnson@nps.gov>, david_barna@nps.gov,
bcc

Subject Re: DRAFT ATTACHED -- Occupy DC public inquiry 

My comments in track changes.



2011 11 23 Community Response DRAFT JO comments.docx

Jeffrey G. Olson
Office of Communications
National Park Service
1849 C Street NW (room 3310)
Washington, DC 20240
(202) 208-6843 - office phone
(202) 230-2088 - cell.blackberry
(202) 219-0910 - fax
www.nps.gov

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

EXPERIENCE YOUR AMERICA

Lisa Mendelson-Ielmini/NCR/NPS




Lisa
Mendelson-Ielmini/NCR/NPS

11/23/2011 11:53 AM

To "Alma_Ripps@nps.gov" <Alma_Ripps@nps.gov>, "Carol_B_Johnson@nps.gov" <Carol_B_Johnson@nps.gov>, "David_Schlosser@nps.gov" <David_Schlosser@nps.gov>, "Jeffrey_Olson@nps.gov" <Jeffrey_Olson@nps.gov>, "Jody_Lyle@nps.gov" <Jody_Lyle@nps.gov>, KatherineKelly <Kate_Kelly@ios.doi.gov>, "Maureen_Foster@nps.gov" <Maureen_Foster@nps.gov>, "Peggy_O'Dell@nps.gov" <Peggy_O'Dell@nps.gov>, "William_Line@nps.gov" <William_Line@nps.gov>, david_barna@nps.gov, Matt Lee-Ashley/OCO/OS/DOI@DOI, Matt Lee-Ashley/OCO/OS/DOI@DOI, Bob_Vogel@nps.gov, Steve_Whitesell@nps.gov

cc

Subject DRAFT ATTACHED -- Occupy DC public inquiry 

Thanks everyone for coming together for the call this morning.

Karen Cucurullo, Kathy Harasek, and I just wrapped up this DRAFT for everyone's review. As we discussed on the call, this is intended to be broad so that it may be repurposed for other inquiries.

[attachment "2011 11 23 Community Response DRAFT.docx" deleted by Jeffrey

Olson/WASO/NPS]

If you do have comments, please use TRACK CHANGES so we'll be able to pick them out. In order to respond today, I'd ask that everyone read and review as soon as possible, no later than 2 pm.

I'm in the office and you can reach me at the numbers below if you'd like to talk about this.

Thanks everyone for your participation and thoughts,

~Lisa

Lisa A. Mendelson-Ielmini, AICP
Deputy Regional Director
National Park Service, National Capital Region
202-619-7000 office
202-297-1338 cell

David Barna <david_barna@nps.gov>



David Barna
<david_barna@nps.gov>
11/22/2011 08:16 PM

To Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov>
cc "Carol_B_Johnson@nps.gov"
<Carol_B_Johnson@nps.gov>, "David_Schlosser@nps.gov"
<David_Schlosser@nps.gov>, "William_Line@nps.gov"
<William_Line@nps.gov>, "Jody_Lyle@nps.gov"
<Jody_Lyle@nps.gov>, "Jeffrey_Olson@nps.gov"
<Jeffrey_Olson@nps.gov>, "Maureen_Foster@nps.gov"
<Maureen_Foster@nps.gov>, "Alma_Ripps@nps.gov"
<Alma_Ripps@nps.gov>, "Peggy_O'Dell@nps.gov"
<Peggy_O'Dell@nps.gov>, KatherineKelly
<Kate_Kelly@ios.doi.gov>
Subject 9:30 okay for call Wednesday morning on Occupy DC
issues

9:30 it is

D

David Barna
Chief Spokesman
National Park Service
Washington DC

On Nov 22, 2011, at 7:47 PM, Lisa Mendelson-Ielmini <lisa_mendelson-ielmini@nps.gov>
wrote:

Let's set a time --- how about 9:30 am on the phone line in David B's email? Thx.

Sent by iPad. Typos by Lisa.

On Nov 22, 2011, at 3:52 PM, Carol_B_Johnson@nps.gov wrote:

Available from home all day

From: David Schlosser
Sent: 11/22/2011 03:50 PM EST
To: David Barna; Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly
Subject: Re: Conference call Wednesday morning on Occupy DC issues

I am available all day from home.

David

From: David Barna [david_barna@nps.gov]
Sent: 11/22/2011 03:38 PM EST
To: Lisa Mendelson-Ielmini; William Line; Carol Johnson; Jody Lyle; Jeffrey Olson; Maureen Foster; Alma Ripps; Peggy O'Dell; Katherine Kelly; David Schlosser; David Barna
Subject: Conference call Wednesday morning on Occupy DC issues

All

Lisa Mendelson-Ielmini called and would like to have a conversation tomorrow Wednesday morning to discuss our messaging on the Occupy DC issues

As most of you know they seem to be on the move today

The Region is starting to get emails from the public like the one below

I will be at home tomorrow [REDACTED] but can participate

What's a good time in the morning for a call?

Here's our [REDACTED] in line that we can use for a conference call

Code [REDACTED] participant

Code [REDACTED] **FOIA5D**

David

Carter DeWitt
<cdewitt@taxfound
ation.org>

To
"lisa_mendelson-ielmini@nps.gov"

11/22/2011 01:49
PM

<lisa_mendelson-ielmini@nps.gov>
cc

Subject
Occupy Dc versus other park users -
I count too!

Just spent 50 minutes being transferred from one national park department to the other - no one taking responsibility for this mess you all have created.

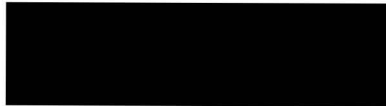
I have been a resident of DC for three years. In that time I have paid my fair share of federal and DC taxes, donated to charities and supported several volunteer efforts. I live across from McPherson Square Park and almost every Saturday took my book into the park and read. Almost every night I would feed the ducks with bread I purchased at CVS. I fed the squirrels with the nuts Peapod delivered to my door. I am a single mom – my husband passed away six years ago - and I work very hard to pay for two children in college and keep a roof over my head. Do you have any idea how hard that is to do? I am not some spoiled trust fund baby.

Now the ducks are gone, the squirrels are gone and my park bench no longer available thanks to by Occupy DC. The grass is ruined, the trash is horrendous and the rat population has at least tripled. At night I get to listen to their parties, I see under age minors camping there without adult supervision. I get to hear sex, see public urination and be subjected to early morning drums when I have my one day off – Saturday. Even worse is the knowledge that my tax dollars support this irresponsible behavior by the city and federal park service and that you provide police protection to them as they march and as they disturb my peace, my travel to and from work.

Sounds to me like you don't recognize who votes for you – and who
butters
your bread with their labor. It isn't Occupy DC – it isn't the new
generation of class warfare you are propping up - it is me. I am
disgusted. I am angry and want this to end. Yesterday I read that the
Occupy DC residents at McPherson Square expect to stay into next year. I
sincerely hope this is not the case. They need to go home and have
someone
else support them if they are not willing to work. I have no desire to pay
for this via my tax dollars you take from me in so many ways. They do not
have a permit and it is unlawful for them to be there. If I tried to camp
in one of these parks you would make me leave -

There are thousands of us unhappy and complaining about them – why are
you
not hearing us?

Laurie Carter DeWitt

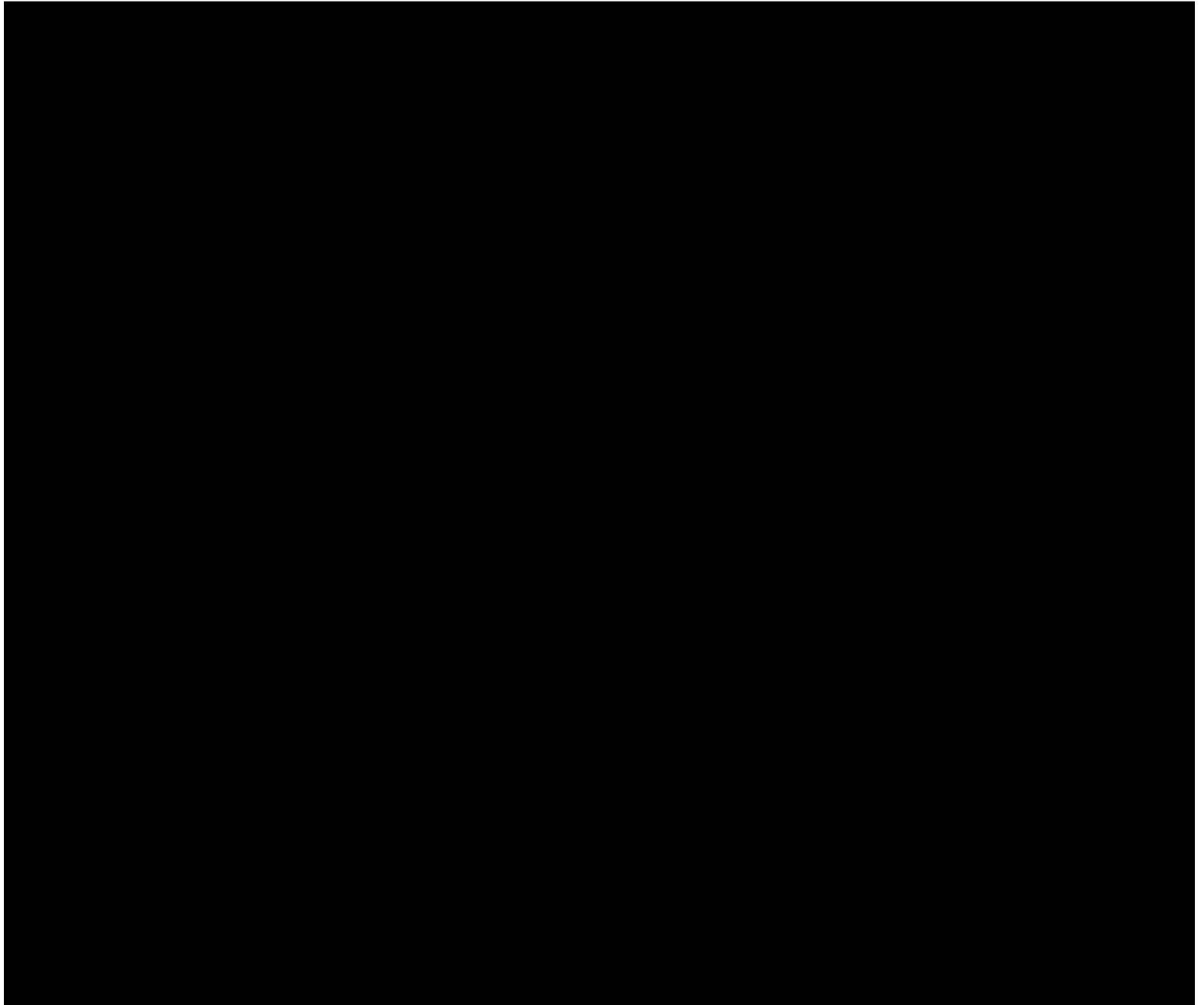



FOIA6

Carter
Ms. Carter DeWitt
Vice President of Development
Tax Foundation
National Press Building
529 14th St., NW, Suite 420
Washington, DC 20045
(202) 464-5110 (Direct line)
www.TaxFoundation.org

