

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

DECLARATION OF ROLAND SWENSON

Pursuant to 28 U.S.C. § 1746, I, Roland Swenson, declare the following:

1. My name is Roland Swenson and I am over the age of eighteen years. I have personal knowledge of and could testify in Court concerning the following statements of fact.
2. I am the CEO and Co-Founder of South by Southwest (SXSW), an organization dedicated to helping creative people achieve their goals. Founded in 1987 in Austin, Texas, SXSW is best known for its conference and festivals that celebrate the convergence of the interactive, film, and music industries, and has expanded to the education, environmental, and gaming industries, among others. The event, an essential destination for global professionals, features sessions, showcases, screenings, exhibitions, and a variety of networking opportunities. SXSW proves that the most unexpected discoveries happen when diverse topics and people come together, and that inclusivity is paramount to the effectiveness of SXSW
3. SXSW attracts the world's leading creative professionals to Austin, Texas for an unparalleled event that includes a conference, trade shows, and festivals. For the past 30 years, SXSW has successfully helped creative people achieve their goals while catapulting Austin onto

the world stage each March by transforming the city into a global mecca for creative professionals. While the 2017 event figures will not be tabulated until September 2017, we know that 2016 was no exception; SXSW's core events attracted a record 87,971 registrants, and SXSW—and by extension, Austin, Texas—achieved over 110 billion broadcast, print, and online impressions. In addition to its outsized role in sustaining Austin's cultural cachet, SXSW also injects hundreds of millions of dollars into the state and local economy.

4. In 2016 alone, SXSW's economic impact on the Austin economy totaled \$325.3 million, including the impacts of attendance, related consumer activities, and year-round operations. SXSW commissioned Greyhill Advisors to prepare an economic impact report. A true and complete copy of the 2016 economic impact report is attached herein as Exhibit A.

5. For 2016, the official attendance impact of SXSW was \$159.7 million. Credentialed and official participants include conference and festival badge and wristband holders from five industries: interactive, film, and music as well as sustainability (SXSW Eco) and education (SXSW EDU). Lured by SXSW's unrivaled ability to bring together industry leaders from across the globe, credentialed and official participants are overwhelmingly working professionals from outside Austin. The official attendance impact encompasses the direct, indirect, and induced local economic benefit of all attendees of the conference and festival, including official SXSW badge-holders, industry professionals, and wristband holders, festival exhibitors, and single visitors of events such as film screenings and music concerts.

6. For 2016, the SXSW Guest Pass and consumer participant impact of SXSW was \$48.7 million. The SXSW Guest Pass and consumer participant impact includes direct, indirect, and induced spending by the more than 110,000 individuals that participated in free-to-the-public consumer events during SXSWWeek 2017.

7. For 2016, the operational impact of SXSW was \$116.9 million. Although SXSW is most visible during March, producing such a large-scale event requires an extensive permanent staff. The operational impact includes the direct, indirect, and induced local economic benefit of the year-round operations of SXSW and event-specific expenditures by SXSW and official sponsors.

8. SXSW is the single most profitable event for the City of Austin's hospitality industry, and in turn, has a substantial impact on the economy of the State of Texas. SXSW 2016 included 13 days of industry conferences, a 4-day trade show, 8 exhibitions, a 6-night music festival featuring more than 2,200 bands, and a 9-day film festival with more than 460 screenings.

9. In 2016, SXSW directly booked 14,415 individual hotel reservations totaling over 59,000 room nights for SXSW registrants. Direct bookings by SXSW alone generated \$1.8 million in hotel occupancy tax revenues for the City of Austin. Also in 2016, the SXSW registrant hotel stay averaged 5.2 nights each, an increase from 4.9 nights in 2015. Despite increased lodging inventory in Austin, demand for accommodations during SXSW continues to outstrip supply by a significant margin—a situation that drove the average nightly hotel rate for SXSW-booked rooms to \$350 in 2016.

