

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VETERANS FOR PEACE, GREATER
SEATTLE, CHAPTER 92,
Plaintiff,

v.

CITY OF AUBURN, a municipal
corporation,
Defendant.

No. _____

DECLARATION OF MICHELLE
KINNUCAN IN SUPPORT OF
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

I, Michelle Kinnucan, hereby declare as follows:

1. I became a member of Veterans For Peace (“VFP”) in 2002 and joined Greater Seattle, Chapter 92 (“VFP 92”) in 2009. Since 2010, I have served on the VFP 92 Board of Directors and am currently the President and Treasurer of VFP 92. I served in both the U.S. Coast Guard and the U.S. Army and was honorably discharged from both.

2. VFP is a 501(c)(3) nonprofit corporation and national veterans organization based in St. Louis, Missouri. VFP was founded in 1985 by military veterans and has more than 3,900 members nationwide. Membership includes veterans who served in World War II, Korea, Vietnam, Panama, the Persian Gulf, Bosnia, Afghanistan, Iraq, and other conflicts, as well as peace time veterans.

3. VFP works to increase public awareness of the costs of war; to restrain our government from intervening, overtly and covertly, in the internal affairs of other nations; to end the arms race and to reduce and eventually eliminate nuclear weapons; to seek justice for

1 veterans and victims of war; and to abolish war as an instrument of national policy. VFP
2 members pledge to use non-violent means and to maintain an organization that is both
3 democratic and open with the understanding that all members are trusted to act in the best
4 interests of the group for the larger purpose of world peace. To those ends, VFP holds a
5 permanent non-governmental organization seat at the United Nations and is the first military
6 veterans' organization invited to be a member of the International Peace Bureau based in
7 Geneva, Switzerland.

8 4. VFP has more than 120 chapters across the country and has collaborated with
9 dozens of organizations to sponsor thousands of activities promoting peace in the United States.

10 5. VFP 92, the Greater Seattle chapter, was founded in 2003 and has 96 members in
11 good standing. 71 are Full Members as veterans, and 25 are Associate Members as non-veterans.

12 6. VFP 92 has participated in the annual Veterans Day Parade sponsored by the City
13 of Auburn for the last six years, VFP 92 has participated in the parade, displaying peace flags
14 and VFP organizational flags.

15 7. VFP 92 applied to participate in the 2010 Auburn Veterans Day Parade and
16 described its entry as "VFP is a national veterans organization, founded in 1985 to promote
17 peaceful solutions to armed conflicts." Attached as Exhibit 1 is a true and correct copy of VFP
18 92's 2010 parade application dated September 24, 2010.

19 8. On October 6, 2010, the City of Auburn denied VFP 92's application to
20 participate in the 2010 Veterans Day Parade on the grounds that "[d]ue to the expanding length
21 of [the] parade over the last several years, [the City was] limiting the number of participants
22 [and] had to revise [its] entry rules and regulations accordingly." The "Veterans Day Parade
23 committee . . . found [that VFP 92's] entry [did] not fit with the rules and regulations [of the
24 parade]." Attached as Exhibit 2 is a true and correct copy of the email from the City of Auburn
25 dated October 6, 2010 denying VFP 92's 2010 parade application.

26 9. VFP 92 appealed the City's denial. In an October 13, 2010 email following up on
27 the appeal, VFP 92 noted that "[t]here [was] nothing honorable about denying a National
28 Veterans Organization a rightful place of recognition and celebration with our fellow brother and
29

1 sister veterans.” Attached as Exhibit 3 is a true and correct copy of the email dated October 13,
2 2010 sent by then-VFP 92 Board Member Lt. Col. George James, Jr. (retired) to the City of
3 Auburn following up on the appeal of the denial of VFP 92’s 2010 parade application.

4 10. On October 14, 2010, the City granted VFP 92’s appeal and approved VFP 92 to
5 participate in the 2010 Veterans Day Parade. Attached as Exhibit 4 is a true and correct copy of
6 the email from the City of Auburn dated October 14, 2010, reversing the denial of VFP 92’s
7 application and approving VFP 92 for participation in the 2010 Veterans Day Parade.

8 11. On October 15, Lt. Colonel James wrote to thank the Committee and inquire
9 about “specific cause/s for our original denial,” noting that “[i]t might be helpful to take
10 corrective action or clarify an[y] issues of concern.” Attached as Exhibit 5 is a true and correct
11 copy of the email from VFP 92 to the City of Auburn dated October 15, 2010.

12 12. VFP 92 participated in the 2010 Auburn Veterans Day Parade and displayed
13 peace flags.

14 13. When VFP 92 asked for more information about why its application had initially
15 been denied, the City explained in an email dated October 25, 2010, that “the Parade Committee
16 is an informal committee made up of City staff members who are heavily involved in the
17 coordination and logistics associated with the parade” and that “there are no minutes associated
18 with the [committee] meetings.” The City stated that “staff reviewed [VFP 92’s] current website
19 as well as photos and the parade video from 2009 and felt that [VFP 92’s] entry could be
20 considered controversial and may not positively focus on honoring our country’s veterans and
21 active military personnel.” Attached as Exhibit 6 is a true and correct copy of the email from the
22 City of Auburn dated October 25, 2010.