The Tax Foundation is guided by the principles of sound tax policy --
neutrality, simplicity, transparency, and stability

DRAFT PREDECISIONAL DRAFT PREDECISIONAL DRAFT PREDECISIONAL 11/23/11 by NCR, NAMA, USPP

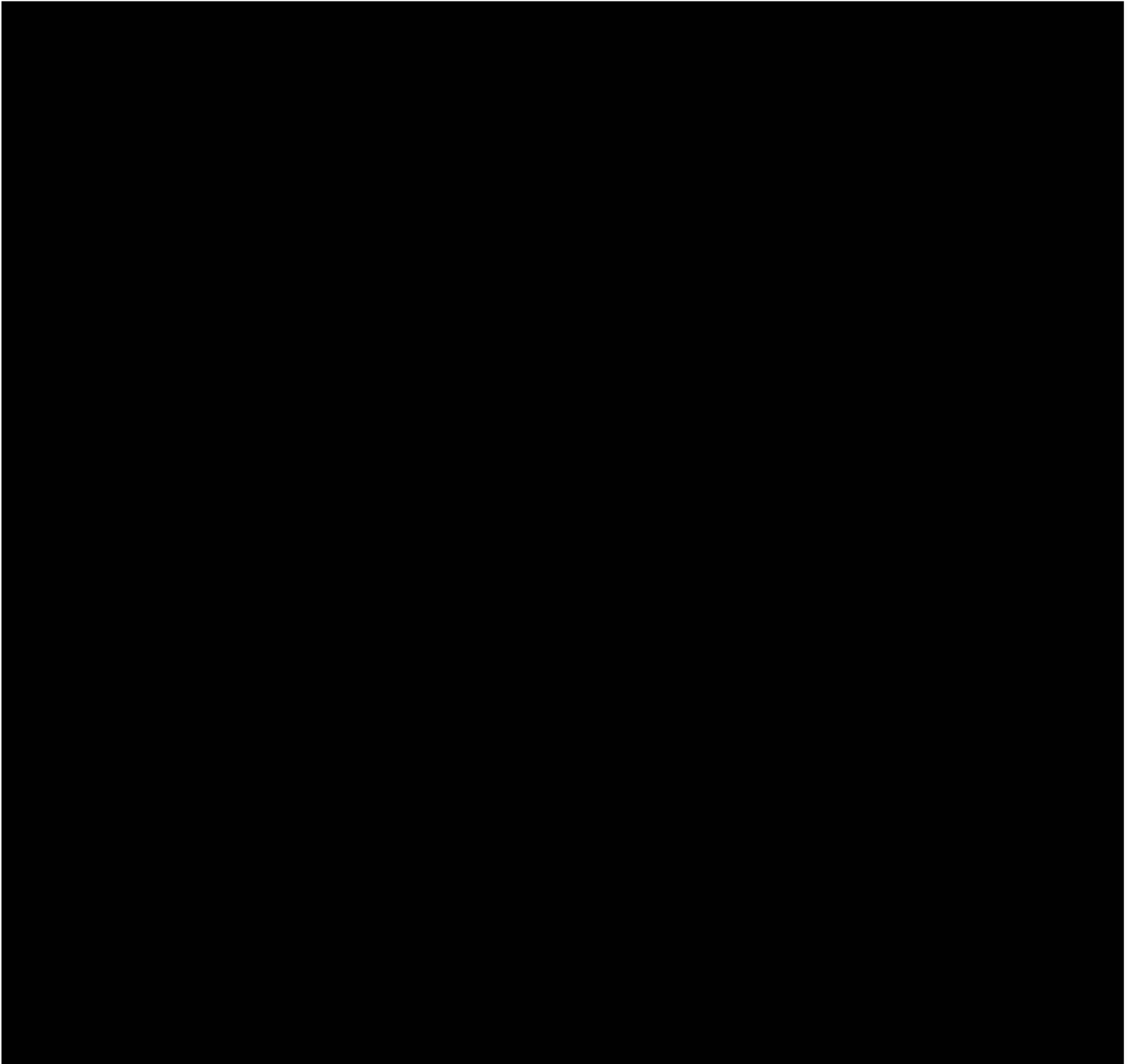




Superintendent Bob Vogel
National Mall and Memorial Parks
Bob_Vogel@nps.gov 202-245-4661

Chief Teresa C. Chambers
United States Park Police
Teresa_Chambers@nps.gov 202-619-7350
DRAFT PREDECISIONAL DRAFT PREDECISIONAL DRAFT PREDECISIONAL 11/23/11 by NCR, NAMA, USPP

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DRAFT PREDECISIONAL DRAFT PREDECISIONAL DRAFT PREDECISIONAL 11/23/11 by NCR, NAMA, USPP

Cousins, Debbie

From: Teresa Chambers [teresa_chambers@nps.gov]
Sent: Tuesday, December 06, 2011 12:57 PM
To: SLV
Cc: Jarvis, Jon; O'Dell, Peggy; Davis, Laura; Lee-Ashley, Matt; Johnson, Terri
Subject: Re: Op-Ed

Mr. Secretary - What an honor to hear directly from you with such strong words of support and praise for our officers. We all have a right to be proud of the effective and tactful manner in which they carried out Sunday's interaction with folks at McPherson Square. It will be a pleasure to pass on your words of admiration and thanks to the team.

Thank you, sir, for taking the time to personally reach out.

Teresa

Teresa Chambers, Chief
United States Park Police
Sent from my iPad

On Dec 6, 2011, at 12:46 PM, SLV <kensalazar@ios.doi.gov> wrote:

Dear Chief Chambers:

Please communicate my admiration to each of the officers of the U.S. Parks Police involved in Sunday's action at McPherson Square. The op-ed below captures the professionalism and patience of our Park's Police. Job well done.

Ken Salazar

Secretary of the Interior

OP-ED: Police maintain professionalism in Occupy D.C. confrontation

Washington Post

Petula Dvorak

12/05/11

http://www.washingtonpost.com/local/police-maintain-professionalism-in-occupy-dc-confrontation/2011/12/05/gIQAXWsXWO_print.html

All day and into the night, the police were being taunted. Insults and sometimes water bottles were hurled their way. Cameras were pointed at them from every direction.

Yet, as they have done throughout the downtown drama known as Occupy D.C., the U.S. Park Police and D.C. officers displayed remarkable discipline and restraint Sunday during their confrontation with protesters in McPherson Square. Even as they arrested 31 Occupiers, the officers didn't become a laughing stock Internet meme. They didn't succumb to the brutality we witnessed in Oakland, or the appallingly brazen pepper-spraying that was filmed at the University of California at Davis.

And that's saying something, given the reality show-style stunt the police were asked to pull off Sunday night, after park protesters living in tents erected the bones of a small barn.

For any structure in the square to be legal, it has to be temporary. But there was nothing temporary about the sturdy two-by-fours that made up the new building's bones.

Its construction was pure provocation of a police force that has already been stunningly accommodating and patient with the Occupy protesters.

Police asked them to take the barn down. They said no. Instead, some of them climbed up to the top, where they prostrated themselves, crucifixion style, on the rafters or straddled them like jungle gym bars and occasionally fist-pumped to the crowd below.

So authorities called in a building inspector to check it for safety.

Within minutes of arriving, the inspector slapped orange "Danger" stickers on the building and police closed in to take it down. The protesters got a few more warnings to leave.

Like a game of wills between parent and toddler, the police counted — one, two, three. And they began arresting the ones who remained inside the barn.

Then there was the challenge of safely arresting the ones who remained clinging to the rafters while dozens of cameras recorded their every move. The police pulled up a tactical vehicle and stood on the roof, hoping to get them off that way. No dice. The Occupiers scrambled to the other side.

They had a giant inflatable mattress that two guys eventually jumped into (that would've been my choice, it looked fun). Finally, there was a huge cherry picker, which maneuvered around the structure cornering each protester. The two cops inside it harnessed, roped and very precariously hauled each remaining Occupier into the bucket.

It was sort of like rodeo meets Cirque du Soleil.

The cost of this little passion play had to be staggering, though no one has put a dollar figure on it yet. I counted dozens of officers, a tiny herd of horses, at least two tactical vehicles, a forklift, a cherry picker, plus that moonbounce thing.

Mark Francis Nickens, 51, stood outside the police barricade, watching the confrontation get more and more tense. Nickens has been hanging with the protesters for weeks. In fact, he's got one of the most visible structures; the tepee that's closest to the White House is his doing. But on Sunday, he was fuming, certain the the hubris of lumber and nails would spell the end of their stay.

"Damn thing. This was *not* what was supposed to happen," said the musician and dog walker from Takoma Park. "You don't just go and antagonize the cops for nothing."

But that's exactly what they were doing. Young protesters hopped up on empowerment and anything else that could be found in those tents randomly spit insults at officers who were standing nearby, simply doing their jobs. Park Police officers, who make starting salaries of \$52,000 a year, are firmly part of that 99 percent the movement keeps talking about.

U.S. Park Police spokesman Sgt. David Schlosser said the officers are trained to stay professional, to see the insults as "meaningless." They got called pigs and po-po, but the officers were as poker-faced as beefeaters.

The protesters are blatantly violating the law on a daily basis in the park, cooking, showering, sleeping, occupying. Yet they also have a righteous message about the nation's widening wealth gap that a good chunk of the 99 percent agree with. The protests are making people think and talk about the nation's housing and unemployment crises. Many people are just as angry as the protesters. They are ready for change and hungry for solutions.

The protesters have a powerful platform and a silent blessing from a police force that has looked the other way on loads of petty stuff. Taunting those officers undermines the very message the Occupiers are trying to deliver. It's cowardly and ridiculous, especially when there are so many real villains to holler at.



Jon Jarvis/WASO/NPS
12/09/2011 02:20 PM

To David Barna/WASO/NPS
cc adam_fetcher@ios.doi.gov, david_barna@nps.gov,
Matt_Lee-Ashley@ios.doi.gov, Maureen
Foster/WASO/NPS@NPS, Peggy_O'Dell@nps.gov,
bcc
Subject Re: heads-up: Washington Post call on Occupy DC

This is a good opportunity to distinguish the work of NPS/USPP in Washington as the center of First Amendment experiences. The focus by USPP on "quality of life" ensures the safety of the occupiers and visitors while respecting their rights to protest.