10. SXSW conference and festivals participants, defined to include registrants and single admission ticket holders, totaled nearly 140,000. SXSW Guest Pass and consumer attendees attracted an additional 203,800 participants. These popular free-to-the-public events included outdoor concerts at Lady Bird Lake, the Digital Creative Job Market, Flatstock Poster Art Show Education Expo, SXSW Gaming Expo, and SXSW Create. In 2016, SXSW distributed 119,500 Guest Passes.

11. SXSW tracks certain participant information, such as the origin of presenters and registered participants in SXSW. Over the last five SXSW events (2013-2017), tens of thousands of people

from outside of the United States, including registrants, speakers, artists, showcase presenters, and filmmakers participated in SXSW. Specifically, over the past five SXSW events, 40,000 people from outside of the United States registered for and attended SXSW, over 2,000 presented at panels or other speaking sessions, over 2,800 performed in music showcases, over 200 presented music showcases, and over 300 screened films. Additionally, during that same timeframe, over 1,000 non-U.S. companies and governments marketed their businesses and/or initiatives at SXSW at one of the trade shows, lounges, or other activations. Suffice to say, participants from around the world are an essential aspect of the SXSW community, contributing to the rich diversity of cultural presentations and the substantial economic impact of registered and non-registered attendees.

12. SXSW is concerned that the recent passage of Senate Bill No. 4 (SB 4) by the Texas Legislature will negatively impact the diversity and quality of the programming at SXSW and the ability and willingness of foreign nationals, and U.S. residents opposing SB 4, to attend the festival. SXSW is committed to making its events inclusive to all participants from every part of the world.

13. Recently, on June 6, 2017, two United States Senators urged SXSW to withdraw from Texas due to the enactment of SB 4. I have attached a true and complete copy of the letter from Senators Menendez and Cortez Masto as Exhibit B to this declaration. The Senators argue that SXSW should withdraw from Texas until the State revokes SB 4. Specifically, they wrote:

SB4 ... would not allow SXSW to be a safe place for immigrants and Americans alike to visit, participate and enjoy; the culture and safety of the event would be greatly diminished if your attendees are faced with the humiliation and harassment that this new law would inflict.

14. As an organization, SXSW is gravely concerned that SB 4 will substantially limit the participation of U.S. Citizens and foreign nationals. This limitation would decrease the diversity and quality of our program, reduce the inclusivity that has been a hallmark of the SXSW events,

and diminish our substantial economic contribution to the City of Austin, the State of Texas, and the United States of America.

15. SXSW was born in Austin, Texas. The event is steeped in the city and the city is our home. We intend to stay and fight discriminatory legislation that hinders civil rights, while continuing to work to make our events inclusive and safe for all who attend.

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

Executed in Travis County, Texas on the 16th day of June, 2017.



Roland Swenson (Jun 16, 2017)

ROLAND SWENSON

EXHIBIT A



ANALYSIS OF THE ECONOMIC BENEFIT TO THE CITY OF AUSTIN FROM SOUTH BY SOUTHWEST 2016

MUSIC / FILM / INTERACTIVE / EDU / ECO

PREPARED BY GREYHILL ADVISORS

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EXECUTIVE SUMMARY

SXSW attracts the world's leading creative professionals to Austin, Texas for an unparalleled event that includes a conference, trade shows, and festivals. For the past 30 years, SXSW has successfully helped creative people achieve their goals while catapulting Austin onto the world stage each March by transforming the city into a global mecca for creative professionals. 2016 was no exception; SXSW's core events attracted a record 87,971 registrants. In addition to its outsized role in sustaining Austin's cultural cachet, SXSW also injects hundreds of millions of dollars into the local economy. **In 2016 alone, SXSW's economic impact on the Austin economy totaled \$325.3 million.**

The continued growth of SXSW reflects its singular ability to bring together creative disciplines across a multitude of industries. With keynote addresses from President Barack Obama, First Lady Michelle Obama, producer Tony Visconti and presentations by Twitter co-founder Biz Stone and director J.J. Abrams, SXSW 2016 provided unprecedented opportunities for creative cross-pollination. In addition to the core SXSW events—Interactive, Film, and Music—SXSWedu also experienced a banner year in 2016. Since its inception in 2011, SXSWedu attendance has increased eightfold. With the recent unification of the SXSW Conference, expanding badge access, and streamlined programming, SXSW promises to propel the event's convergence of entertainment, culture, and technology to new heights in 2017.

