

**BLYTHE  
DECLARATION**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FIVE BOROUGH BICYCLE CLUB,  
SHARON BLYTHE, JOSH GOSCIAK, )  
KENNETH T. JACKSON, MADELINE )  
NELSON, ELIZABETH SHURA, LUKE )  
SON, )

Plaintiffs, )

- against - )

THE CITY OF NEW YORK; RAYMOND )  
KELLY, Police Commissioner of the New )  
York City Police Department; JAMES )  
TULLER, Commanding Officer, Patrol )  
Borough Manhattan South; Lt. John Doe, )  
and Captain Jane Doe, New York City )  
Police Department, )

Defendants. )

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I, SHARON BLYTHE, hereby declare as follows:

1. My name is Sharon Blythe.
2. I was born on February 26, 1961.
3. I reside at 244 Elizabeth Street, New York, NY.
4. I grew up in Manhattan and have always loved bicycling. I frequently ride my bicycle in New York City, often several times a week. I bicycle because it is a free, environmentally-friendly mode of transportation that provides exercise.

5. Although I love biking, I am not opposed to cars or car drivers. I used to own a car myself, and I believe that you can be pro-bike without being anti-car. However, I believe that it would improve traffic and transportation in New York City if bicycling were encouraged and if cars shared the road with bicycles.

6. I often use hand signals and eye contact to notify motorists of the need to maintain a safe distance and speed, or otherwise to yield. Occasionally I will have an explicit conversation with a motorist concerning these subjects, the motorist's obstruction of the bicycle lane, or my general right to occupy a traffic lane at a speed appropriate to bicycles.

7. I am not an aggressive cyclist. I ride at a speed that I consider safe, and I avoid competing with cars for space on the road. Car drivers often crowd bicycles off the road, honk their horns, ride dangerously close behind, and cut them off in front. To stay as far away from the path of car drivers as possible, I generally will use a bike lane if one is available. However, the bike lane can be dangerous when vehicles are parked in the lane or when car doors open suddenly into the path of cyclists. To avoid these dangers, I often prefer biking in segregated bike lanes, in parks, and with groups.

8. I have two teenage daughters who bicycled with me frequently as they were growing up. As much as possible, we rode in parks and on segregated bicycle paths because street bicycling can be dangerous for children.

9. I have never felt that a large group of cyclists, even one that included a thousand cyclists or more, was unsafe. To the contrary, it is my experience that riding in a group is much safer than riding alone.

10. I participated in an annual Earth Day ride approximately three times. To the best of my recollection, this ride involved approximately fifty participants. The ride travels from a location in downtown Manhattan to Central Park, where there are Earth Day events and a picnic.

11. I participated in Manhattan Critical Mass for approximately five years, from 2000-2005. I rode in Manhattan Critical Mass regularly in the warmer months and occasionally in the winter. The majority of these rides exceeded fifty participants.

12. My older daughter, who was about 15 or 16 when she first rode in Critical Mass, first encouraged me to participate in the ride. Later, I invited my younger daughter, who was in her mid-teens, to join me on the ride. Critical Mass provided a rare opportunity for us to ride together safely in the city because the group of cyclists made us more visible to drivers, and we were protected from cars by the other cyclists around us. Prior to August 2004, I often saw other families with children ride in Critical Mass.

13. Critical Mass also gave me an opportunity to introduce my daughter to a broad and diverse community of cyclists.

14. Before August 2004, Manhattan Critical Mass was an expression and celebration of the freedom and joy of bicycling. To be able to bicycle with others is a much more

powerful experience of this freedom and joy than bicycling alone. With a large group, you are freed from the worries of the dangers caused by cars, which tend to crowd individual cyclists off the road or not even see the cyclists at all.

15. Critical Mass is a peaceful means of making a statement about right of cyclists to be on the road. The large size of the group makes this statement much more effectively than any individual or small group of cyclists can.

16. Critical Mass is also, for some people, a means of making a statement about wider issues that are connected to bicycling, such as environmentalism and the war in Iraq. This message is implicit in bicycling, and also is stated explicitly on the signs and slogans that some people carry or wear during the ride.

17. I have met cyclists from Los Angeles, San Francisco, Seattle, and Austin while riding in Manhattan Critical Mass, and I have friends in London who ride in Critical Mass there. As a result, I feel like I am part of a broader movement when I participate in Critical Mass.

18. While riding with Critical Mass, I frequently saw onlookers cheering for us, both pedestrians and drivers.

19. Before August 2004, participants in Manhattan Critical Mass were diverse in age, gender, class, and ethnicity. The community spirit among this diverse group was one of the things that I especially enjoyed about the rides. Critical Mass is a celebration of this community.