Jonathan B. Jarvis, Director
National Park Service
"Working with extraordinary people
to make America's best idea even better!"
David Barna/WASO/NPS



David Barna/WASO/NPS
12/09/2011 01:55 PM

To Peggy O'Dell, Jon Jarvis, Maureen Foster,
william_line@nps.gov, Matt_Lee-Ashley@ios.doi.gov,
adam_fetcher@ios.doi.gov, Sue Waldron
cc david_barna@nps.gov
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David

Cousins, Debbie

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Sent: Tuesday, December 06, 2011 12:52 PM
To: SLV
Cc: Jarvis, Jon; O'Dell, Peggy; Davis, Laura; Lee-Ashley, Matt; Johnson, Terri
Subject: Re: Fwd:

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Teresa

Teresa Chambers, Chief
United States Park Police

Sent from my iPad

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Ken Salazar
Secretary of Interior

Sent from my iPad

Begin forwarded message:

To: " (Teresa_Chambers@nps.gov)" <Teresa_Chambers@nps.gov>

OP-ED: Police maintain professionalism in Occupy D.C. confrontation

Washington Post

Petula Dvorak

12/05/11

http://www.washingtonpost.com/local/police-maintain-professionalism-in-occupy-dc-confrontation/2011/12/05/gIQAXWsXWO_print.html

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"Damn thing. This was *not* what was supposed to happen," said the musician and dog walker from Takoma Park. "You don't just go and antagonize the cops for nothing."

But that's exactly what they were doing. Young protesters hopped up on empowerment and anything else that could be found in those tents randomly spit insults at officers who were standing nearby, simply doing their jobs. Park Police officers, who make starting salaries of \$52,000 a year, are firmly part of that 99 percent the movement keeps talking about.

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The protesters are blatantly violating the law on a daily basis in the park, cooking, showering, sleeping, occupying. Yet they also have a righteous message about the nation's widening wealth gap that a good chunk of the 99 percent agree with. The protests are making people think and talk about the nation's housing and unemployment crises. Many people are just as angry as the protesters. They are ready for change and hungry for solutions.

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**Teresa
Chambers/USPP/NPS**
12/12/2011 03:32 PM

To David Barna/WASO/NPS@NPS
cc adam_fetcher@ios.doi.gov, David
Barna/WASO/NPS@NPS, David
Schlosser/USPP/NPS@NPS, Jon Jarvis/WASO/NPS@NPS,
bcc
Subject Re: Wash Post call and FOIA on Occupy DC

David -- FYI -- Director Jarvis has a weekly meeting (this is the second week) on Monday afternoons at 4:30 p.m. to review Occupy DC updates. Perhaps we can discuss it during that meeting. While I believe that Sergeant Schlosser can provide back-up information regarding our role, I don't believe this is a USPP story. We are approaching this from a pretty interesting community policing perspective (especially McPherson), so there actually is some positive information to share in addition to the growing number of arrests that are made (again, primarily at McPherson), almost on a daily basis.

Thanks.

T

Chief Teresa C. Chambers
United States Park Police
1100 Ohio Drive, SW
Washington, DC 20024
202-619-7350

David Barna---12/12/2011 03:23:46 PM---FYI Bill Line is looking for guidance on who, if anyone, should do



David Barna/WASO/NPS
12/12/2011 03:23 PM

To adam_fetcher@ios.doi.gov, Matt_Lee-Ashley@ios.doi.gov,
kate_kelly@ios.doi.gov, Jon Jarvis, Peggy O'Dell, David
Schlosser
cc Sue Waldron, Maureen Foster, Teresa
Chambers/USPP/NPS@NPS, David
Barna/WASO/NPS@NPS
Subject Wash Post call and FOIA on Occupy DC

FYI

Bill Line is looking for guidance on who, if anyone, should do the interview.

David

----- Forwarded by David Barna/WASO/NPS on 12/12/2011 03:20 PM -----



William Line/NCR/NPS
12/12/2011 03:19 PM EST

To David Barna/WASO/NPS@NPS
cc Sue Waldron/WASO/NPS@NPS, Steve
Whitesell/WASO/NPS@NPS, Lisa
Mendelson-Ielmini/NCR/NPS@NPS
Subject Fw: Occupy DC

Dave:

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Please let me know if you have any questions.

Thanks!

Bill Line

Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

Washington, D.C. 20242

Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: (202) 359-0321; Fax: (202) 619-7302

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<http://www.youtube.com/gwnppublicaffairs1>

<http://www.flickr.com/photos/gwnppublicaffairs>

----- Forwarded by William Line/NCR/NPS on 12/12/2011 03:12 PM -----



Annie Gowen

<gowena@washpost.com>

12/12/2011 02:23 PM

To william_line@nps.gov

cc

Subject Occupy DC

Mr. Line:

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Thanks.

Annie
Annie Gowen
Reporter, Wealth Class & Income
The Washington Post
O(202) 334-9599
C(202) 621 3315

Cousins, Debbie

From: SLV
Sent: Tuesday, December 06, 2011 12:47 PM
To: '(Teresa_Chambers@nps.gov)'
Cc: Jarvis, Jon; O'Dell, Peggy; Davis, Laura; Lee-Ashley, Matt; Johnson, Terri
Subject: Op-Ed

Dear Chief Chambers:

Please communicate my admiration to each of the officers of the U.S. Parks Police involved in Sunday's action at McPherson Square. The op-ed below captures the professionalism and patience of our Park's Police. Job well done.

Ken Salazar
Secretary of the Interior

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12/12/2011 03:32 PM

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cc adam_fetcher@ios.doi.gov, David Barna/WASO/NPS@NPS,
David Schlosser/USPP/NPS@NPS, Jon
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Communications, FOIA & Tourism Officer

National Park Service

National Capital Region

1100 Ohio Drive, SW

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Main office: (202) 619-7222; direct dial: (202) 619-7177; cell: (202) 359-0321; Fax: (202) 619-7302

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<http://www.youtube.com/gwnppublicaffairs1>

<http://www.flickr.com/photos/gwnppublicaffairs>

— Forwarded by William Line/NCR/NPS on 12/12/2011 03:12 PM —



Annie Gowen

[<gowena@washpost.com>](mailto:gowena@washpost.com)

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To william_line@nps.gov

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Annie
Annie Gowen
Reporter, Wealth Class & Income
The Washington Post
O(202) 334-9599
C(202) 621 3315



"Jacobson, Rachel L"
<Rachel_Jacobson@ios.doi.gov>

12/04/2011 03:41 PM

To "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>, "Davis, Laura" <Laura_Davis@ios.doi.gov>, "Jacobson, Rachel - Deputy Solicitor" <Rachel.Jacobson@sol.doi.gov>, "Koenigsberg,

cc

bcc

Subject Re: McPherson Park

Just tuning in. Am on cell [REDACTED]

FOIA6

----- Original Message -----

From: Peggy_O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]

Sent: Sunday, December 04, 2011 01:22 PM

To: Davis, Laura; Jacobson, Rachel - Deputy Solicitor; Jacobson, Rachel L; Koenigsberg, Melissa; Jarvis, Jon; Foster, Maureen

Subject: Fw: McPherson Park

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 01:12 PM EST

To: Teresa Chambers; Peggy O'Dell; Jeanne O'Toole; Patrick Smith

Subject: Fw: McPherson Park

FYSA. Capt Harasek is responding in. She has already spoken with Bob Vogel and Randy Myers. USPP PIO just arrived on scene.

Capt Harasek will provide updates as necessary.

Twitter is encouraging protesters to cross the police line at some point.

MPD will assist if necessary.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 12:37 PM EST

Subject: Fw: McPherson Park

Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing. Currently, there are 6 individuals who climbed to the top of the structure. SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 11:50 AM EST

Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue . The protesters were advised that the structure needed to be broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.



Lisa
Mendelson-Ielmini/NCR/NPS
11/24/2011 10:54 AM

To "Peggy O'Dell" <Peggy_O'Dell@nps.gov>, "Maureen Foster"
<Maureen_Foster@nps.gov>, "Alma Ripps"
<alma_rip@nps.gov>

cc

bcc

Subject Fw: McPherson & Freedom 2nd Notice to Demonstration
groups

Fyi

Lisa A Mendelson-Ielmini, AICP
Deputy Regional Director
National Capital Region NPS
202 619 7023 office
202 297 1338 cell
Robbin Owen

----- Original Message -----

From: Robbin Owen
Sent: 11/24/2011 08:37 AM EST
To: Leonard Lee; Marisa Richardson; Karen Cucurullo; Steve Lorenzetti; Bob
Vogel; Jerry Marshall; Kathleen Harasek; Christopher Cunningham;
RANDOLPH.MYERS@SOL.DOI.GOV; Lisa Mendelson-Ielmini; Steve Whitesell
Subject: McPherson & Freedom 2nd Notice to Demonstration groups
Good Morning All,

The second notice to demonstration groups at McPherson Square and Freedom Plaza is finalize and has
been place on the NAMA website. Staff will deliver and post the notices by 9:00 am on Friday morning.

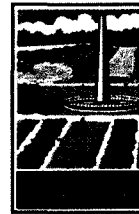


McPherson.secondnotice.11.23.11.docx



Help Us Preserve Freedom Plaza and McPherson Square

National Mall and Memorial Parks – National Park Service



November 23, 2011

The National Park Service has a long and proud tradition of providing opportunities for the exercise of First Amendment rights. The national parks of Washington, DC are used almost every day as places for demonstrations as well as for the enjoyment and use of other park visitors. The National Park Service is also required to protect our important cultural and natural resources. To help you help us with that responsibility and ensure your compliance with park regulations, we are providing this additional reminder for visitors using the parks regardless of the reason for their visit.

While the National Park Service has provided additional trash receptacles and emptied them at least three times per day at Freedom Plaza and McPherson Square, problems associated with inappropriate food storage and disposal has resulted in rodent sightings. While the National Park Service has placed rodent traps in these parks, people should renew efforts to have their trash and debris cleared and placed in park trash receptacles at the conclusion of each day's events. The United States Park Police remains committed to ensuring safety within these parks and will increase their patrol activities, especially due to increasing problems of public urination and defecation, illegal drug and alcohol use, and assaults.

Camping continues to be prohibited. Camping is defined at 36 CFR § 7.96(i)(1) as "the use of park land for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking. . . "


The use of temporary structures for camping continues to be prohibited. 36 CFR § 7.96(5)(iv) allows temporary structures as part of a permitted demonstration "for the purpose of symbolizing a message or meeting logistical needs such as first aid facilities, lost children areas or the provision of shelter for electrical and other sensitive equipment or displays." However, "[t]emporary structures may not be used outside designated camping areas for living accommodation activities such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging...." In addition, to allow for visual inspection and monitoring, all temporary structures must continue to have at least one open side.

National Park Service rangers will be distributing this Notice to persons in both parks as well as each temporary structure. The Notice will also be posted in both parks. National Park Service rangers and United States Park Police officers will continue to monitor the activities within the park, to ensure compliance with health and safety issues and to answer questions. Your cooperation is appreciated.

If you have any questions, or would like a copy of the Notice, please contact Robbin Owen, Chief, Permits Management at 202-245-4715. A copy of this Notice has been posted on the park's website at www.nps.gov/nacc/parkmgmt.