SXSWWeek encompasses a multitude of diverse elements and engages three distinct types of participants—official Credentialed & Official Participants, Single Admission Participants and Guest Pass Holders. All SXSWWeek Participants – Credentialed & Official Participants, Single Ticket Holders and Guest Passes – introduce and circulate money in the local economy

OFFICIAL ATTENDANCE IMPACT \$159.7 MILLION

SXSW Credentialed & Official Participants include conference and festival badge and wristband holders from five industries: Interactive, Film, and Music as well as Sustainability (Eco) and Education (Edu). Lured by SXSW's unrivaled ability to bring together industry leaders from across the globe, Credentialed & Official Participants are overwhelmingly working professionals from outside Austin. The Official Attendance Impact encompasses the direct, indirect, and induced local economic benefit of all attendees of the conference and festival, including official SXSW badge-holders, industry professionals, and wristband holders, festival exhibitors, and single visitors of events such as film screenings and music concerts.

OPERATIONAL IMPACT \$116.9 MILLION

Although SXSW is most visible during March, producing such a large-scale event requires an extensive permanent staff.

The Operational impact includes the direct, indirect, and induced local economic benefit of the year-round operations of SXSW and event-specific Expenditures by SXSW and official sponsors.

SXSW GUEST PASS & CONSUMER IMPACT \$48.7 MILLION

In recent years, the international prominence of SXSWWeek has attracted a significant number of non-credentialed participants. Unlike official SXSW Credentialed & Official Participants, individuals participating in free SXSWWeek events are typically recreationally oriented and more likely to originate from within Texas. Such visitors individually spend less money than their Credentialed & Official Participant counterparts, but collectively they represent a significant level of economic activity. The SXSW Guest Pass & Consumer Participant impact includes direct, indirect, and induced spending by the more than 110,000 individuals that participated in free-to-the-public consumer events during SXSWWeek 2017.

"SXSW is an intersection of creativity, innovation and discovery through the lens of music, film, and tech."
Forbes

SXSW BY THE NUMBERS

SXSW continues to be the single most profitable event for the City of Austin's hospitality industry:

- SXSW 2016 included 13 days of industry conferences, a 4-day trade show, 8 exhibitions, a 6-night music festival featuring more than 2,200 bands, and a 9-day film festival with more than 460 screenings.