23 14. On December 9, 2010, VFP 92 sent a letter to the City of Auburn to address any
24 concerns that the City and/or parade organizers may have had with the display of peace flags.
25 We explained that we didn’t think that the peace flag is the American flag in any respect,
26 including within the meaning of federal and state law. The City never responded to our letter.
27 Attached as Exhibit 7 is a true and correct copy of the letter VFP 92 sent to the City of Auburn
28 dated December 9, 2010.
29

1 15. VFP 92 applied to participate in the 2011 Auburn Veterans Day Parade and
2 described its entry as “Veterans For Peace honors our country’s veterans and active military
3 personnel by working to restrain our government from intervening, overtly and covertly, in the
4 internal affairs of other nations and by working to abolish war as an instrument of national policy
5 so that no soldier will ever be ordered to place limb, life, or soul in jeopardy for an unjust or
6 unworthy cause. We honor them in our work by using and guarding the Constitutional freedoms,
7 including speech, that we all swore to defend in our oaths of enlistment/office.” VFP 92’s
8 application was approved, and VFP 92 participated in the 2011 Auburn Veterans Day Parade
9 displaying peace flags without incident. Attached as Exhibit 8 is a true and correct copy of VFP
10 92’s 2011 parade application dated August 29, 2011.

11 16. Attached as Exhibit 9 is a true and correct copy of the email from the City of
12 Auburn dated September 1, 2011 approving VFP 92’s application to participate in the 2011
13 Auburn Veterans Day Parade.

14 17. Attached as Exhibit 10 is a true and correct copy of the letter sent by the City of
15 Auburn confirming VFP 92’s participation in the 2011 Auburn Veterans Day Parade.

16 18. VFP 92 believes that the City may have violated the 2011 parade rules, which
17 outline the marching order for the parade, by placing VFP 92 towards the end of the parade and
18 not towards the front of the parade with other veterans groups.

19 19. On September 13, 2012, VFP 92 applied to participate in the 2012 Auburn
20 Veterans Day Parade and used substantially the same entry description as that used in 2011. VFP
21 92 does not have a copy of its 2012 parade application because it was submitted online. VFP 92
22 has submitted a public records request to the City of Auburn and is awaiting the production of
23 documents responsive to its request which will include a copy of VFP 92’s 2012 parade
24 application.

25 20. The City of Auburn denied VFP 92’s application on the grounds that the City
26 “receive[s] more applications than [it] can successfully accommodate, and [it has] to choose
27 those that most closely meet the goals and purpose of the event.” Attached as Exhibit 11 is a true
28

1 and correct copy of the email from the City of Auburn dated October 4, 2012 denying VFP 92's
2 2012 parade application and approving VFP 92's application for a static display booth.

3 21. In addition to applying to participate in the parade, VFP 92 applied for a static
4 display. Its application for a static display was approved.

5 22. Based on the City's initial denial of VFP 92's parade application in 2010 and the
6 City's apparent belief that our parade entry was controversial, I believe that the denial of our
7 2012 parade application is motivated by viewpoint discrimination.

8 23. On October 9, 2012, VFP 92 appealed the City's denial of its application to
9 participate in the 2012 Auburn Veterans Day Parade. Attached as Exhibit 12 is a true and correct
10 copy of the email to the City of Auburn dated October 9, 2012.

11 24. The City denied VFP 92's appeal on the same grounds as the initial denial, stating
12 that "[b]ecause the parade has too many applicants, [the City] chose those that most closely meet
13 the goals and purpose of the Auburn's [sic] Veterans Day Parade." Attached as Exhibit 13 is a
14 true and correct copy of the email from the City of Auburn dated October 15, 2012.

15 25. While VFP 92's appeal of the City's decision to deny our application was still
16 pending, I spoke to an acquaintance, Thomas Campbell, who offered to follow up on the denial
17 of our parade application. Mr. Campbell spoke with Daryl Faber, the Director of the Auburn
18 Parks, Arts and Recreation Department. Mr. Campbell asked about the decision not to grant VFP
19 92's application for this year's Veterans Day Parade. Mr. Campbell reported that Mr. Faber
20 stated that the decision to deny VFP 92's application was made because of our message, and that
21 the City felt that allowing VFP 92 to have a static display was sufficient to allow it to deliver its
22 message.

23 26. On October 13, 2012, VFP 92 filed a public records request with the City of
24 Auburn to obtain documents referencing Veterans for Peace and/or other peace/anti-war groups
25 in the context of Veterans Day events, documents regarding parade application denials, and
26 documents regarding the order of groups within the Veterans Day Parade line-up. The City has
27 produced the Veterans Day Parade rules from 2009, 2010, 2011, and 2012 in response to VFP
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1 92's request. VFP 92 is awaiting the production of additional documents responsive to our public
2 records request.

3 27. On October 15, 2012, VFP 92 sent a letter via certified mail to City of Auburn
4 Mayor Pete Lewis requesting that VFP 92's application to participate in the 2012 Auburn
5 Veterans Day Parade be approved and written assurances that VFP 92 will not be excluded from
6 the parade in future years on the basis of viewpoint discrimination. The City has not responded
7 to VFP 92's letter. Attached as Exhibit 14 is a true and correct copy of the letter dated October
8 15, 2012 sent to Auburn Mayor Pete Lewis.

9 28. On October 31, 2012, the City published the 2012 Auburn Veterans Day Parade
10 Line-Up on its website. Had VFP 92's application been approved this year, there would have
11 been 185 entries, exactly the same number of entries as the 2011 Auburn Veterans Day Parade.

12 29. I do not understand how the City determined that groups such as Point Man
13 International Ministries, South King County Chapter of ABATE of Washington, Classical Glass
14 Corvette Club, Daffodil Festival Traveling Float, and Auburn Optimist Club, more closely meet
15 the goals and purposes of its Veterans Day Parade than VFP 92, a group composed
16 predominantly of veterans with a mission directly relating to veterans and active military
17 personnel.