Maureen Foster/WASO/NPS
12/07/2011 11:34 AM

To Peggy O'Dell/WASO/NPS@NPS
cc "Laura Davis" <Laura_Davis@ios.doi.gov>
bcc
Subject Re: #15 McPherson/Freedom Daily 

No further news on that area. Maybe the heavy rain is keeping folks away.

We are doing some follow up with SOL today about jurisdiction at 14th and Constitution. Following up on some questions that Jon had.

I am available all day. I have a 3:00 with SOL but can step away.


Maureen D. Foster
Chief of Staff
1849 C Street, NW, Room 3114
Washington, DC 20240
202.208.5970 (direct)
202.208.3818 (main)
202.208.7889 (fax)

EXPERIENCE YOUR AMERICA
The National Park Service cares for special places
saved by the American people,
so that all may experience our heritage.

Peggy O'Dell No news has made it to me yet. I will try to get u... 12/07/2011 11:16:48 AM



Peggy O'Dell/WASO/NPS
12/07/2011 11:16 AM

To "Laura Davis" <Laura_Davis@ios.doi.gov>
cc "Maureen Foster" <Maureen_Foster@nps.gov>
Subject Re: #15 McPherson/Freedom Daily 

No news has made it to me yet. I will try to get updated info before our call.
Maureen do you have time to talk today?

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/07/2011 09:52 AM EST
To: Peggy O'Dell; Matt Lee-ashley
Subject: RE: #15 McPherson/Freedom Daily

Thanks. Any further word on the potential move of parts of Occupy to Smithsonian land at 14th and Constitution?

-----Original Message-----

From: Peggy_O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]
Sent: Wednesday, December 07, 2011 9:47 AM
To: Davis, Laura; Lee-Ashley, Matt
Subject: Fw: #15 McPherson/Freedom Daily

Today's report...

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Kathleen Harasek
Sent: 12/07/2011 09:21 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Marisa Richardson; Polly Hanson

Subject: #15 McPherson/Freedom Daily
Significant incidents within the last 24 hours
Sexual Assault at McPherson Square - female reported that she was groped by a male demonstrator against her will. Investigation continues.
Sexual Assault (under investigation) Leadership at Freedom Plaza reported that a demonstrator heard a female being assaulted. The "victim" left the encampment the next day. The accused "suspect" remains at the site. Investigation will attempt to locate the victim.
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McPherson and Freedom Plaza group will join with the "Our DC" (permitted group on Mall) to hold a block party on K St.
The McPherson Group intends to march to the White House @ 1700 hours.
This non-permitted event will be monitored by USPP/USSS and MPD

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Capt. Harasek and Lt. Marshall met with Freedom Plaza organizers Kevin Zeese and Margaret Flowers.
McPherson Square- 9:30 Marisa Richardson (NAMA)

Spoke with the gentleman selling his artwork in the Park and informed him again that the selling of artwork in the park is prohibited

Spoke with the guy who runs the kitchen and informed him that they should not store extra containers of propane in the park

Counted 3 generators in the park

Noticed that tents are now numbered - and there seems to be less tents

Observed a bucket of urine and the smelled human feces

Don John's brought in a hand washing unit near the kitchen area

Number of portable restrooms has increased from 2 to 3

An arts tent has been erected in the general assembly area (where a couple was sleeping)

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Approved the erection of 3 -16x32 winter tents after receiving

drawings and calculations from demonstrators. NPS engineer reviewed calculations and drawings and found them adequate an amended permit will be issued.

Tents will be erected maybe on Thursday in the west end of the plaza maybe on Thursday (weather dependent)

The (3) 16 x 32 tents will be used as food tent, gathering area, first aid and media areas (the current media, food and first aid tents will be dismantled)

They will keep the biodome tent as a smoking area (it has four ventilation vents)

Articles of particular interest

Occupy Chicago heads to Occupy DC

http://www.washingtonpost.com/blogs/the-buzz/post/occupy-chicago-heads-to-occupy-dc/2011/12/02/gIQAfNLpZO_blog.htm

1

McPherson Square Businesses getting fed up

<http://washingtonexaminer.com/local/dc/2011/12/mcpherson-businesses-getting-fed-occupy-dc/1980756>

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



Peggy O'Dell/WASO/NPS
11/26/2011 09:43 AM

To "Laura Davis" <Laura_Davis@ios.doi.gov>
cc
bcc
Subject Fw: #4 McPherson/Freedom Daily

Today's report from USPP. Home getting ready for a dinner party so if you have service I will be around.

Sent from my BlackBerry Wireless Handheld
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek
Sent: 11/26/2011 09:09 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser
Subject: #4 McPherson/Freedom Daily

The following incident/actions took place within the last 24 hours;

- 1 arrest for simple assault resulting from a tent dispute. The suspect wanted the other person staying in his tent to vacate so that another friend could stay. When the occupier didn't comply with the request the suspect threw his bedding out of the tent, grabbed the other occupier around the neck and told him that he would kill him. Story was supported by witnesses at the scene. **Note:** Tent assignments are made upon arrival of a new occupier. The committee keeps a log of empty spaces and fills them accordingly. This is the second "tent-dispute" this week of this nature that resulted in arrest.
- NAMA Permit Office placed flyers laminated in prominent locations in each park as well as taped a notice to each camping tent in the parks. Stacks of notices were left at each information tent. The number one question asked was if the notice was an eviction notice or precursor to eviction and if so how long did they have before the police moved in.

Interesting articles and websites:

- The McPherson Group's website is still down, however the Freedom Plaza's website notes a march from 1200-1400 today, the calendar can be viewed on; <http://october2011.org/calendar>

Both groups have posted requests for donations of supplies;

- Freedom Plaza: <http://october2011.org/neededsupplies>
- McPherson: <http://october2011.org/pages/help-occupy-dc>

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



Peggy O'Dell/WASO/NPS

12/04/2011 01:22 PM

To "Laura Davis" <Laura_Davis@ios.doi.gov>, "Rachel Jacobson" <Rachel.Jacobson@sol.doi.gov>, rachel_jacobson@ios.doi.gov, "Melissa Koenigsberg"

cc

bcc

Subject Fw: McPherson Park

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 01:12 PM EST

To: Teresa Chambers; Peggy O'Dell; Jeanne O'Toole; Patrick Smith

Subject: Fw: McPherson Park

FYSA. Capt Harasek is responding in. She has already spoken with Bob Vogel and Randy Myers. USPP PIO just arrived on scene.

Capt Harasek will provide updates as necessary.

Twitter is encouraging protesters to cross the police line at some point.

MPD will assist if necessary.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 12:37 PM EST

Subject: Fw: McPherson Park

Police tape has been placed around the structure. Two individuals crossed the tape and have been arrested for crossing a police line. One individual was arrested for interfering. They have been taken to AOF for processing. Currently, there are 6 individuals who climbed to the top of the structure. SWAT and CIB are en route.

DC Fire is on scene. They are calling an inspector to advise us on their ability to assist.

Osborne Reaves

----- Original Message -----

From: Osborne Reaves

Sent: 12/04/2011 11:50 AM EST

Subject: McPherson Park

Currently D-1 units are at McPherson Park investigating the establishment of a large wooden frame, similar to a house, just south of the statue . The protesters were advised that the structure needed to be broken down; they were giving a one hour time frame to disassemble it. Right now, the group is congregating, deciding what actions they will take.

Captain Rogers has notified NPS Maintenance. D C Fire is also en route to access the structure. Units from outer districts have been called to assist.

Cousins, Debbie

From: Davis, Laura
Sent: Thursday, October 20, 2011 5:33 AM
To: Jarvis, Jon; O'Dell, Peggy; Foster, Maureen
Cc: Jacobson, Rachel - Deputy Solicitor; Lee-Ashley, Matt; Hayes, David
Subject: Fwd: Occupy DC Update - McPherson Square
Attachments: image001.jpg; ATT00001.htm; Storage_Tent_10-19-11.JPG; ATT00002.htm; Excessive Trash 10-19-11.JPG; ATT00003.htm; Generator_2 10-19-11.JPG; ATT00004.htm; occupy_dc_10_19_11.JPG; ATT00005.htm; ODC_generator.JPG; ATT00006.htm

Jon, Peggy, Maureen,

I'm hearing directly from Mayor Gray's COS regarding their concerns about impacts to McPherson Square (and Freedom Plaza) from the Occupy DC folks. The Mayor's office has been working directly with Bob Vogel and my sense is that relationship is fine, but becoming strained as the protests and impacts grow. I'm sure this is already taking quite a bit of your time, but I need to call Chris today and hear his concerns, and he will be looking for some new solutions. Can you get me up to speed this morning? I'll forward an additional email next.

Thanks.

Laura

Sent from my iPad

Begin forwarded message:

From: "Murphy, Christopher (EOM)" <christopher.murphy@dc.gov>
To: "Davis, Laura" <Laura_Davis@ios.doi.gov>
Subject: FW: Occupy DC Update - McPherson Square

FYI

Join Mayor Gray's One City • One Hire - 10,000 Jobs Campaign
"Putting District Residents Back to Work – One Hire at a Time"
Learn more at <http://onecityonehire.org>

Support the DC One Fund Campaign, Each One Give One.
Learn more at www.dconefund.org <<http://www.dconefund.org>> or
www.onefund.dc.gov <<http://www.onefund.dc.gov>>. One City, Working Together!

From: David Kamperin [<mailto:davidk@downtowndc.org>]
Sent: Wednesday, October 19, 2011 4:21 PM
To: bob_vogel@nps.gov; steve_lorenzetti@nps.gov; karen_cucurullo@nps.gov;
Kathleen_Harasek@nps.gov; teresa_chambers@nps.gov; kevin_hay@nps.gov
Cc: Richard Bradley; Rick Reinhard; Murphy, Christopher (EOM); Karyn LeBlanc
Subject: FW: Occupy DC Update - McPherson Square

Superintendent Vogel

Please see attached the photos taken today of conditions at McPherson. Again troubling is the flammable material being stored on site (notice close proximity of one of the generators to the

sidewalk) and the cooking. Also disturbing is the recent stacking of lumber and wood for either use for a bonfire or weapons against law enforcement. The trash continues to pile up within the park and then are removed by the occupants and dumped on the public sidewalks. Recent new rat infestation borrowing has been observed in nearby tree box spaces. As the email below indicates the unhealthy and unsanitary conditions continue as food is dumped as compost, dogs run free throughout the park and children (observed in one of the photos) also play where they go to the bathroom.

We look forward to a more proactive response – to include increased trash pick ups and enforcement of these severe public safety issues.

[cid:image001.jpg@01CC8E7B.0DC2E5E0]

Preventing terrorism is everybody's business.

If you SEE something, SAY something.

Call the Metropolitan Police Department at (202) 727-9099 or email at

SAR@DC.GOV<blocked::mailto:SAR@DC.GOV> to report suspicious activity or behavior that has already occurred.