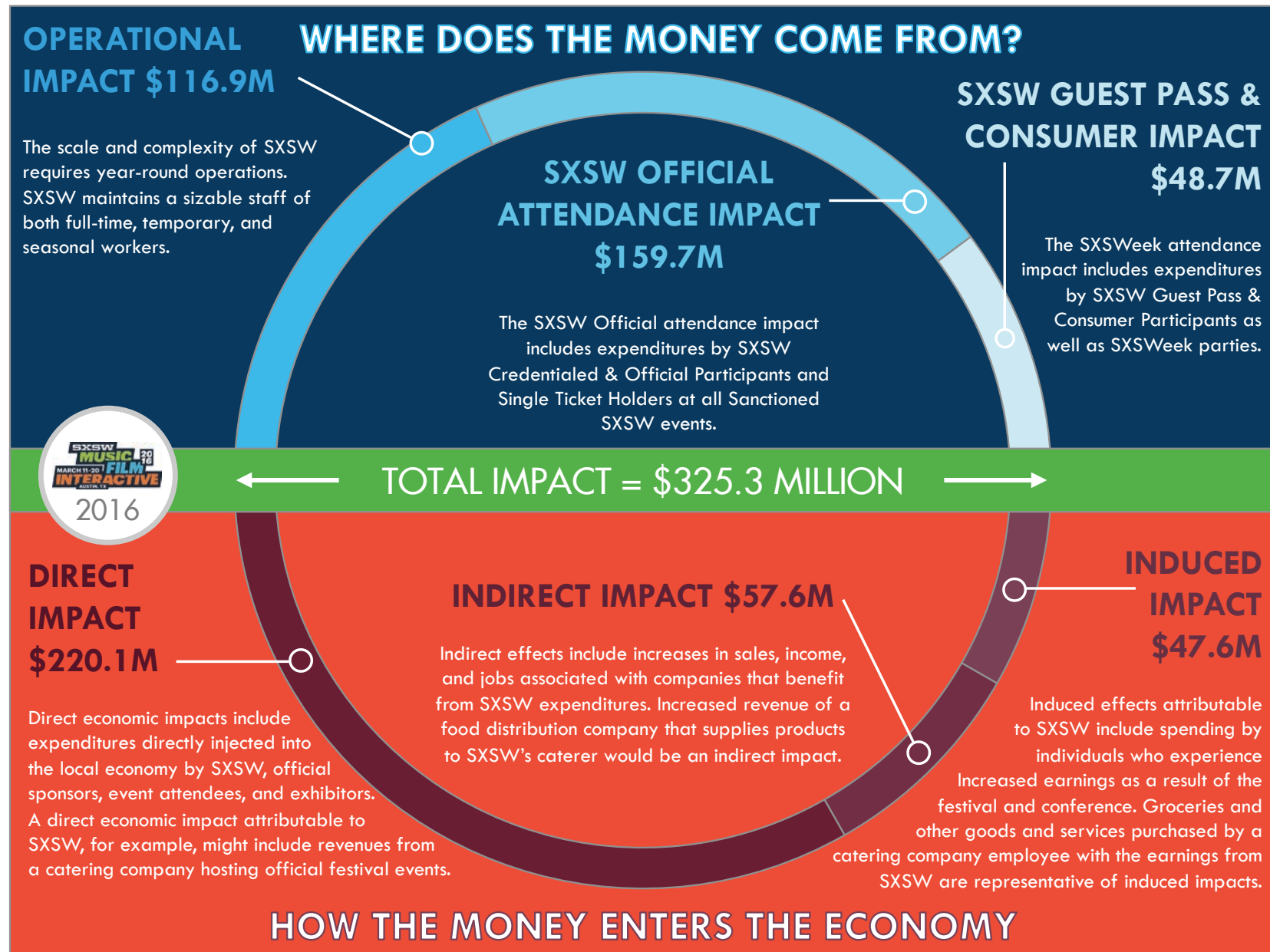
In 2016, SXSW directly booked **14,415 individual hotel reservations totaling over 59,000 room nights for SXSW registrants**. Direct bookings by SXSW alone generated \$1.8 million in hotel occupancy tax revenues for the City of Austin.

- The openings of the Hotel Van Zandt and Holiday Inn Express, as well as the continued increases in Registrants and short-term rental bookings, helped expand Austin's lodging capacity and contributed to longer SXSW visits. **In 2016, the SXSW registrant hotel stay averaged 5.2 nights each, an increase from 4.9 nights in 2015.**
- Despite increased lodging inventory in Austin, demand for accommodations during SXSW continues to outstrip supply by a significant margin—a situation that drove the **average nightly hotel rate for SXSW-booked rooms to an all-time high \$350 in 2016**. The trend of hotel rate hikes – a 60% rise between 2011 and 2016 – will prove unsustainable as additional guest room inventory enters the market and lower room rates bring some relief to future attendees.
- SXSW Conference and Festivals participants, defined below to include Registrants and Single Admission Ticket Holders, totaled nearly 140,000.
- SXSW Guest Pass and Consumer Attendees attracted an additional 203,800 participants. These popular free-to-the-public events included the 3-night Outdoor Stage concerts at Lady Bird Lake, the 2-day Digital Creative Job Market, 3-day Flatstock poster art show and Music Gear Expo, 1-day Education Expo, the 3-day SXSW Gaming Expo, SXSW Create, and SXSW MedTech Expo. In 2016, SXSW distributed 119,500 Guest Passes.

