

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VETERANS FOR PEACE, GREATER  
SEATTLE, CHAPTER 92, aka  
VETERANS FOR PEACE, a nonprofit  
corporation,

Plaintiff,

v.

CITY OF AUBURN, a municipal  
corporation,

Defendant.

No. \_\_\_\_\_

**COMPLAINT**

**I. INTRODUCTION**

1. Defendant City of Auburn has engaged in unlawful viewpoint discrimination by excluding Plaintiff Veterans for Peace, Greater Seattle, Chapter 92 (“Veterans for Peace”) from the 2012 Auburn Veterans Day Parade, a parade in which Plaintiff Veterans for Peace has marched for the last six years.

2. The purpose of the 2012 parade is “to positively focus on honoring our country’s veterans and active military personnel,” and “to give honor to our country’s military personnel and veterans and to their military missions of defending freedom around the world.” Plaintiff Veterans for Peace “positively focus[es] on honoring” and “give[s] honor” to veterans and active military personnel through its pro-peace message and activities.



1           11. Participation in the parade is governed by rules and regulations issued by  
2 Defendant.

3           12. The purpose of the 2012 Auburn Veterans Day Parade is “to positively focus on  
4 honoring our country’s veterans and active military personnel,” and “to give honor to our  
5 country’s military personnel and veterans and to their military missions of defending freedom  
6 around the world.” Defendant City of Auburn states that it receives more parade applications  
7 than it can approve to participate and approves only those “that most closely meet the goals and  
8 purpose” of the parade.  
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10           13. Plaintiff Veterans for Peace’s mission is to increase public awareness of the costs  
11 of war; to restrain our government from intervening, overtly and covertly, in the internal affairs  
12 of other nations; to end the arms race and to reduce and eventually eliminate nuclear weapons; to  
13 seek justice for veterans and victims of war; and to abolish war as an instrument of national  
14 policy. To those ends, Plaintiff Veterans for Peace engages in a range of pro-peace activities, and  
15 marching in the Auburn Veterans Day Parade is a significant event that allows Veterans for  
16 Peace to communicate its message to a broad audience.

17           14. On information and belief, Plaintiff Veterans for Peace has participated in the  
18 Auburn Veterans Day Parade for the last six years.

19           15. On or about September 13, 2012, Plaintiff Veterans for Peace submitted an  
20 application through Defendant’s website to participate in the 2012 Auburn Veterans Day Parade.  
21 Plaintiff Veterans for Peace generally described its parade entry as honoring veterans and active  
22 military personnel by working to restrain the government from intervening in the affairs of other  
23 nations and to abolish war as an instrument of national policy so that no soldier will be ordered  
24 to place limb, life, or soul in jeopardy for an unjust or unworthy cause.  
25

26           16. Plaintiff Veterans for Peace is a “veteran group” consistent with the 2012 parade  
27 rules and regulations.

28           17. Plaintiff Veterans for Peace’s participation in the 2012 Auburn Veterans Day  
29 Parade is consistent with the parade’s purpose as defined by Defendant City of Auburn.

1           18.     On or about October 4, 2012, Defendant denied Plaintiff Veterans for Peace’s  
2 parade application on the grounds that the City “receive[s] more applications than [it] can  
3 successfully accommodate” in the parade, and that the City has to “choose those that most  
4 closely meet the goals and purpose of the event.”

5           19.     On or about October 9, 2012, Plaintiff Veterans for Peace appealed the denial,  
6 requesting reconsideration of its application to participate in the 2012 Auburn Veterans Day  
7 Parade.

8           20.     On or about October 10, 2012, Thomas Campbell, an acquaintance of a Veterans  
9 for Peace member, spoke with Daryl Faber, Director of the Auburn Parks, Arts & Recreation  
10 Department, who confirmed that the decision to deny Plaintiff’s parade application was made  
11 because of the organization’s message.

12           21.     On or about October 15, 2012, Defendant affirmed the denial of Plaintiff Veterans  
13 for Peace’s parade application on the grounds that “the parade has too many applicants, [and  
14 Defendant] chose those that most closely meet the goals and purpose of the Auburn’s (sic)  
15 Veterans Day Parade.”

16           22.     On October 31, 2012, the City published the 2012 Auburn Veterans Day Parade  
17 Line-Up on its website. The parade participants include among others non-veteran groups such  
18 as Kiwanis International, Auburn Optimist Club, Daffodil Festival Traveling Float, ABATE of  
19 Washington-South King County Chapter (ABATE is a politically active organization working on  
20 motorcyclists rights), and the Classical Glass Corvette Club.

21  
22  
23                                   **V.     CAUSES OF ACTION**

24                                   **Violation of the First Amendment of the United States Constitution**

25           23.     Plaintiff incorporates by reference paragraphs 1 to 22 of this Complaint.

26           24.     Defendant City of Auburn’s decision to refuse to allow Plaintiff to participate in  
27 the 2012 Auburn Veterans Day Parade violates the First Amendment of the United States  
28 Constitution, which is made applicable to the state entities through the Fourteenth Amendment,  
29 as applied. Defendant’s reliance on its 2012 parade rules and regulations as justification for its

1 exclusion of Plaintiff from the 2012 parade violates the First Amendment of the United States  
2 Constitution as applied and on its face.

3 25. The 2012 parade rules and regulations grant excessive discretion to government  
4 officials to approve or deny applications to participate in the Auburn Veterans Day Parade. The  
5 parade rules contain no criteria or standards to guide Defendant’s agents in their decision to  
6 approve or deny applications. The parade rules provide insufficient procedural safeguards for  
7 those wishing to appeal a denial of an application to participate in the parade.  
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9 26. The parade rules are not reasonable in light of the purpose served by the forum,  
10 and they are not viewpoint neutral.

11 27. Through the adoption of the parade rules and regulations, Defendant has, under  
12 color of state law, deprived Plaintiff and its members of rights, privileges, or immunities secured  
13 by the United States Constitution or laws of the United States, and they are subject to liability  
14 pursuant to 42 U.S.C. § 1983.

15 28. The injuries suffered by Plaintiff cannot be fully compensated by monetary  
16 damages. If enforcement of the parade rules and regulations is not enjoined, Plaintiff and its  
17 members will suffer irreparable injury, including, but not limited to, the chilling of free speech  
18 rights.  
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20 **VI. PRAYER FOR RELIEF**

21 Plaintiff respectfully requests the following relief:

22 A. A temporary restraining order and preliminary relief ordering Defendant to  
23 approve Plaintiff’s 2012 Auburn Veterans Day Parade application and allow Plaintiff to march in  
24 the 2012 Auburn Veterans Day Parade on November 10, 2012;

25 B. Permanent injunctive relief enjoining Defendant from enforcing the 2012 Auburn  
26 Veterans Day Parade rules and regulations and using them in future years for Defendant’s annual  
27 Veterans Day Parade;

28 C. A declaratory judgment that the 2012 Auburn Veterans Day Parade rules and  
29 regulations are unconstitutional on their face and as applied;

1 D. Attorneys' fees and costs pursuant to 42 U.S.C. § 1988, or such other authority as  
2 may authorize such an award; and

3 E. Such other relief as this Court deems proper.  
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6

7 DATED: November 5, 2012

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