Call 911 to report in-progress threats or emergencies.

To learn more, visit

<http://www.mpdcc.dc.gov/operationtipp><blocked::http://www.mpdcc.dc.gov/operationtipp>

From: Blake Holub

Sent: Wednesday, October 19, 2011 4:04 PM

To: David Kamperin

Cc: Kenneth Gregory

Subject: Occupy DC Update - McPherson Square

Dave,

As we had discussed earlier, Kenny and I visited the Occupy DC site today. We noted that the site had expanded since Monday, roughly totaling 125-150 people with nearly 40 tents. The park grounds themselves look to be in poor to dire condition due to all of the activity. Also, the demonstration has two working generators which they seem to be rotating out. They also have a storage tent which looks like a quasi-pantry for demonstrators to receive rations. Additionally, the smell was quite putrid when we walked through the encampment which most likely stems from the lack of sanitary conditions and the presence of dogs. Lastly, we noted around 15 or so trash bags stacked on the corner of K and 15th St. I have also attached photos for your viewing.

Let me know if you have any questions or comments. Thanks!

Blake Holub, MPA

Quality Control Manager

Public Space Management

Downtown DC BID

1250 H Street, NW Suite 1000

Washington, DC 20005

Desk: (202) 661-7571

Fax: (202) 661-7599

Email: blake@downtowndc.org<<mailto:blake@downtowndc.org>>



Maureen Foster/WASO/NPS

12/07/2011 11:34 AM

To Peggy O'Dell/WASO/NPS@NPS

cc "Laura Davis" <Laura_Davis@ios.doi.gov>

bcc

Subject Re: #15 McPherson/Freedom Daily

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Maureen D. Foster

Chief of Staff

1849 C Street, NW, Room 3114

Washington, DC 20240

202.208.5970 (direct)

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EXPERIENCE YOUR AMERICA

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saved by the American people,

so that all may experience our heritage.

Peggy O'Dell

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12/07/2011 11:16:48 AM



Peggy O'Dell/WASO/NPS

12/07/2011 11:16 AM

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cc "Maureen Foster" <Maureen_Foster@nps.gov>

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Sent: 12/07/2011 09:52 AM EST

To: Peggy O'Dell; Matt Lee-ashley

Subject: RE: #15 McPherson/Freedom Daily

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-----Original Message-----

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Sent: Wednesday, December 07, 2011 9:47 AM
To: Davis, Laura; Lee-Ashley, Matt
Subject: Fw: #15 McPherson/Freedom Daily

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

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To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Telmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Marisa Richardson; Polly Hanson

Subject: #15 McPherson/Freedom Daily

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Spoke with the gentleman selling his artwork in the Park and informed him again that the selling of artwork in the park is prohibited

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1

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Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



"Davis, Laura"
<Laura_Davis@ios.doi.gov>
12/08/2011 09:43 AM

To "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>
cc
bcc

Subject RE: #16 McPherson/Freedom Daily

Thanks. Good to talk at 10? In particular would be important to discuss how the dialogue is going with Smithsonian over potential move of parts of Occupy to 14th and Const. area.

-----Original Message-----

From: Peggy_O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]
Sent: Thursday, December 08, 2011 9:37 AM
To: Davis, Laura; Lee-Ashley, Matt
Subject: Fw: #16 McPherson/Freedom Daily

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Kathleen Harasek
Sent: 12/08/2011 09:10 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Marisa Richardson; Polly Hanson; Kimberly.Fondren@sol.doi.gov; Scott Fear; Richard Pope
Subject: #16 McPherson/Freedom Daily

The following significant incidents occurred within the last 24 hours
Search warrant executed based on information from an informant that indicated there was a gun in the tent. Warrant was served without incident; no weapon was located. Open containers of alcohol were observed in tent and owner was issued DCMR (citation). Owner of tent is wanted out of Fairfax County but is non-extraditeable.
Arrest warrant served on subject who made threats to another protestor on 12/5/11. Individual was arrested without incident.
CFR Violation - Sign attached to NPS property (lightpole) was taken down and documented.
MPD arrested 63 persons blocking intersections in the K St. corridor (approximately 50 were Occupy DC) another 13 were arrested at the U.S. Supreme Court. SIEU reportedly posted collateral for several of the demonstrators.

Today's events

McPherson has on site meetings only, but it is anticipated that some members of the group will join with the Our DC group on the National Mall to march to the U.S. Capitol. USPP/USCP/MPD will monitor the group's movements.
Freedom Plaza group does not list anything specific today, it is expected that they too will join with the Our DC group. They do plan to protest at the Dept of Justice on Friday (12/9)

NAMA/USPP Outreach

USPP spoke with Freedom Plaza organizers about previous report (3rd party) of sexual assault. Organizers located the female who was reported to be the victim. The victim suffers from mental illness and claims that she is okay and there was no sexual assault. USPP will discontinue investigation of incident.

NAMA Permit office issued amended permit to Freedom Plaza Organizers

Media Reports/Articles of Interest

Dozens arrested in Occupy DC protests

http://www.washingtonpost.com/local/at-least-11-arrests-so-far-in-occupy-dc-protests/2011/12/07/gIQAy5f3cO_story.html?tid=pm_local_pop

Occupy DC protestors to launch hunger strike

http://www.washingtonpost.com/local/occupy-dc-protesters-to-launch-hunger-strike-for-dc-representation-in-congress/2011/12/08/gIQAA5IBeO_story.html?sub=AR

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



Peggy O'Dell/WASO/NPS
12/04/2011 06:19 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>

cc

bcc

Subject Fw: SitRep #5

This gets you up to date.

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:07 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched on the roof.

MPD SOD will insert the inflatable device within the structure as a precaution. Then the NPS/USPP will attempt to remove the remaining 6 with a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff

Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH.MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 04:46 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 04:25 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.gov>;

Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Square overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



Peggy O'Dell/WASO/NPS
12/04/2011 06:19 PM

To "Laura Davis" <Laura_Davis@ios.doi.gov>
cc
bcc
Subject Re: SitRep #5

Thanks.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 06:10 PM EST
To: Peggy O'Dell
Subject: Re: SitRep #5

Yes. Forwarding to KLS.

Sent from my iPad

On Dec 4, 2011, at 6:09 PM, "Peggy_O'Dell@nps.gov" <Peggy_O'Dell@nps.gov> wrote:

>
> Are you getting these directly?
> -----
> Sent from my BlackBerry Wireless Handheld
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 06:07 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #5
> 16 arrested thus far from the interior of the structure. 6 still perched
> on the roof.
>
> MPD SOD will insert the inflatable device within the structure as a
> precaution. Then the NPS/USPP will attempt to remove the remaining 6 with
> a lift device.

> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 05:46 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH MYERS" <RANDOLPH.MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #4
> 3rd and final warning issued. Noone left the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 05:41 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH MYERS" <RANDOLPH.MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #3
> Here is the URL for the live stream:
>
>
www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_m
edium=social
>
> Perimeter has been established on 3 sides. The south side will be
> available for any protesters that wish to leave upon the issuance of the
> warnings.
>
> Light towers on scene.
>
> First warning issued (1741 hours). 22 remain in or on the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
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>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 04:46 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-Ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #2
> DCRA just deemed the structure unsafe, thus posted it as such.
>
> NPS in route with a maintenance crew to dismantle the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office

> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 04:25 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo
> Subject: SitRep #1
> Unified Command in place: USPP, MPD, NAMA, DOI SOL.
>
> USPP just established the perimeter, which is the southern portion of the
> park. React Team is assisting with the SE quadrant.
>
> DCRA will determine if the structure is safe/permitted. After this
> determination is made the remaining protesters in the structure (Approx. 12
> persons) will be given warnings to evacuate the structure.
>
>
> Approx. 12 arrests made thus far (majority of the charges are for crossing
> a police line).
>
> ICS in place:
> D/C MacLean - IC
> Sgt. Schlosser - PIO
> DC FEMS - Safety
> Capt. Harasek - OPS
> Capt. Guddemi - Plans and Logistics
> Lt. Lachance - Tactical Branch
> Lt. Felt - Transportation
> Sgt. Steinheimer - Investigations/Arrest
>
> CP - Mobile Command on Madison Pl. South of H (within the White House
> Zone).
>
> DCRA entering the park.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>

>
> ----- Original Message -----
> From: Kathleen Harasek
> Sent: 12/04/2011 09:10 AM EST
> To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa
> Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve
> Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall;
> Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck;
> Charles Guddemi; Martin Zweig; Paul Kemppainen
> Subject: #12 McPherson/Freedom Daily
> Within the past 24 hours the following incidents were noted
> Officers responded to McPherson Square overnight for a report of an
> assault. Officers were directed to a female who had superficial
> injuries to arm, hand and face. The victim did not want to talk to
> police. Officers convinced her to come to the D-1 station to be
> interviewed. Investigation revealed that she was in a verbal argument
> with her boyfriend which led to a physical altercation resulting in her
> injuries. The victim was intoxicated at the time of the report and did
> not want to press charges. USPP Detectives went to the area in an
> attempt to locate the suspect, but were unsuccessful in doing so.
> Follow-up to be conducted.
>
> Schedule of events
> There are no scheduled events other than on site meetings and lectures
> at both locations. Freedom Plaza will be collecting material for a
> recycleable Christmas Tree which is scheduled to be lit on Tuesday.
> Information will be passed to Park Programs for follow up.
>
> Articles of interest
> Washington Post Article which compares Occupy DC to the 1968
> Resurrection City. Resurrection City occurred around the Reflecting
> Pool and was the encampment for approximately 3000 demonstrators.
> (
[http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-ci
ty/2011/12/01/gIQAoNqcPO_story.html](http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html))
>
>
>
>
> Captain Kathleen Harasek
> Commander, Central District
> U.S. Park Police
> 202-426-6710 (office)
> 202-438-1593 (cell)
> Kathleen_Harasek@nps.gov
>
>
>
>
>
>
>
>
>



Peggy O'Dell/WASO/NPS
12/04/2011 06:49 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>
cc
bcc

Subject Fw: SitRep #6

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:48 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #6

Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:07 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt

Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched on the roof.

MPD SOD will insert the inflatable device within the structure as a precaution. Then the NPS/USPP will attempt to remove the remaining 6 with a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@uss.s.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.p.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.p.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@uss.s.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@uss.s.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.p.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.p.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney"

<Mark.Chaney@ussss.dhs.gov>; "John Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 04:25 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@ussss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscp.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscp.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1
Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:
D/C MacLean - IC
Sgt. Schlosser - PIO
DC FEMS - Safety
Capt. Harasek - OPS
Capt. Guddemi - Plans and Logistics
Lt. Lachance - Tactical Branch
Lt. Felt - Transportation
Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek
Sent: 12/04/2011 09:10 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen
Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Sqare overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (
http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov

Robert MacLean/USPP/NPS
12/04/2011 08:33 PM

To "Laura Davis" <Laura_Davis@ios.doi.gov>,
theresa_chambers@nps.gov, Peggy
O'Dell/WASO/NPS@NPS

cc

bcc

Subject Re: SitRep #7

Will do Laura. Thanks.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:14 PM EST
To: Robert MacLean; "theresa_chambers@nps.gov" <theresa_chambers@nps.gov>;
Peggy O'Dell
Cc: Laura Davis
Subject: Re: SitRep #7

Rob,
Thank you for the ongoing reports. I see the action is nearly complete. The
Secretary would like to get back on the phone at 9 pm for a debrief if that is
possible, with those of us on this email. Peggy can we use the same number?
Laura

Sent from my iPad

On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov" <Robert_MacLean@nps.gov>
wrote:

> NPS lift (cherry picker) on scene. USPP personnel secured in the bucket
> has recovered two of the remaining 4.