18 30. Marching in the Auburn Veterans Day Parade is part of how VFP 92
19 communicates its message that there is an alternate vision about whether and how the United
20 States should use military resources in foreign affairs.

21 31. VFP 92 believes that its activities are consistent with the Founding Fathers' fear
22 of standing armies and the threat that standing armies pose to liberty. A card that VFP 92
23 members distribute to the public on Armed Forces Day and Independence Day quotes from a
24 1795 pamphlet authored by James Madison: "Of all the enemies to public liberty war is, perhaps,
25 the most to be dreaded ... War is the parent of armies; from these proceed debts and taxes; and
26 armies, and debts, and taxes are the known instruments for bringing the many under the
27 domination of the few. ... No nation could preserve its freedom in the midst of continual
28 warfare."
29

1 32. VFP 92 honors our country's veterans and active military personnel by exercising
2 its First Amendment speech rights to challenge and be critical of U.S. foreign policy decisions.

3 33. As a result of the City's denial of VFP 92's application to participate in the 2012
4 Auburn Veterans Day Parade, VFP 92 and its members have been prohibited from engaging in
5 protected expressive conduct. The City has generally chilled VFP 92's efforts to communicate its
6 pro-peace message, show that not every veteran is in uncritical support of war, and educate the
7 public about the costs of war.

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9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11 DATED this 4th of November, 2012, at Seattle, Washington.

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14 Michelle Kinnucan
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EXHIBIT 1



ENTRY FORM

City of Auburn Veterans Day Parade

Saturday, November 6, 2010

The 2010 parade rules and regulations have been modified. Please carefully read the parade rules to ensure that you/your organization is eligible for participation. If you see that you're not eligible, we encourage you to participate in the Curb Competition or/and as a Static Display. You will receive a notice of acceptance/denial upon receipt. Complete event instructions will be mailed in late October. Incomplete applications will be returned.

Please print or type information. Application deadline is Friday, October 8, 2010.

Name of Entry <i>Veterans for Peace</i>		
Contact Person <i>James M. Kearney</i>		
Mailing Address <i>3740 So. 142nd St.</i>		
City <i>Tukwila</i>	State <i>WA</i>	Zip <i>98168</i>
Day Phone <i>206-280-1930</i>	Email: <i>namobops@aol.com</i>	
Number of participants in Entry: <i>40</i>	Number of vehicles in Entry: <i>3</i> <i>***all motorized entries must complete information on back***</i>	Have you participated before? <input checked="" type="radio"/> Yes <input type="radio"/> No
Number of animals in Entry: <i>0</i>		
Please provide us with information about your entry. Include special recognition, awards, special interest facts or other general information about your entry. This information is used to introduce your entry and may be used for publicity. <i>VFP is a national veterans organization founded in 1985 to promote peaceful solutions to armed conflicts.</i>		
CATEGORY OF ENTRY (CHECK ONE)		
<input type="checkbox"/> Nationally Chartered Veteran Organization	<input type="checkbox"/> Auburn-based Scouting Entry	<input type="checkbox"/> Municipal Government Entry
<input checked="" type="checkbox"/> Veteran Organization	<input type="checkbox"/> Auburn-based Fraternal/Service	<input type="checkbox"/> Antique/Classic Car Club Entry
<input type="checkbox"/> Float	<input type="checkbox"/> Musical/Drill Entry	<input type="checkbox"/> Motorcycle Club Entry
<input type="checkbox"/> Animal/Mounted Entry	<input type="checkbox"/> Static Display option	<input type="checkbox"/> Other (Specify **see page 2**)
<input type="checkbox"/> Military Organization		

All non-congressionally recognized Veteran Service organizations must supply state or national paperwork to be considered for Veterans Day parade placement.

PLEASE READ & SIGN

Assumption of Risks/Exculpatory Clause: For and in consideration of the opportunity to participate in the above-named activity offered by the Auburn Parks, Arts & Recreation Department, I, as evidenced by my signature below, do hereby hold harmless, release and waive all claims I may have against the City of Auburn, its officials, employees, agents, or contracted instructors, and any other person(s) involved in this activity for any and all injuries, losses, damages, or death suffered by me as a result of my participation in this activity. I accept full responsibility for the cost of treatment for any injury, losses, damages, or death suffered by me while taking part in this activity. I give permission to have my photo taken during the activity, used for publicity purposes by the Auburn Parks, Arts & Recreation Department.

Signature of Representative *James M. Kearney* Date *24 SEP. 2010*
 -over-

EXHIBIT 2

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

From: Kristy Pachciarz <kpachciarz@auburnwa.gov>

To: namobops@aol.com

Sent: Wed, Oct 6, 2010 11:15 am

Subject: Auburn's Veterans Day Parade

Good morning James,

Thank you for your Veterans Day Parade Entry Form. Our focus for the Auburn Veterans Day parade is respectfully centered around active military and reserve military, National Guard, ROTC, congressionally-recognized chartered veteran service organizations and their auxiliaries, Veterans Affairs, and other units that may be specifically invited by the City of Auburn and the Auburn Veterans Day Committee.

Due to the expanding length of our parade over the last several years, we are limiting the number of participants, have had to revise our entry rules and regulations accordingly, and are screening each and every application. After carefully reviewing your application, the Veterans Day Parade committee has found your entry does not fit with the rules and regulations and is not approved.

Sincerely,

Kristy L. Pachciarz | Special Events Coordinator | 253-931-3052 TEL | 253-931-4005 FAX |

www.auburnwa.gov

Upcoming Event Information:

NEXT UP! – We're currently accepting applications for the Veterans Day Parade! Application deadline is Oct. 8.