CREDENTIALLED & OFFICIAL PARTICIPANTS		84,560	SINGLE ADMISSION PARTICIPANTS		55,210	GUEST PASS & CONSUMER PARTICIPANTS		203,800
Music, Film & Interactive Badgeholders	37,600		Paid Music & Film Festival Single			Outdoor Stage at Lady Bird Lake	35,600	
EDU and Eco Badgeholders	11,660		Admission Ticket Sales	46,100		Gaming Expo Attendees	76,200	
Artists + Crew + Posse	21,000		Carver Museum Theatre	800		Flatstock & Music Gear Expo	56,000	
Wristband Holders	7,900		Second Play Stage Attendance	2,000		Job Market	11,000	
Film Pass	2,000		Education Expo	6,310		SX Create	20,000	
Collateral Attendance	4,400					SX Health & Med Tech Expo	5,000	

“In the coming months and years, the stuff seen, heard and experienced at this year's South by Southwest festival... will be coming to a screen, handset, or workplace near you.”
The Irish Times

SXSW ECONOMIC IMPACT



SXSW MEDIA VALUATION

In 2016 the value of SXSW print, broadcast and online publications coverage totaled \$223 million. The increase in SXSW's media valuation reflects a more comprehensive assessment of international media coverage. Keynote addresses by both President Barak Obama and First Lady Michelle Obama saw an upsurge in national and international coverage of SXSW 2016. Media coverage contributes to the Austin's core identity, elevates the city's global profile and represents a substantial return on the City of Austin's relatively modest investment in SXSW.

Austin is widely recognized throughout the world as a community where creativity and commerce are valued and nurtured and SXSW has played a pivotal role in establishing this reputation. SXSW places Austin on the international stage each March, showcasing the city's idiosyncratic identity to millions of creative professionals worldwide. **In 2016 alone, SXSW—and by extension, Austin, Texas—achieved over 110 billion broadcast, print, and online impressions.** The ubiquity of SXSW media coverage is unique and tremendously valuable.

Crafting an authentic city brand that resonates with both residents and the world at large is a notoriously difficult and expensive endeavor. Austin has not only established a genuine and distinctive identity but has done so without significant public resources. Very few cities have managed a similar feat. Instead, cities aspiring for global recognition are typically forced to spend millions or billions of dollars to host mega-events like the Olympics or the Super Bowl. The benefits to these cities are typically ephemeral; every host city, no matter how successful, is replaced for the next event. In contrast, Austin enjoys the unique advantage of receiving a global audience that perpetuates the region's reputation as a creative mecca – year after year after year.

The preceding calculations, though imprecise, represent the most comprehensive attempt to properly quantify the economic benefits Austin enjoys each year via SXSW's "media buzz" factor.