>

> -----

> Sent from my BlackBerry Wireless Handheld

>

> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police

>

> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax

>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 06:48 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #6
> Waiting on NPS lift for the remaining 6.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 06:07 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #5
> 16 arrested thus far from the interior of the structure. 6 still perched
> on the roof.
>
> MPD SOD will insert the inflatable device within the structure as a
> precaution. Then the NPS/USPP will attempt to remove the remaining 6 with
> a lift device.
> -----

> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert.MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 05:46 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #4
> 3rd and final warning issued. Noone left the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert.MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 05:41 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;

> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #3
> Here is the URL for the live stream:
>
>
www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_m
edium=social
>
> Perimeter has been established on 3 sides. The south side will be
> available for any protesters that wish to leave upon the issuance of the
> warnings.
>
> Light towers on scene.
>
> First warning issued (1741 hours). 22 remain in or on the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 04:46 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
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> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
> Subject: Re: SitRep #2
> DCRA just deemed the structure unsafe, thus posted it as such.
>
> NPS in route with a maintenance crew to dismantle the structure.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel

> 202.205.7983 - Fax
>
>
> ----- Original Message -----
> From: Robert MacLean
> Sent: 12/04/2011 04:25 PM EST
> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
> "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
> Michael Russo
> Subject: SitRep #1
> Unified Command in place: USPP, MPD, NAMA, DOI SOL.
>
> USPP just established the perimeter, which is the southern portion of the
> park. React Team is assisting with the SE quadrant.
>
> DCRA will determine if the structure is safe/permitted. After this
> determination is made the remaining protesters in the structure (Approx. 12
> persons) will be given warnings to evacuate the structure.
>
>
> Approx. 12 arrests made thus far (majority of the charges are for crossing
> a police line).
>
> ICS in place:
> D/C MacLean - IC
> Sgt. Schlosser - PIO
> DC FEMS - Safety
> Capt. Harasek - OPS
> Capt. Guddemi - Plans and Logistics
> Lt. Lachance - Tactical Branch
> Lt. Felt - Transportation
> Sgt. Steinheimer - Investigations/Arrest
>
> CP - Mobile Command on Madison Pl. South of H (within the White House
> Zone).
>
> DCRA entering the park.
> -----
> Sent from my BlackBerry Wireless Handheld
>
> Deputy Chief Robert D. MacLean
> Commander, Homeland Security Division
> United States Park Police
>
> Robert_MacLean@nps.gov - Email
> 202.619.7085 - Office
> 202.438.6656 - Nextel
> 202.205.7983 - Fax
>
>

> ----- Original Message -----

> From: Kathleen Harasek

> Sent: 12/04/2011 09:10 AM EST

> To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa

> Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve

> Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall;

> Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck;

> Charles Guddemi; Martin Zweig; Paul Kemppainen

> Subject: #12 McPherson/Freedom Daily

> Within the past 24 hours the following incidents were noted

> Officers responded to McPherson Square overnight for a report of an

> assault. Officers were directed to a female who had superficial

> injuries to arm, hand and face. The victim did not want to talk to

> police. Officers convinced her to come to the D-1 station to be

> interviewed. Investigation revealed that she was in a verbal argument

> with her boyfriend which led to a physical altercation resulting in her

> injuries. The victim was intoxicated at the time of the report and did

> not want to press charges. USPP Detectives went to the area in an

> attempt to locate the suspect, but were unsuccessful in doing so.

> Follow-up to be conducted.

>

> Schedule of events

> There are no scheduled events other than on site meetings and lectures

> at both locations. Freedom Plaza will be collecting material for a

> recycleable Christmas Tree which is scheduled to be lit on Tuesday.

> Information will be passed to Park Programs for follow up.

>

> Articles of interest

> Washington Post Article which compares Occupy DC to the 1968

> Resurrection City. Resurrection City occurred around the Reflecting

> Pool and was the encampment for approximately 3000 demonstrators.

> (

> http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

>

>

>

>

> Captain Kathleen Harasek

> Commander, Central District

> U.S. Park Police

> 202-426-6710 (office)

> 202-438-1593 (cell)

> Kathleen_Harasek@nps.gov

>

>

>

>

>

>

>

>

>

>



"Jacobson, Rachel L"
<Rachel_Jacobson@ios.doi.gov>

12/05/2011 07:35 AM

To "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>, "Koenigsberg, Melissa" <Melissa_Koenigsberg@ios.doi.gov>

cc

bcc

Subject Re: SitRep #7

Well done. Thanks for the updates.

----- Original Message -----

From: Peggy O'Dell@nps.gov [mailto:Peggy_O'Dell@nps.gov]

Sent: Sunday, December 04, 2011 09:14 PM

To: Jacobson, Rachel L; Koenigsberg, Melissa

Subject: Fw: SitRep #7

All 22 in the structure safely removed and arrested. NPS staff assessing how to remove the house. Just got off phone with KLS and he is pleased. USPP praised by the press embedded with occupiers for not escalating situation.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 07:36 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #7

NPS lift (cherry picker) on scene. USPP personnel secured in the bucket has recovered two of the remaining 4.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:48 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #6

Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:07 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched on the roof.

MPD SOD will insert the inflatable device within the structure as a precaution. Then the NPS/USPP will attempt to remove the remaining 6 with a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH MYERS" <RANDOLPH MYERS@sol.doi.gov>; David Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
<lamar.greene@dc.gov>; terrance.bon@uss.s.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
"Beth Madaris" <beth.madaris@usc.p.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@usc.p.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@uss.s.dhs.gov>; "John Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH MYERS" <RANDOLPH MYERS@sol.doi.gov>; David Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
<lamar.greene@dc.gov>; terrance.bon@uss.s.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
"Beth Madaris" <beth.madaris@usc.p.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@usc.p.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@uss.s.dhs.gov>; "John Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3
Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscpc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscpc.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscp.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscp.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

Officers responded to McPherson Square overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators.

(

http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



Teresa Chambers/USPP/NPS

12/04/2011 09:14 PM

To "Robert MacLean" <Robert_MacLean@nps.gov>

cc

bcc

Subject Fw: SitRep #7

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

----- Original Message -----

From: Teresa Chambers
Sent: 12/04/2011 09:12 PM EST
To: Laura Davis
Subject: Re: SitRep #7

Laura - Do u want to do that tonight now that we're off the most recent call?
If so, we'll want Peggy on the phone as well.
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:55 PM EST
To: Teresa Chambers
Subject: Re: SitRep #7

We can do next steps call with SOL after if we need to.

Sent from my iPad

On Dec 4, 2011, at 8:52 PM, "Teresa_Chambers@nps.gov"
<Teresa_Chambers@nps.gov> wrote:

> Laura - Could you see if the Secretary would mind our having the Solicitor's
Office on the call? We'd like to brief the Secretary on next steps and
possible nuisance abatement. Rob MacLean and I are at Mobile Command with Kin
Fondren of the Solicitor's Office, and we'd like to have Randy Meyers call in
or for someone there to call Randy at a # we Will provide. Thanks.

>

> Teresa Chambers, Chief
> United States Park Police
> Work: 202-619-7350
> Cell: 202-903-9256

>

>



Teresa Chambers/USPP/NPS

12/04/2011 10:36 PM

To "Robert MacLean" <Robert_MacLean@nps.gov>, "Kathleen Harasek" <Kathleen_Harasek@nps.gov>

cc

bcc

Subject Fw: Tents

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256
Teresa Chambers

----- Original Message -----

From: Teresa Chambers

Sent: 12/04/2011 10:35 PM EST

To: Peggy O'Dell; Jon Jarvis; Maureen Foster; Tasha Robbins; Claire Rozdilski

Subject: Re: Tents

Thanks to all. Safe journeys, Peggy.
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256
Peggy O'Dell

----- Original Message -----

From: Peggy O'Dell

Sent: 12/04/2011 10:20 PM EST

To: Teresa Chambers; Jon Jarvis; Maureen Foster; Tasha Robbins; Claire Rozdilski

Subject: Re: Tents

I thought as much. I believe the call is still on. I am in Florida tomorrow so am planning to call in. Please check with Claire in the morning. If you need discussion earlier in the day, Jon will be in. Tasha or Maureen can help schedule.

Sent from my BlackBerry Wireless Handheld
Teresa Chambers

----- Original Message -----

From: Teresa Chambers

Sent: 12/04/2011 10:17 PM EST

To: Peggy O'Dell

Subject: Tents

FYI - After two phone conversations with Laura, we will NOT be removing the unoccupied tents tonight. We will continue to hold the area until it's safe to allow people back in, and we in the USPP will pick up the conversation and explore options tomorrow. I believe we're still scheduled to brief the Director and others about Occupy DC tomorrow at 4:30, aren't we? (It didn't show up on yours or the Director's calendar for tomorrow.).

Thanks for your time today / tonight. I'll be heading home within the hour (ideally).

T
Teresa Chambers, Chief
United States Park Police



Peggy O'Dell/WASO/NPS
12/04/2011 11:51 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>
cc
bcc

Subject Fw: SitRep #9

Sent from my BlackBerry Wireless Handheld
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 11:30 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy; Simeon Klebaner

Subject: Re: SitRep #9

Structure has been totally removed.

The number of protesters has dwindled significantly.

USPP plans to reopen the southern portion of the park in the near future.

NPS will coordinate the removal of the light towers tomorrow morning.

A transition of command has occurred. Previous operational period personnel have been relieved.

Unified Command demob'd.

USPP Command as follows:

IC - Major Pat Smith

OPS - Capt Phil Beck

Mobile Command remains.

Just wanted to thank all involved. By all accounts, the professionalism and dedication of the NPS, USPP, and all external partners, was evident.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 08:36 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #8

Last subject removed from the structure and placed under arrest.

Coordinating the dismantling of the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 07:36 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney"

<Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #7

NPS lift (cherry picker) on scene. USPP personnel secured in the bucket has recovered two of the remaining 4.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:48 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscpc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscpc.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #6

Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:07 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched on the roof.