COMING UP - S'more Than You Imagined is planned for Saturday, October 9 at 6:00pm.

SAVE THE DATE – 45th annual Veterans Day Parade & Observance is scheduled for Saturday, November 6.

The information contained in this electronic communication is personal, privileged and/or confidential information intended only for the use of the individual(s) or entity(ies) to which it has been addressed. If you read this communication and are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, other than delivery to the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail. Thank you.

EXHIBIT 3

From: namobops@aol.com [<mailto:namobops@aol.com>]
Sent: Wednesday, October 13, 2010 12:50 PM
To: Kristy Pachciarz
Cc: vfp92-request@lists.riseup.net; spidell@aclu-wa.org
Subject: Vets For Peace -2010 Auburn Vets. Day Parade denial request follow up.

Krisit, I know you are getting busier with each day as the Vets. Day Parade approaches. Yesterday I called to follow up my appeal request for reconsideration and reversal of the denial of the Veterans for Peaces' application for this year's Auburn Parade.

I do expect that you will get back to me soon. I really have appreciated your professional management of our application and regretfully your need to continue to deal with our on going requests. It is really imperative that I know when I can expect a formal response to my appeal and requests for information. My Parade Co Team Leader responsibilities include, in part, developing a modified plan for our Veterans Day Celebration activities should our appeal continue to be denied. We sincerely hope that the City of Auburn and the Parade Application Review Committee will strive to live up to the Army value of integrity - to do what is right , moral and legal. There is nothing honorable about denying a National Veterans Organization a rightful place of recognition and celebration with our follow brother and sister veterans.

I look forward to a positive resolution to our denial. Should our denial be sustained I would ask that you provide me with assistance and direction for a appeal review at the highest level of authority to make a final decision as soon as possible. I would prefer a resolution that does not require a conversation that would end up in the legal and or public arena. We simply ask for approval to participate Auburn's Veterans Day parade again this year as we have in the past four years.

Thanks for your attention and response to this request.

Lt. Col. George James Jr. USA/USAR Ret.
Board member, Greater Seattle Veterans For Peace. Chapter 92
2010 Auburn Veterans Day Parade Project Co Team Leader
360.480.5957

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EXHIBIT 4

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

From: Kristy Pachciarz <kpachciarz@auburnwa.gov>

To: namobops@aol.com

Sent: Thu, Oct 14, 2010 8:29 am

Subject: RE: Vets For Peace -2010 Auburn Vets. Day Parade denial request follow up.

Good morning Lt. Col. James:

I want to advise you that the Veterans Day Parade Committee has reviewed your appeal and reconsidered your application. Veterans for Peace is approved for participation in the 2010 Auburn Veterans Day Parade, with the understanding that your organization's participation in the Parade will be respectful of the other entrants in the Parade and in accordance with the purpose of the Parade. Complete event information will be mailed at the end of October. Parade line-up and staging locations will be posted to the city's website during the week of the event.

The purpose of the Auburn Veterans Day Parade is to positively focus on honoring our country's veterans and active military personnel. Through our parade, we focus recognition on the military and reserve military, National Guard, ROTC, congressionally-recognized chartered veteran service organizations and their auxiliaries,

Participants are encouraged to display their patriotism by including patriotic décor. The American flag must be displayed in an appropriate manner. Other Parade rules include:

- Auburn Veterans Day Committee reserves the right to cancel any accepted entry at any time should it be determined the entry represents a controversial issue detracting from the purpose of the Veterans Day Parade in honoring our country's veterans.
- Units are not permitted to invite other units to join their approved entry, unless approved in advance by the City of Auburn.
- Any maneuvering, countermarching, or other action delaying the progress of the parade beyond a reasonable time is prohibited.
- Animal units must provide their own waste disposal system.
- Parade floats must meet code compliance.
- No materials (gifts, candy, merchandise, literature, bubbles or other) may be handed out or thrown from participants in the parade.
- Units may not display commercial material.

Please let me know if you have any questions. Thank you for your cooperation.

Sincerely,

Kristy Pachciarz
Special Events Coordinator
City of Auburn

EXHIBIT 5

From: namobops@aol.com [<mailto:namobops@aol.com>]

Sent: Friday, October 15, 2010 10:17 AM

To: Kristy Pachciarz

Cc: vfp92board@lists.riseup.net; spidell@aclu-wa.org

Subject: Re: Vets For Peace -2010 Auburn Vets. Day Parade denial request follow up.

Dear Kristi, On behalf of my fellow 2010 Veterans For Peace Auburn Veterans Day Parade Project Co-Team leader Mike Kearny and our Regional Action Team members we are thankful that the honorable thing has been accomplished and that we have been approved to again join this years' event.

We will proudly represent our Organization as members of Veterans For Peace in this years' Parade with courtesy and respect.. It is and always has been our goal to meet or exceed the expectations set by the City and the Veterans Committees' as set in the rules and regulations for participation.. .

I will be presenting a briefing at our Veterans For Peace Annual Regional Meeting this weekend regarding the events leading to the reversal of our application denial. We will review the rules and regulations and also begin to plan our performance role.. I continue to look for the information I requested for specific cause/s for our original application denial. It might be helpful to take corrective action or clarify and issues of concern..

If at all possible I would prefer to deal directly with the Chair of the Veterans Parade Committee should they have continued concerns or reservations. You have been wonderful to work with but I have been in the middle before too. Working directly with the Committee Chair might be more effective at least communicating and discussing veterans issues and hopefully lessen your work load..