"SXSW - by its very definition - is about breaking down boundaries, and stepping into the unknown. It's about trying to do something different."
Engadget

SELECTED SXSW MEDIA COVERAGE

NATIONAL COVERAGE

ABC NEWS
ADVERTISING AGE
ADWEEK
ASSOCIATED PRESS
ATLANTA JOURNAL-CONSTITUTION
BBC
BET
BILLBOARD
BOSTON GLOBE
BON APPETIT
BUZZFEED
CBS NEWS
CHICAGO TRIBUNE
CHINA DAILY
CNBC
CNET NEWS
CNN
COMPLEX
CONDE NAST TRAVELER
COSMOPOLITAN
DAILY BEAST
DALLAS MORNING NEWS
DALLAS OBSERVER
DENVER POST
DETROIT FREE PRESS
E! ENTERTAINMENT
ENGADGET
ENTERTAINMENT WEEKLY

ESQUIRE
FAST COMPANY
FORT WORTH STAR-TELEGRAM
FOX NEWS
FOOD & WINE
FOREIGN POLICY
HUFFINGTON POST
GQ
IFC
INC.
JALOPNIK
JEZEBEL
JIMMY KIMMEL LIVE
LA TIMES
LAST CALL WITH CARSON DALY
LATE NIGHT WITH SETH MEYERS
LE MONDE
LOS ANGELES TIMES
MACRUMORS
MARIE CLAIRE
MASHABLE
MIAMI HERALD
MILWAUKEE JOURNAL-SENTINEL
MINNEAPOLIS STAR TRIBUNE
MSNBC
MTV NEWS
NATIONAL GEOGRAPHIC TRAVEL
NATIONAL REVIEW
NBC NEWS

NEW YORK POST
NEW YORK TIMES
NEW YORKER
NEW ZEALAND HERALD
NEWSWEEK
NPR
THE ONION
OREGONIAN
ORLANDO SENTINEL
PASTE MAGAZINE
PHILADELPHIA INQUIRER
PITCHFORK
PITTSBURGH POST-GAZETTE
POLLSTAR
RACHAEL RAY SHOW
RECODE
REUTERS
ROLLING STONE
SACRAMENTO BEE
SAN ANTONIO EXPRESS-NEWS
SAN FRANCISCO CHRONICLE
SAN JOSE MERCURY NEWS
SEATTLE TIMES
SPIN
ST. LOUIS POST-DISPATCH
STEREOGUM
TEXAS MONTHLY
TEXAS TRIBUNE
TORONTO STAR

TONIGHT SHOW
THE ADVOCATE
THE ATLANTIC
THE DAILY BEAST
THE HOLLYWOOD REPORTER
THE NEXT WEB
THE LATE LATE SHOW
THE ONION/AV CLUB
THE STRANGER
THE VERGE
TIME
TRAVEL + LEISURE
TUCSON WEEKLY
TV GUIDE
UNIVISION
US WEEKLY
USA TODAY
VANITY FAIR
VARIETY
VERGE
VH1
VIBE
VICE
VOGUE
WASHINGTON POST
WIRED
XXL MAGAZINE
YAHOO!

INTERNATIONAL COVERAGE

24 HORAS CHILE
BANGKOK POST
CALGARY HERALD
DAILY MIRROR
DRIMBLE
EL MUNDO NEWSPAPER
EL PAIS COLUMBIA
ENCA
GIZMODO INDIA
GUARDIAN
HELSINGIN SAOMAT
IRISH INDEPENDENT
IRISH TIMES
JAPAN TIMES
JERUSALEM POST
KOREAN ECONOMIC DAILY
LE MONDE
LUXEMBOURG WORT
MODERN GHANA
MONTREAL GAZETTE
NME
RADIO-CANADA
REUTERS CHINA
TABNAK
THE INDEPENDENT
THE TORONTO STAR
TIMES-HEARLD
VISIR

“2016 is the year SXSW completes its transformation from a music festival into a cultural juggernaut.”

USA Today

EXHIBIT B

United States Senate

WASHINGTON, DC 20510

June 6, 2017

Mr. Roland Swenson, CEO
SXSW, LLC.
PO Box 685289
Austin, Texas 78768

Dear Mr. Swenson:

We first would like to thank you for previously speaking out against harsh immigration policies such as President Trump's Executive Order which bans citizens from predominantly Muslim countries from entering the United States. It is because of your willingness to stand up for what is right that we write to respectfully request you consider relocating the 2018 South by Southwest (SXSW) Conference and Festivals to a different state until the recent anti-immigrant SB4 law is repealed.