MPD SOD will insert the inflatable device within the structure as a precaution. Then the NPS/USPP will attempt to remove the remaining 6 with a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 05:46 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

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202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social
|

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve

Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>;
terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt
Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris"
<beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>;
Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan
Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney"
<Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
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202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 04:25 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa
Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH MYERS" <RANDOLPH.MYERS@sol.doi.gov>; David Schlosser; Philip Beck;
Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt;
Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff
Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve
Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>;
terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt
Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris"
<beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>;
Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan
Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo
Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:
D/C MacLean - IC
Sgt. Schlosser - PIO
DC FEMS - Safety
Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics
Lt. Lachance - Tactical Branch
Lt. Felt - Transportation
Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

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202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek
Sent: 12/04/2011 09:10 AM EST
To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen
Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Sqare overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police

202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



Peggy O'Dell/WASO/NPS
12/04/2011 11:52 PM

To "Rachel Jacobson" <rachel_jacobson@ios.doi.gov>,
"Melissa Koenigsberg" <melissa_koenigsberg@ios.doi.gov>

cc

bcc

Subject Fw: SitRep #10

Sent from my BlackBerry Wireless Handheld
Patrick Smith

----- Original Message -----

From: Patrick Smith

Sent: 12/04/2011 11:50 PM EST

To: Robert MacLean; Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; "Kim Fondren" <Kimberly.Fondren@sol.doi.gov>; "ronaltd wilkins" <ronaltd.wilkins@dc.gov>; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; "terrance bon" <terrance.bon@usss.dhs.gov>; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley

Subject: SitRep #10

McPherson Park has been reopened to the public. A squad of officers remains in the park.

Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 11:30 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaltd.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy; Simeon Klebaner

Subject: Re: SitRep #9

Structure has been totally removed.

The number of protesters has dwindled significantly.

USPP plans to reopen the southern portion of the park in the near future.

NPS will coordinate the removal of the light towers tomorrow morning.

A transition of command has occurred. Previous operational period personnel have been relieved.

Unified Command demob'd.

USPP Command as follows:

IC - Major Pat Smith

OPS - Capt Phil Beck

Mobile Command remains.

Just wanted to thank all involved. By all accounts, the professionalism and dedication of the NPS, USPP, and all external partners, was evident.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 08:36 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Telmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscp.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscp.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #8

Last subject removed from the structure and placed under arrest.

Coordinating the dismantling of the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

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202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 07:36 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Telmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH.MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #7

NPS lift (cherry picker) on scene. USPP personnel secured in the bucket has recovered two of the remaining 4.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

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202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 06:48 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Telmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH MYERS" <RANDOLPH.MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #6

Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
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202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 06:07 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@usc.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@usc.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched on the roof.

MPD SOD will insert the inflatable device within the structure as a precaution. Then the NPS/USPP will attempt to remove the remaining 6 with a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

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Sent: 12/04/2011 05:46 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt;

Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4

3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

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202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 05:41 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social
|

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

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202.438.6656 - Nextel
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Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski" <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Robert MacLean

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover" <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene" <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>; "Beth Madaris"

<beth.madaris@uscg.gov>; "Reynolds, Thomas P." <Thomas.Reynolds@uscg.gov>;
Laura Davis; "Angela (USADC) George" <Angela.George@usdoj.gov>; Allan
Griffith; "Mike Russo" <mrussol@leo.gov>; Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12 persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax
Kathleen Harasek

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH MYERS@sol.doi.gov; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

- Officers responded to McPherson Square overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so.

Follow-up to be conducted.

Schedule of events

- There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

- Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators. (
http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov



Teresa Chambers/USPP/NPS

12/04/2011 08:52 PM

To "Laura Davis" <Laura_Davis@ios.doi.gov>

cc Robert MacLean/USPP/NPS@NPS, Peggy O'Dell/WASO/NPS@NPS

bcc

Subject Re: SitRep #7

Laura - Could you see if the Secretary would mind our having the Solicitor's Office on the call? We'd like to brief the Secretary on next steps and possible nuisance abatement. Rob MacLean and I are at Mobile Command with Kin Fondren of the Solicitor's Office, and we'd like to have Randy Meyers call in or for someone there to call Randy at a # we will provide. Thanks.

Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]

Sent: 12/04/2011 08:25 PM EST

To: Laura Davis; Teresa Chambers

Cc: Robert MacLean; Peggy O'Dell

Subject: Re: SitRep #7

Trying again to loop Chief Chambers with correct spelling of name.

Sent from my iPad

On Dec 4, 2011, at 8:14 PM, "Davis, Laura" <Laura_Davis@ios.doi.gov> wrote:

> Rob,

> Thank you for the ongoing reports. I see the action is nearly complete. The Secretary would like to get back on the phone at 9 pm for a debrief if that is possible, with those of us on this email. Peggy can we use the same number?

> Laura

>

>

> Sent from my iPad

>

> On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov"

<Robert_MacLean@nps.gov> wrote:

>

>> NPS lift (cherry picker) on scene. USPP personnel secured in the bucket
>> has recovered two of the remaining 4.

>>

>> -----

>> Sent from my BlackBerry Wireless Handheld

>>

>> Deputy Chief Robert D. MacLean

>> Commander, Homeland Security Division

>> United States Park Police

>>

>> Robert_MacLean@nps.gov - Email
>> 202.619.7085 - Office
>> 202.438.6656 - Nextel
>> 202.205.7983 - Fax
>>
>>
>> ----- Original Message -----
>> From: Robert MacLean
>> Sent: 12/04/2011 06:48 PM EST
>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>;
>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>> Subject: Re: SitRep #6
>> Waiting on NPS lift for the remaining 6.
>> -----
>> Sent from my BlackBerry Wireless Handheld
>>
>> Deputy Chief Robert D. MacLean
>> Commander, Homeland Security Division
>> United States Park Police
>>
>> Robert_MacLean@nps.gov - Email
>> 202.619.7085 - Office
>> 202.438.6656 - Nextel
>> 202.205.7983 - Fax
>>
>>
>> ----- Original Message -----
>> From: Robert MacLean
>> Sent: 12/04/2011 06:07 PM EST
>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrusso1@leo.gov>;
>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>> Subject: Re: SitRep #5
>> 16 arrested thus far from the interior of the structure. 6 still perched
>> on the roof.
>>

>> MPD SOD will insert the inflatable device within the structure as a
>> precaution. Then the NPS/USPP will attempt to remove the remaining 6 with
>> a lift device.
>> -----
>> Sent from my BlackBerry Wireless Handheld
>>
>> Deputy Chief Robert D. MacLean
>> Commander, Homeland Security Division
>> United States Park Police
>>
>> Robert_MacLean@nps.gov - Email
>> 202.619.7085 - Office
>> 202.438.6656 - Nextel
>> 202.205.7983 - Fax
>>
>>
>> ----- Original Message -----
>> From: Robert MacLean
>> Sent: 12/04/2011 05:46 PM EST
>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>> Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>> Subject: Re: SitRep #4
>> 3rd and final warning issued. Noone left the structure.
>> -----
>> Sent from my BlackBerry Wireless Handheld
>>
>> Deputy Chief Robert D. MacLean
>> Commander, Homeland Security Division
>> United States Park Police
>>
>> Robert_MacLean@nps.gov - Email
>> 202.619.7085 - Office
>> 202.438.6656 - Nextel
>> 202.205.7983 - Fax
>>
>>
>> ----- Original Message -----
>> From: Robert MacLean
>> Sent: 12/04/2011 05:41 PM EST
>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>> Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;
>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>> Subject: Re: SitRep #3
>> Here is the URL for the live stream:
>>
>>
www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_m
edium=social
>>
>> Perimeter has been established on 3 sides. The south side will be
>> available for any protesters that wish to leave upon the issuance of the
>> warnings.
>>
>> Light towers on scene.
>>
>> First warning issued (1741 hours). 22 remain in or on the structure.
>> -----
>> Sent from my BlackBerry Wireless Handheld
>>
>> Deputy Chief Robert D. MacLean
>> Commander, Homeland Security Division
>> United States Park Police
>>
>> Robert_MacLean@nps.gov - Email
>> 202.619.7085 - Office
>> 202.438.6656 - Nextel
>> 202.205.7983 - Fax
>>
>>
>> ----- Original Message -----
>> From: Robert MacLean
>> Sent: 12/04/2011 04:46 PM EST
>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>> Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
>> <JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
>> Subject: Re: SitRep #2
>> DCRA just deemed the structure unsafe, thus posted it as such.
>>
>> NPS in route with a maintenance crew to dismantle the structure.
>> -----
>> Sent from my BlackBerry Wireless Handheld
>>
>> Deputy Chief Robert D. MacLean
>> Commander, Homeland Security Division
>> United States Park Police

>>
>> Robert_MacLean@nps.gov - Email
>> 202.619.7085 - Office
>> 202.438.6656 - Nextel
>> 202.205.7983 - Fax
>>
>>
>> ----- Original Message -----
>> From: Robert MacLean
>> Sent: 12/04/2011 04:25 PM EST
>> To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
>> Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen
>> Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
>> "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip
>> Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance;
>> Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
>> ronaldt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"
>> <robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
>> <lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
>> <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;
>> "Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
>> <Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
>> <Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <mrussol@leo.gov>;
>> Michael Russo
>> Subject: SitRep #1
>> Unified Command in place: USPP, MPD, NAMA, DOI SOL.
>>
>> USPP just established the perimeter, which is the southern portion of the
>> park. React Team is assisting with the SE quadrant.
>>
>> DCRA will determine if the structure is safe/permitted. After this
>> determination is made the remaining protesters in the structure (Approx. 12
>> persons) will be given warnings to evacuate the structure.
>>
>>
>> Approx. 12 arrests made thus far (majority of the charges are for crossing
>> a police line).
>>
>> ICS in place:
>> D/C MacLean - IC
>> Sgt. Schlosser - PIO
>> DC FEMS - Safety
>> Capt. Harasek - OPS
>> Capt. Guddemi - Plans and Logistics
>> Lt. Lachance - Tactical Branch
>> Lt. Felt - Transportation
>> Sgt. Steinheimer - Investigations/Arrest
>>
>> CP - Mobile Command on Madison Pl. South of H (within the White House
>> Zone).
>>
>> DCRA entering the park.
>> -----
>> Sent from my BlackBerry Wireless Handheld
>>
>> Deputy Chief Robert D. MacLean
>> Commander, Homeland Security Division
>> United States Park Police
>>
>> Robert_MacLean@nps.gov - Email
>> 202.619.7085 - Office



Teresa Chambers/USPP/NPS

12/04/2011 08:57 PM

To "Laura Davis" <Laura_Davis@ios.doi.gov>

cc Robert MacLean/USPP/NPS@NPS, Peggy O'Dell/WASO/NPS@NPS

bcc

Subject Re: 9 pm call

Thanks. No Problem.
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:53 PM EST
To: Teresa Chambers
Cc: Robert MacLean; Peggy O'Dell
Subject: Re: 9 pm call

Secretary would like just those on this email. Thanks.