Please give my grateful thanks to all who shared in the review and approval of my appeal.

Lt. Col. George James Jr., USA/USAR. Ret.
2010 Auburn Veterans Day Parade Project Co-Team Leader
Board member, Veterans For Peace Greater Seattle Chapter, Chapter

92

EXHIBIT 6

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

From: Kristy Pachciarz <kpachciarz@auburnwa.gov>

To: namobops@aol.com

Sent: Mon, Oct 25, 2010 10:01 am

Subject: RE: Vets For Peace -2010 Auburn Vets. Day Parade denial request follow up.

Lt. Col. James,

I apologize for my delayed response. As you can imagine, it is getting quite busy around our office in preparation for our 45th annual Veterans Day Parade & Observance. Your application was reconsidered at your request and has been approved based on your respect for our Parade guidelines as outlined in the last message.

In the past several years, Auburn's Veterans Day Parade has grown to a significant length, so much so that it was taking almost three hours from start to finish. Because of the time and resource commitments that a parade of that length entails, and the resulting impacts on community traffic, we realized that the Parade needed to be shortened. The efforts to shorten the length of the Parade call for difficult decisions, and depending on how successful we are on to shortening the Parade to a reasonable length, it may be something that we will have to continue working on for the future.

To answer your previous question, the Parade Committee is an informal committee made up of City staff members who are heavily involved in the coordination and logistics associated with the parade and who's responsibility it is to carefully review the applications as they are received. Because it is an informal committee, there are no minutes associated with the meetings. As the Event Coordinator, I am considered the Committee Chair and will continue to communicate with you on items related to the Parade. As to why you were initially denied entry, staff reviewed your current website as well as photos and the parade video from 2009 and felt that your entry could be considered controversial and may not positively focus on honoring our country's veterans and active military personnel.

Through our parade, we focus recognition on the military and reserve military, National Guard, ROTC, congressionally-recognized chartered veteran service organizations and their auxiliaries and our city is honored to pay special tribute to our veterans and those currently serving through this one-day event.

Thank you,

Kristy L. Pachciarz | Special Events Coordinator | 253-931-3052 TEL | 253-931-4005 FAX |

www.auburnwa.gov

Upcoming Event Information:

NEXT UP! – The Halloween Harvest Festival is scheduled for Saturday, October 23, from 2-5pm.

COMING UP - 45th annual Veterans Day Parade & Observance is planned for Saturday, November 6 at 11:00am.

SAVE THE DATE – The Santa Parade & Tree Lighting Ceremony will be held on Saturday, December 4, beginning at 4:30pm.

EXHIBIT 7



Veterans for Peace, Greater Seattle, Chapter 92
P.O. Box 50106
Bellevue, WA 98015
www.vfp92.org info@vfp92.org

December 9, 2010

Kristy L. Pachciarz, Special Events Coordinator
City of Auburn Parks, Arts & Recreation
910 Ninth Street SE
Auburn WA 98002

Dear Ms. Pachciarz:

On behalf of Veterans For Peace (VFP), Greater Seattle, Chapter 92, we are writing to express our appreciation to you and the Auburn Veterans Day Parade Committee for reversing your denial of our application to march in the 2010 Veterans Day parade. This year marked our fifth year in a row in the parade and many VFP members have come to look forward to it and the occasion it affords us to honor veterans and current military personnel. We also appreciate the warm welcome we receive from so many parade spectators.

We also want to take this opportunity to try to address any concerns you and the parade committee may have about the display in our contingent of the peace flags, i.e. the flags with thirteen horizontal stripes, alternate red and white; and a white peace symbol in a blue field. First, we want to apologize if there were any misunderstandings or miscommunications about whether the flags would be present this year. Frankly, our internal decision-making and communication process broke down, resulting in confusion within our own ranks.

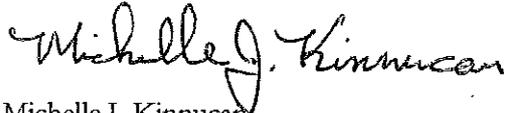
Nevertheless, we believe that our participation this year was in compliance with parade rules. We took seriously your admonition to LTC James, USA/USAR (ret.) that: "The American flag must be displayed in an appropriate manner." In our view, because it does not include any white stars, the peace flag is not the American flag in any respect, including within the meaning of federal (4 USC et seq.) or state (RCW 9.86 et seq.) law.

We are not trying to skirt the issue by relying upon a legal technicality; rather, it is our understanding that the omission of the stars is both substantive and by design. For what it's worth, the originator/organizer of our peace flag contingent is an honorably discharged US military veteran and a former US Foreign Service staff officer. When asked about the issue of the peace flags as flag desecration he expressed surprise and insisted he would not participate in flag desecration.

In any case, we realize that some may see the display of the peace flags as an expression of contempt or even a desecration of the American flag. We respectfully disagree and hope that those who dislike the peace flags will allow that there is room for reasonable people to differ.

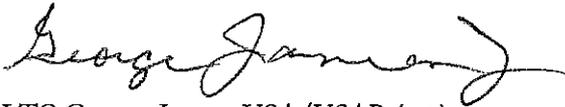
Moreover, as veterans, some of us still take seriously the oath we swore to defend US Constitution and we hope that you and the committee will agree that respect for the principle of freedom of speech enshrined in the First Amendment should trump any subjective disputes over the meaning and message of the peace flags. In any case, we look forward to participating in next year's parade and stand ready to engage in dialogue with you and the committee over any concerns you may have about our past or future participation.