20. Before August 2004, I did not experience Manhattan Critical Mass as a confrontation between the cyclists and others, including police. The police observed and assisted the ride without interfering with it.

21. Before August 2004, Manhattan Critical Mass would sometimes pass through intersections when the light was red. This enabled the entire group to pass quickly through traffic, and also made the ride safer because the cyclists would not be mixed in with car traffic. The police were often present on these occasions, but they did nothing to stop the cyclists from riding through red lights. This led me to believe that they condoned the practice as a means of protecting safety and traffic flow.

22. At its height, in the spring or summer of 2004, Manhattan Critical Mass had well over a thousand participants.

23. I participated in the August 2004 ride with my daughter. There were many more police officers than I had seen at previous Critical Mass rides. For the first time, I saw police cars and SUVs at the ride. When the ride approached St. Mark's Church, we saw a large number of police officers and decided to leave the ride quickly. We locked our bicycles and sat outside a restaurant across the street from the Church. We witnessed the police violently arresting people and shouting at the cyclists.

24. After August 2004, I continued to ride in Critical Mass regularly and rode in most of the rides from August 2004 through July 2005. During this period, the police presence changed dramatically from what it had been before August 2004. Many more police

were present and they in rode cars and SUVs in addition to scooters. I saw them pull cyclists off their bikes with no warning. The police vehicles often rode against the flow of traffic in order to block traffic and cut off a group of cyclists.

25. After August 2004, I witnessed police officers videotape Manhattan Critical Mass on numerous occasions. At least once, I saw a police videographer pan the crowd of cyclists who had assembled in the Union Square before the ride, as if to get a record of who was there.

26. Despite the heightened police activity, I continued to participate because I believed that what I was doing was entirely lawful.

27. On July 29, 2005, I was riding my bicycle alone when I saw cyclists heading for Union Square for Critical Mass, and I decided spontaneously to join the ride. I called a friend and persuaded her to join me.

28. At the time of the July 2005 Critical Mass ride, I was five months pregnant. I was very careful to obey all traffic laws so that I could avoid an arrest or a ticket. I believed that if I did not violate any traffic laws there was no chance that I would be arrested. I wanted to avoid arrest for many reasons, including embarrassment, reputation, cost, and inconvenience, but especially because I was pregnant.

29. The ride broke up as it progressed, as CM rides tend in my experience to do. Eventually my friend and I were still riding together but we were surrounded by cars.

Other cyclists were spread out along the same block, interspersed in car traffic and obeying the traffic laws.

30. I saw two police SUVs and several scooters heading toward us. The vehicles rode against the flow of traffic, and when they stopped police officers began to run toward other cyclists nearby. Although I had not broken any traffic laws, it was clear to me that the police wanted us to stop riding, so I got off my bike and walked to the sidewalk.

31. As I was standing on the sidewalk, a police officer ran toward me. I became frightened and told the officer that I was pregnant. With no warning he grabbed my bicycle and pushed it to the ground. Because I was holding the bicycle, I fell. He grabbed me and pulled me back to my feet. I was then arrested.

32. I was put in plastic handcuffs which made my hands swell and eventually began to cut me. I was put in a police van that was extremely hot. While in the van, I fell off the seat and hit my head. I was extremely scared during this ordeal because of my pregnancy. I was taken to a police station and detained until 6 a.m.

33. I was charged with disorderly conduct and parading without a permit. When I went to court, I was offered an adjournment in contemplation of dismissal, but I refused it because I had done nothing wrong and believed that I was innocent.

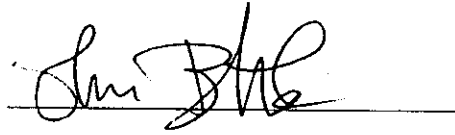
34. I was extremely upset by my arrest. I obeyed all traffic laws and not riding in a large group of bicyclists at the time of my arrest. I am embarrassed to have an arrest on my record. A photograph of my arrest appeared on the cover of a local newspaper, which

added to my embarrassment because, although I knew the arrest was false, others who saw the photograph may not have.

35. My bicycle was seized when I was arrested and I was able to reclaim it only recently.

36. I have not ridden in Critical Mass since my arrest because I am unwilling to take the chance of being arrested again.

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

A handwritten signature in black ink, appearing to read "Sharon Blythe", is written over a horizontal line.

SHARON BLYTHE

15 day of March, 2007