Sent from my iPad

On Dec 4, 2011, at 8:53 PM, "Teresa_Chambers@nps.gov" <Teresa_Chambers@nps.gov> wrote:

Pls see previous email pls. Can I invited the Solicitor's Office. Reps?
Teresa Chambers, Chief
United States Park Police
Work: 202-619-7350
Cell: 202-903-9256

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:50 PM EST
To: Robert MacLean; Teresa Chambers
Cc: Peggy O'Dell
Subject: 9 pm call

Let's use this call-in # for 9 pm:

866-616-8700



FOIA5D

Sent from my iPad

On Dec 4, 2011, at 8:33 PM, "Maclean, Robert" <Robert_MacLean@nps.gov> wrote:

Will do Laura. Thanks.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]
Sent: 12/04/2011 08:14 PM EST
To: Robert MacLean; "theresa_chambers@nps.gov" <theresa_chambers@nps.gov>; Peggy O'Dell
Cc: Laura Davis
Subject: Re: SitRep #7

Rob,
Thank you for the ongoing reports. I see the action is nearly complete. The Secretary would like to get back on the phone at 9 pm for a debrief if that is possible, with those of us on this email. Peggy can we use the same number?
Laura

Sent from my iPad

On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov" <Robert_MacLean@nps.gov> wrote:

NPS lift (cherry picker) on scene. USPP personnel secured in the bucket has recovered two of the remaining 4.

Sent from my BlackBerry Wireless Handheld
Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
Robert_MacLean@nps.gov - Email

202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:48 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaltd.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <

eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <

mrussol@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #6

Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division

United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:07 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;

Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaltdt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
Greene"
<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscp.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@uscp.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched
on the roof.

MPD SOD will insert the inflatable device within the structure as a
precaution. Then the NPS/USPP will attempt to remove the remaining 6
with
a lift device.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 05:46 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
Greene"
<lamar.greene@dc.gov>; terrance.bon@ussd.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@ussd.dhs.gov>; "John
Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #4
3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld
Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----
From: Robert MacLean
Sent: 12/04/2011 05:41 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #3

Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 04:46 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert LaChance; Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"
<lar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrussol@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #2
DCRA just deemed the structure unsafe, thus posted it as such.
NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld
Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 04:25 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaltd.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
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<lar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;

Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this determination is made the remaining protesters in the structure (Approx. 12

persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division

United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser;

Philip Beck;

Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

Officers responded to McPherson Square overnight for a report of an assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so. Follow-up to be conducted.

Schedule of events

There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators.

(

http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek

Commander, Central District

U.S. Park Police

202-426-6710 (office)

██████████ (cell)

FOIA6

Kathleen_Harasek@nps.gov



"Davis, Laura"
<Laura_Davis@ios.doi.gov>

12/04/2011 09:00 PM

To "O'Dell, Peggy" <Peggy_O'Dell@nps.gov>

cc

bcc

Subject Re: 9 pm call

Great

Sent from my iPad

On Dec 4, 2011, at 8:59 PM, "Peggy O'Dell@nps.gov" <Peggy_O'Dell@nps.gov> wrote:

I'll be on

Sent from my BlackBerry Wireless Handheld

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]

Sent: 12/04/2011 08:50 PM EST

To: Robert MacLean; Teresa Chambers

Cc: Peggy O'Dell

Subject: 9 pm call

Let's use this call-in # for 9 pm:



FOIA5D

Sent from my iPad

On Dec 4, 2011, at 8:33 PM, "Maclean, Robert" <Robert_MacLean@nps.gov> wrote:

Will do Laura. Thanks.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: "Davis, Laura" [Laura_Davis@ios.doi.gov]

Sent: 12/04/2011 08:14 PM EST

To: Robert MacLean; "theresa_chambers@nps.gov" <theresa_chambers@nps.gov>; Peggy O'Dell

Cc: Laura Davis

Subject: Re: SitRep #7

Rob,

Thank you for the ongoing reports. I see the action is nearly complete. The Secretary would like to get back on the phone at 9 pm for a debrief if that is possible, with those of us on this email. Peggy can we use the same number?

Laura

Sent from my iPad

On Dec 4, 2011, at 7:36 PM, "Robert_MacLean@nps.gov" <Robert_MacLean@nps.gov> wrote:

NPS lift (cherry picker) on scene. USPP personnel secured in the bucket has recovered two of the remaining 4.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division

United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 06:48 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;

"[RANDOLPH_MYERS](mailto:RANDOLPH_MYERS@sol.doi.gov)" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert

LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaltdt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
Greene"
<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #6
Waiting on NPS lift for the remaining 6.

Sent from my BlackBerry Wireless Handheld
Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean
Sent: 12/04/2011 06:07 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaltdt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
Greene"
<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <

eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #5

16 arrested thus far from the interior of the structure. 6 still perched
on the roof.

MPD SOD will insert the inflatable device within the structure as a
precaution. Then the NPS/USPP will attempt to remove the remaining 6
with
a lift device.

Sent from my BlackBerry Wireless Handheld
Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----
From: Robert MacLean
Sent: 12/04/2011 05:46 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaltdt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
Greene"
<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #4
3rd and final warning issued. Noone left the structure.

Sent from my BlackBerry Wireless Handheld
Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police
Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----
From: Robert MacLean
Sent: 12/04/2011 05:41 PM EST
To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti;
Karen
Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip
Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert
LaChance;
Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronaltd.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
Glover"
<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar
Greene"
<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"
<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
eolson@wmata.com>;
"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."
<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"
<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <
mrusso1@leo.gov>;
Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John
Wojtanowski"
<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy
Subject: Re: SitRep #3
Here is the URL for the live stream:

www.usstream.tv/channel/occupywashdc#utm_campaign=t.co&utm_source=9730881&utm_medium=social

Perimeter has been established on 3 sides. The south side will be available for any protesters that wish to leave upon the issuance of the warnings.

Light towers on scene.

First warning issued (1741 hours). 22 remain in or on the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:46 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa Mendelson-Ielmini; Jeanne O'Toole; Bob Vogel; Steve Lorenzetti; Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers; "RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kempainen; Robert LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers; ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob Glover"

<robert.glover@dc.gov>; "Steve Sund" <Steven.Sund@dc.gov>; "Lamar Greene"

<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly" <john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <eolson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <

mrusso1@leo.gov>;

Michael Russo; "Mark Chaney" <Mark.Chaney@usss.dhs.gov>; "John Wojtanowski"

<JohnJoseph.Wojtanowski@USSS.DHS.GOV>; Sean Kennealy

Subject: Re: SitRep #2

DCRA just deemed the structure unsafe, thus posted it as such.

NPS in route with a maintenance crew to dismantle the structure.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean
Commander, Homeland Security Division
United States Park Police

Robert_MacLean@nps.gov - Email
202.619.7085 - Office
202.438.6656 - Nextel
202.205.7983 - Fax

----- Original Message -----

From: Robert MacLean

Sent: 12/04/2011 04:25 PM EST

To: Kathleen Harasek; Peggy O'Dell; Teresa Chambers; Steve Whitesell;
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Karen

Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall; Keith Rogers;
"RANDOLPH_MYERS" <RANDOLPH_MYERS@sol.doi.gov>; David
Schlosser; Philip

Beck; Charles Guddemi; Martin Zweig; Paul Kemppainen; Robert
LaChance;

Terry Felt; Robert Steinheimer; Kim Fondren; Randolph Myers;
ronalddt.wilkins@dc.gov; "Jeff Herold" <jeffrey.herold@dc.gov>; "Bob
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<lamar.greene@dc.gov>; terrance.bon@usss.dhs.gov; "John Donnelly"

<john.donnelly@dc.gov>; Matt Lee-ashley; "Mark Olson" <
colson@wmata.com>;

"Beth Madaris" <beth.madaris@uscg.gov>; "Reynolds, Thomas P."

<Thomas.Reynolds@uscg.gov>; Laura Davis; "Angela (USADC) George"

<Angela.George@usdoj.gov>; Allan Griffith; "Mike Russo" <

mrusso1@leo.gov>;

Michael Russo

Subject: SitRep #1

Unified Command in place: USPP, MPD, NAMA, DOI SOL.

USPP just established the perimeter, which is the southern portion of the
park. React Team is assisting with the SE quadrant.

DCRA will determine if the structure is safe/permitted. After this
determination is made the remaining protesters in the structure (Approx.

12

persons) will be given warnings to evacuate the structure.

Approx. 12 arrests made thus far (majority of the charges are for crossing
a police line).

ICS in place:

D/C MacLean - IC

Sgt. Schlosser - PIO

DC FEMS - Safety

Capt. Harasek - OPS

Capt. Guddemi - Plans and Logistics

Lt. Lachance - Tactical Branch

Lt. Felt - Transportation

Sgt. Steinheimer - Investigations/Arrest

CP - Mobile Command on Madison Pl. South of H (within the White House

Zone).

DCRA entering the park.

Sent from my BlackBerry Wireless Handheld

Deputy Chief Robert D. MacLean

Commander, Homeland Security Division

United States Park Police

Robert_MacLean@nps.gov - Email

202.619.7085 - Office

202.438.6656 - Nextel

202.205.7983 - Fax

----- Original Message -----

From: Kathleen Harasek

Sent: 12/04/2011 09:10 AM EST

To: Peggy O'Dell; Teresa Chambers; Steve Whitesell; Lisa

Mendelson-Ielmini; Robert MacLean; Jeanne O'Toole; Bob Vogel; Steve

Lorenzetti; Karen Cucurullo; Robbin Owen; Patrick Smith; Jerry Marshall;

Keith Rogers; RANDOLPH_MYERS@sol.doi.gov; David Schlosser;

Philip Beck;

Charles Guddemi; Martin Zweig; Paul Kemppainen

Subject: #12 McPherson/Freedom Daily

Within the past 24 hours the following incidents were noted

Officers responded to McPherson Square overnight for a report of an

assault. Officers were directed to a female who had superficial injuries to arm, hand and face. The victim did not want to talk to

police. Officers convinced her to come to the D-1 station to be interviewed. Investigation revealed that she was in a verbal argument

with her boyfriend which led to a physical altercation resulting in her injuries. The victim was intoxicated at the time of the report and did

not want to press charges. USPP Detectives went to the area in an attempt to locate the suspect, but were unsuccessful in doing so.

Follow-up to be conducted.

Schedule of events

There are no scheduled events other than on site meetings and lectures at both locations. Freedom Plaza will be collecting material for a recycleable Christmas Tree which is scheduled to be lit on Tuesday. Information will be passed to Park Programs for follow up.

Articles of interest

Washington Post Article which compares Occupy DC to the 1968 Resurrection City. Resurrection City occurred around the Reflecting Pool and was the encampment for approximately 3000 demonstrators.

(
http://www.washingtonpost.com/local/before-occupy-dc-there-was-resurrection-city/2011/12/01/gIQAoNqcPO_story.html)

Captain Kathleen Harasek
Commander, Central District
U.S. Park Police
202-426-6710 (office)
202-438-1593 (cell)
Kathleen_Harasek@nps.gov