Sincerely,



Michelle J. Kinnucan

Director-At -Large, Veterans For Peace, Greater Seattle, Chapter 92



LTC George James, USA/USAR (ret.)

Director-At -Large, Veterans For Peace, Greater Seattle, Chapter 92

EXHIBIT 8



ENTRY FORM

City of Auburn Veterans Day Parade
Saturday, November 5, 2011

The 2011 parade rules and regulations have been modified. Please carefully read the parade rules to ensure that you/your organization is eligible for participation. If you see that you're not eligible, we encourage you to participate in the Curb Competition or/and as a Static Display. You will receive a notice of acceptance/denial upon receipt. Complete event instructions will be mailed to accepted entries in late October. All information is required; write N/A where applicable. Incomplete applications will be returned. Late applications will not be accepted.

Please print or type information. Application deadline is Friday, October 7, 2011.

Name of Entry Veterans For Peace		
Contact Person Michelle Kinnucan		
Mailing Address PO Box 31947		
City Seattle	State WA	Zip 98103
Day Phone 206-297-6746	Email: info@vfp92.org	
Have you participated before? Yes No	Number of vehicles in Entry: <u>1</u> ***all motorized entries must complete information on page 2***	Will you have any accompanying music/amplification? Yes No
Number of participants in Entry: <u>~40</u>	Number of animals in Entry: <u>0</u>	
Please provide us with information about your entry. Include special recognition, awards, special interest facts or other general information about your entry. This information is used to introduce your entry and may be used for publicity. Veterans For Peace honors our country's veterans and active military personnel by working to restrain our government from intervening, overtly and covertly, in the internal affairs of other nations and by working to abolish war as an instrument of national policy so that no soldier will ever be ordered to place limb, life, or soul in jeopardy for an unjust or unworthy cause. We honor them in our work by using and guarding the Constitutional freedoms, including speech, that we all swore to defend in our oaths of enlistment/office.		
CATEGORY OF ENTRY (CHECK ONE)		
<input type="checkbox"/> Nationally Chartered Veteran Organization	<input type="checkbox"/> Auburn-based Scouting Entry	<input type="checkbox"/> Municipal Government Entry
<input type="checkbox"/> Veteran Organization	<input type="checkbox"/> Auburn-based Fraternal/Service	<input type="checkbox"/> Antique/Classic Car Club Entry
<input type="checkbox"/> Float	<input type="checkbox"/> Musical/Drill Entry	<input type="checkbox"/> Motorcycle Club Entry
<input type="checkbox"/> Animal/Mounted Entry	<input type="checkbox"/> Static Display option	<input type="checkbox"/> Other (Specify **see page 2**)
<input type="checkbox"/> Military Organization		

PLEASE READ & SIGN

Assumption of Risks/Exculpatory Clause: For and in consideration of the opportunity to participate in the above-named activity offered by the Auburn Parks, Arts & Recreation Department, I, as evidenced by my signature below, do hereby hold harmless, release and waive all claims I may have against the City of Auburn, its officials, employees, agents, or contracted instructors, and any other person(s) involved in this activity for any and all injuries, losses, damages, or death suffered by me as a result of my participation in this activity. I accept full responsibility for the cost of treatment for any injury, losses, damages, or death suffered by me while taking part in this activity. I give permission to have my photo taken during the activity, used for publicity purposes by the Auburn Parks, Arts & Recreation Department.

Signature of Representative _____ Date 29 August 2011

I have reviewed and understand the 2011 parade rules & regulations. Failure to comply may jeopardize future participation. _____ (initial)

EXHIBIT 9

Subject: Auburn's Veterans Day Parade
From: Kristy Pachciarz <kpachciarz@auburnwa.gov>
Date: 9/1/2011 11:41 AM
To: "info@vfp92.org" <info@vfp92.org>

Your entry form has been received and approved. Thank you for your interest in this event. Complete event information will be mailed in late October. In the meantime, if you have questions, please feel free to contact me or visit our [website](#).

Please take some time either before or after the parade to visit the Static Display & Exhibit Showcase on A Street SE. The exhibits will be open from 9:00am - 2:00pm. We encourage you to attend the American Legion hosted Breakfast or purchase tickets to the Auburn Noon Lions Club's annual Luncheon

For dining and lodging information visit www.auburntourism.com . We look forward to having you in Auburn on November 5th.

Best regards,

Kristy L. Pachciarz | Special Events Coordinator | 253-931-3052 TEL | 253-931-4005 FAX |
www.auburnwa.gov

Upcoming Events:

S'more Than You Imagined is scheduled for Saturday, October 8 at 6:00pm
Veterans Day Parade & Observance is Saturday, November 5
SAVE THE DATE - Petpalooza & Dog Trot - Saturday, May 19th!

The information contained in this electronic communication is personal, privileged and/or confidential information intended only for the use of the individual(s) or entity(ies) to which it has been addressed. If you read this communication and are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, other than delivery to the intended recipient is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail. Thank you.

EXHIBIT 10



Michelle Kinnucan
 Veterans for Peace
 PO BOX 31947
 Seattle, WA 98103

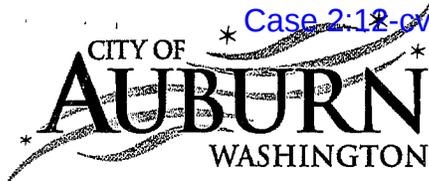
Dear Veterans Day Parade Entry:

Thank you for your interest in Auburn's 46th annual Veterans Day Parade. This letter is your confirmation of acceptance into this event. The parade begins promptly at 11 a.m. on Saturday, November 5, 2011, with staging of entries beginning at 9:30 a.m. Listed below are instructions for the parade.