Our request comes on the heels of Governor Greg Abbott's signing of SB4 into law on May 7, 2017. SB4 is one of the most extreme anti-immigrant and discriminatory state laws signed to date. Texas is home to the second-largest immigrant population in the country, with over 4.5 million immigrants including 2.2 million of Hispanic descent. These immigrants play an important role in contributing not only to the state's rich culture, but also to the economy. In 2014, immigrants in Texas earned \$118.7 billion and paid \$29.1 billion in taxes, leaving them with a spending power of \$89.6 billion. The state is home to over 336,000 immigrant entrepreneurs, with over 421,942 people employed by immigrant-owned firms in the state.

In America we believe that people should be judged by the content of their character, not the color of their skin, but that is not what SB4 does. As we saw in previous failed attempts by states that tried to adopt "show me your papers" legislation, these laws essentially legalize discrimination based on the color of your skin or the way you speak. If SB4 is implemented on September 1, 2017, Texas residents and those who travel to Texas to attend your festival may be subject to constitutional violations if stopped by law enforcement. SB4 would allow local police officers to question a person's immigration status during any detention or arrest, including a routine traffic stop. This will subject U.S. citizens and non-citizens to racial profiling and discrimination. Additionally, the law would remove elected or appointed officials from office who actively speak against local law-enforcement enforcing federal immigration laws or who do not cooperate with the new law. SB4 would also fine local municipalities up to \$25,500 for noncompliance with these new harsh policies and law enforcement would face jail time and fines if they do not obey federal detainer requests.

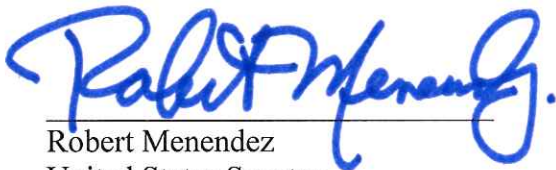
Instead of promoting policies that protect all of our rights, are inclusive, and encourage contribution and participation, this law allows prejudice to become policy. SB4 will stretch local police resources and drive a wedge between the community and law enforcement. Sheriffs from

the largest counties in Texas have spoken out against this law because it will further strain relationships with diverse communities and dissuade immigrants and legal immigrants from reporting crimes. In sum, SB4 harms public safety and trust by diverting precious law enforcement resources away from public safety and opens the door to racial profiling.

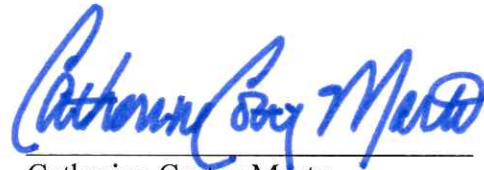
More importantly, this law stands diametrically opposed to the spirit of SXSW. Throughout its 31 years, SXSW has been a beacon of consistency, standing with artists and participants regarding equality, tolerance, and safety during events. SB4, however, would not allow SXSW to be a safe place for immigrants and Americans alike to visit, participate, and enjoy; the culture and safety of the event would be greatly diminished if your attendants are faced with the humiliation and harassment that this new law would inflict. Not only does this law stand against what SXSW stands for but also what we fundamentally stand for as a nation that believes in basic dignity and respect for all.

For these reasons, we respectfully ask that you consider relocating the 2018 South by Southwest Conference and Festivals to a different state until Texas terminates its harmful, shameful immigration policies. SB4 is the product of the anti-immigrant wave that has engulfed our country, and we need leaders like yourself to stand on the right side of history by rejecting the demonization of our Hispanic and immigrant communities. Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in blue ink, reading "Robert Menendez".

Robert Menendez
United States Senator

A handwritten signature in blue ink, reading "Catherine Cortez Masto".

Catherine Cortez Masto
United States Senator