

I, **CARLOS GARCIA**, declare and state as follows:

1. I submit this declaration in support of Plaintiffs' Motion for a Temporary Restraining Order in *Puente v. City of Phoenix*, Case No. CV-18-02778-PHX-JJT.

2. The following information is within my own personal knowledge. If called as a witness, I would and could competently testify to the facts stated herein.

3. I am a resident of Phoenix, Arizona.

4. I am the Executive Director of Puente, one of the Plaintiffs in this case. I assumed the position of Executive Director in 2013. Previously, I served as Puente's lead organizer since 2008, and a volunteer community organizer beginning in 2007.

5. Puente is a grassroots nonprofit membership organization based in Phoenix, whose mission is to develop, educate, and empower migrant communities through lobbying, advocacy, and activism. Puente provides free English classes, media trainings, know-your-rights workshops, health and wellness trainings, educational programs for children, and other services.

6. As part of their efforts to support migrant communities, Puente staff and members frequently organize and participate in community events and demonstrations in Phoenix.

7. Throughout my life, I have participated in many protests as an activist and organizer. I've protested to end abusive immigration practices, to stop deportations, to advocate for the end of police violence, to hold elected officials accountable, and to empower immigrant, Latino, and progressive communities. In my current role as Executive Director of Puente, I work to organize in the immigrant community and other vulnerable communities, protest anti-immigrant laws, and speak out against police violence and over-policing in communities of color in Maricopa County.

8. Puente organized a large group of supporters, members, allies, and community members to attend and participate in the anti-Trump protest on August 22, 2017. Puente was very active in opposing the anti-immigrant policies of former Maricopa

County Sheriff Joe Arpaio, and there were rumors that Trump was going to pardon Arpaio for his criminal-contempt conviction during the rally that day. In addition, Puente has been working to combat the many harms caused by the Trump administration's policies targeting and demonizing immigrants, including organizing protests and working with community members on various projects.

9. When Puente learned that Trump planned to visit Phoenix on August 22, 2017, for a campaign-style rally, Puente staff and volunteers communicated with representatives from the Phoenix Police Department regarding logistics to ensure that Puente and its members and supporters could express their message and that they could do so safely. The Phoenix Police knew that the intended audience for Puente's and its supporters' message was Trump and his supporters.

10. Puente expended significant time and resources to organize and participate in the protest on August 22, 2017, to convey the message that the racist and anti-immigrant policies of the Trump administration must end. The Phoenix Police Department's violent actions against the peaceful protesters stopped this message from reaching its intended audience.

11. I have organized and participated in numerous protests in my life, and I have never seen a police department use force so egregiously and indiscriminately against peaceful protesters without any concern as to who may be hurt.

12. I was present at the protest on August 22, 2017, beginning early in the afternoon through the time around 8:30 pm when the Phoenix Police Department began its assault on the peaceful protesters. I remained in the area in front of the Herberger Theater, on Monroe Street between 2nd and 3rd Streets for most of the day. The mood at the protest was peaceful and even joyful for most of the day. Around 7:00 pm, when Trump's rally began and it was getting dark, a good number of demonstrators left the area, but there were still hundreds of people around including children and elderly people. After the rally began, the crowd calmed down, as the protesters waited for the

rally to end so that they could again express their views to Trump and his supporters exiting the rally.

13. Around 8:30 pm, things were pretty calm among the demonstrators. I was sitting on a curb waiting for the rally to end, when I would begin protest activities again. Without warning, the commotion began, people started screaming and running past our group, and when I looked up, clouds of smoke and gas had consumed the protestors. Soon after that, we heard the flash bangs and saw officers shooting projectiles at the crowd. Besides the harm directly inflicted by weapons from the Phoenix Police Department, because of how the Police had closed the area with barriers, people ran into each other and into the barriers, hurting themselves, because they did not know how to get out of the area or where to go. The crowd included elderly people, children, and people with mobility issues.

14. The riot-gear-clad officers moved into the “free-speech zone,” the area designated for anti-Trump protesters, while firing projectiles indiscriminately and without prior, or even simultaneous, warnings.

15. As the police attacked, anti-Trump protesters had no opportunity to collect their personal property and signs containing their political messages. Puente was forced to leave behind equipment it uses for demonstrations and other events, including a large inflatable screen and amplifiers.

16. The Phoenix Police Department’s violent actions on August 22, 2017 protest, and the statements by Chief Williams and City Manager Zuercher endorsing those violent actions, as well as the lack of discipline against officers for their conduct that night, lead me to believe that the Phoenix Police Department will continue to use force against peaceful protesters and members of the public indiscriminately and without warning.

17. As Executive Director of Puente, I feel it is my responsibility to make sure that Puente members, supporters, and community members can stay safe when Puente

organizes protests and demonstrations. Based on the Phoenix Police Department's conduct at last year's protest, I have tremendous concerns that future protests organized by Puente will be interrupted by the Phoenix Police Department's indiscriminate use of violence. I fear that peaceful protesters may suffer the loss of their First Amendment rights and also suffer physical injury as a result of the Phoenix Police Department's use of so-called less-lethal weapons, like tear gas, pepper spray, flash-bang grenades, and other weapons. Some people have expressed to me that they are worried for their safety if they attend another protest in Phoenix because they might be harmed by the actions of the Phoenix Police. Some people are too afraid to come to another protest to express their views, and some have expressed hesitation in light of the Phoenix Police Department's actions on August 22, 2017.

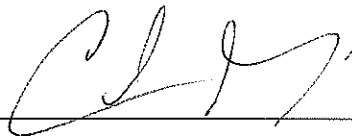
18. The Phoenix Police Department's aggression and violence towards peaceful protesters engaged in the lawful exercise of their First Amendment rights makes me reluctant to organize large protests like the one on August 22, 2017, within the City of Phoenix because I fear I cannot assure protesters and community members that they will be safe and will not be subject to unprovoked and unjustified violence at the hands of the Phoenix Police Department.

19. Puente is planning a demonstration for Trump's next visit to Phoenix, reportedly to be held next week in Phoenix. Because of the Phoenix Police Department's violent actions during Trump's last visit to Phoenix, Puente staff, members, and supporters are reluctant to plan a large event like we did last year because we fear that police will again indiscriminately attack peaceful protesters without warning. Thus, we have planned our demonstration to account for our fear that assembling a large crowd to protest with us would be unsafe for us and other protesters. For instance, unlike for last year's protest, we are not creating a Facebook event to inform Puente supporters and the general public about our planned protest.

20. When police use violence against peaceful protesters, its makes it harder for me as an activist and organizer to motivate others who agree with Puente's views to join with us to exercise their First Amendment rights. It chills public expression, creates distrust of police in the community, and leads people to not speak out and exercise their First Amendment rights.

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

Executed on September 13, 2018, in Phoenix, Arizona.



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Carlos Garcia