1. **Your assigned staging area is I ST SE**

A map is enclosed for your convenience. One member of your group must check in with the Seafair Parade Marshals between 9:30 – 10:30 a.m. **The Parade Marshals will be located at the East Main and "I" Street intersection, #2 on the map.** Many Streets will be closed. Please arrive early to avoid the traffic congestion. A list of street closures and detour routes can be obtained at www.auburnwa.gov. We recommend parking at the Auburn Transit Center parking garage at 2nd and A St. SW. PLEASE NOTE – THE STAGING AREA IS RESERVED FOR PARADE STAGING ONLY. There is absolutely no parking in the parade staging area.

2. Your marching order was assigned based on parade protocol for Veterans Day. Officially recognized military and veteran service organizations march at the beginning of the parade followed by veteran organizations, community and scouting groups. Some groups may not begin marching until 12 noon. Therefore, if you have young children, a representative can check in early, having the children report to their assigned staging area at a later time. Children may gather along Main Street at their respective staging location to watch the parade and then get into the parade lineup closer to 12 noon.
3. Portable restrooms will be located at East Main and I, J, K, and L Street intersections. There will also be portable restrooms at the 'Mural Parking Lot' at the corner of Main and B Street NE. City Hall will also be open for public restroom use, from 9:30am – 2:00pm.
4. Per the rules of the parade, **throwing of candy and/or distribution of literature or any items is not allowed.** Entries are also prohibited from posting commercial advertisements on their parade vehicles or person. View complete parade rules and float instructions on our website.
5. It is important that all entries show patriotism, by displaying flags, wearing red, white and blue and/or playing patriotic music. Please follow the Flag Code. Thanks for showing your support of our Veterans!



6. All groups must maintain a forward motion leaving no more than 20 feet between units. Seafair Parade Marshals will help monitor forward progress. Scouting and Campfire groups will march in mass and **will not have 20 feet** between units. Please do not stop and perform along the parade route except in front of the review stand at City Hall. Due to the large number of groups in the parade, we cannot have large gaps between groups. Groups violating this may be pulled from the parade procession.
7. During the parade, judging for specific categories takes place in front of the reviewing stand located at Auburn City Hall. Winners are notified by mail after the parade. Results are also posted to the City's website.
8. Please refrain from stopping at the end of the parade route. After you pass the Review Stand, make a right on A Street NW and another right on 1st Street NE. Dispersal must be done East of N Division Street.

We encourage you to attend the many activities in Auburn during the Veterans Day Observance, including the American Legion Breakfast, the Veterans Day Remembrance Ceremony, the Static Display, Veterans Day Luncheon, the VFW Post #1741 Open House and the Veterans Day Marching Band Competition! You may visit our website for complete event information and maps – www.auburnwa.gov. Please contact the Parks, Arts & Recreation Department at 253-931-3043 for additional information and/or inquires.

Thank you for supporting Auburn events! See you on Saturday, November 5th!

EXHIBIT 11

Subject: Auburn's Veterans Day Parade

From: Kristy Pachciarz <kpachciarz@auburnwa.gov>

Date: 10/4/2012 8:26 AM

To: "vfp@vfp92.org" <vfp@vfp92.org>

CC: "fourinorangehinge@gmail.com" <fourinorangehinge@gmail.com>

Good morning Michelle,

Thank you for submitting an application to participate in Auburn's Veterans Day Parade. The purpose of Auburn's Veterans Day Parade is to positively focus on honoring our country's veterans and active military personnel. The goals and purposes of the Auburn's Veterans Day Parade are to give honor to our country's military personnel and veterans and to their military missions of defending freedom around the world. Unfortunately, each year, receive more applications than we can successfully accommodate, and we have to choose those that most closely meet the goals and purpose of the event. Regrettably, we are unable to approve your organization to participate in the parade this year.

On a side note, we also received a Static Display Application Form from Mike Dedrick from your organization and we are able to approve your participation in that piece of the event. This will give your organization an opportunity to share your informational materials from within your booth space to our event attendees. I plan to communicate more with Mike about the booth.

Thank you for your interest in Auburn's Veterans Day Parade.

Best regards,

Kristy L. Pachciarz | Special Events Coordinator | 253-931-3052 TEL | 253-931-4005 FAX |
www.auburnwa.gov/events

Upcoming Events:

We are currently accepting registrations for our Veterans Day Parade!

COMING UP - S'more Than You Imagined is scheduled for Saturday, October 6 at 6:00pm.

JUST AROUND THE CORNER - Halloween Harvest Festival is planned for Saturday, October 27, from 2-5pm.

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EXHIBIT 12

Re: Auburn's Veterans Day Parade

Subject: Re: Auburn's Veterans Day Parade
From: Veterans For Peace #92 <vfp@vfp92.org>
Date: 10/9/2012 3:23 PM
To: Kristy Pachciarz <kpachciarz@auburnwa.gov>

Hi Kristy,

This is disappointing news. 2012 would have been our seventh year to participate in the parade. I don't understand what has changed and why there is no longer room in the parade for Veterans For Peace. Last year the parade line-up included, among others, the Lao Veterans Organization, Muckletshoot Casino, The Line Doggies, Friends of Willie & Joe, Stephen, Point Man International Ministries and at least a half dozen Cub Scout packs. I have no objection to the inclusion of these groups and I'm guessing that most of them will be back in the parade this year. It's just hard for me to understand why there is room for them but not for Veterans For Peace unless, of course, the reason we are being excluded is because we march for peace and include peace flags in our contingent. Please regard this as a formal appeal and request for reconsideration of the denial of our parade application.

Best wishes,

Michelle J. Kinnucan,
President, Greater Seattle Veterans For Peace (vfp92.org)
Tel. 206-297-6746

EXHIBIT 13

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

Subject:RE: Auburn's Veterans Day Parade

Date:Mon, 15 Oct 2012 18:16:43 +0000

From:Kristy Pachciarz <kpachciarz@auburnwa.gov>

To:'Veterans For Peace #92' <vfp@vfp92.org>

Good morning Michelle,

The purpose of Auburn's Veterans Day Parade is to positively focus on honoring our country's veterans and active military personnel. Through our parade, we focus recognition on congressionally-recognized Veteran Service Organizations and their auxiliaries, the military and reserve military, National Guard and ROTC. The goals and purposes of Auburn's Veterans Day Parade are to give honor to our country's military personnel and veterans and to their military missions of defending freedom around the world. Because the parade has too many applicants, we chose those that most closely meet the goals and purpose of the Auburn's Veterans Day Parade.

We are unable to approve the Veterans for Peace entry into the parade this year, but welcome your organization as part of our Static Display & Exhibit Showcase area on South Division Street. Our static display area is perpendicular to the parade route, near the Dignitary Review Stand, and gives participating organizations an opportunity to distribute printed materials and communicate with spectators who visit their booth/display.

Thank you for your support of Auburn's Veterans Day Observance.

Best regards,

Kristy L. Pachciarz | Special Events Coordinator | 253-931-3052 TEL | 253-931-4005 FAX | www.auburnwa.gov/events

Upcoming Events:

COMING UP - S'more Than You Imagined is scheduled for Saturday, October 6 at 6:00pm.

JUST AROUND THE CORNER - Halloween Harvest Festival is planned for Saturday, October 27, from 2-5pm.

EXHIBIT 14



Veterans For Peace, Greater Seattle, Chapter 92

PO Box 31947
Seattle, WA 98103
vfp92.org info@vfp92.org

October 15, 2012

The Honorable Mayor Pete Lewis
c/o City of Auburn
25 W. Main St.
Auburn, WA 98001

Certified Mail Receipt Number: 7008 2810 0000 5220 9639

Dear Mayor Lewis:

Veterans For Peace (VFP) is a non-partisan, non-profit veterans organization headquartered in St. Louis, MO. Only military service veterans may be Full Members of VFP and they comprise a solid majority of our membership, nationally and locally. As I wrote in our Auburn Veterans Day parade application last year:

Veterans For Peace honors our country's veterans and active military personnel by working to restrain our government from intervening, overtly and covertly, in the internal affairs of other nations and by working to abolish war as an instrument of national policy so that no soldier will ever be ordered to place limb, life, or soul in jeopardy for an unjust or unworthy cause. We honor them in our work by using and guarding the Constitutional freedoms, including speech, that we all swore to defend in our oaths of enlistment/office.

Last year about thirty-five VFP members marched in Auburn's annual Veterans Day parade; our contingent included three WW II veterans. This was VFP's sixth consecutive appearance in the parade.

On September 13, 2012, I submitted our application to march in the parade again this year. On October 4, 2012, Kristy L. Pachciarz, of the Auburn parks department, informed me that our application had been denied. The relevant portion of her email message says: "Unfortunately, each year, [we] receive more applications than we can successfully accommodate, and we have to choose those that most closely meet the goals and purpose of the event. Regrettably, we are unable to approve your organization to participate in the parade this year."

On October 9, 2012, I made a formal appeal and request for reconsideration of the denial to Ms. Pachciarz. I wrote, in part:

Last year the parade line-up included, among others, the Lao Veterans Organization, [Muckleshoot] Casino, The Line Doggies, Friends of Willie & Joe, ... Point Man

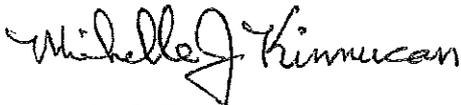
International Ministries and at least a half dozen Cub Scout packs. I have no objection to the inclusion of these groups and I'm guessing that most of them will be back in the parade this year. It's just hard for me to understand why there is room for them but not for Veterans For Peace unless, of course, the reason we are being excluded is because we march for peace and include peace flags in our contingent.

On October 10, 2012, I received an email from an Auburn-based attorney, Thomas A. Campbell. Mr. Campbell writes, in part: "I spoke to the director of Auburn Parks, Arts and Rec., Daryl Faber, this morning. I asked him about the decision not to grant your application for participation in this year's parade. He was familiar with the matter and, when asked if the decision was made because of message, he said that it was."

This is the second time in the last three years that our application to march in the Auburn Veterans Day parade has been denied on the basis of content/viewpoint discrimination, in apparent violation of the Freedom of Speech guaranteed to us all under the federal and state constitutions. In 2010, our parade application was initially denied because, as LTC George James, USA/USAR (ret.) was reportedly informed, of objections to the peace flags in our contingent (see enclosure).

I find it difficult to believe that these politicized decisions to deny us a place in the Veterans Day parade reflect the values and commitment to Freedom of Speech of the majority of Auburn citizens. Therefore, I am writing to ask that the City of Auburn approve our 2012 Veterans Day parade application and, furthermore, that we be given written assurances that we will not be subjected to future content/viewpoint-based discrimination with regard to our entry in the parade, including our position in the parade line-up.

Best wishes,



Michelle J. Kinnucan,
President, Veterans For Peace, Greater Seattle, Chapter 92
Tel. 206-297-6746

encl. (1)