



Edward Fitzpatrick

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Edward Fitzpatrick: No ambiguity about freedom of assembly

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Allow me to register my protest against the idea of registering to protest.

Prior to the U.S. Conference of Mayors meeting in Providence on June 12-16, [Mayor David N. Cicilline](#)'s administration asked protest groups to register and sought to limit protesters to "authorized public viewing areas."

I've already questioned the wisdom of the city firefighters' protest, which prompted Vice President Joe Biden and Cabinet members to stay away. But I'd also like to question the strategies government officials now routinely employ when faced with protests, and I'd like City Councilman Seth Yurdin to succeed in passing an ordinance aimed at protecting the public's First Amendment right to "peaceably" assemble.

I've felt strongly about this since I helped to cover the 2004 Democratic National Convention, in Boston, where a "free speech zone" was surrounded by concrete barriers, 8-foot-tall chain-link fencing and heavy black netting beneath an elevated subway line. A judge called the site an "internment camp" but rejected a petition to move the protest zone closer to the convention site.

The 2004 Republican National Convention was equally Orwellian. And during the 2008 Democratic convention, in Denver, protesters steered clear of a fenced-in demonstration zone they mocked as "the freedom cage."

The Cicilline administration did not go to those lengths and, to its credit, it designated protest areas close to the convention site. But it did roll out Jersey barriers and livestock pens along with an online protest registration form.

Yurdin, a Fox Point Democrat, said the form was "clearly ambiguous" (a great phrase) about whether registration was required, and he wants to clarify that protesters need not register. "The First

Amendment is pretty clear,” he said. “That’s the license to protest.”

Yurdin acknowledged the initial draft of his ordinance is also ambiguous. Modeled after a law in Washington, D.C., it says protesters “shall give notice and apply for approval of an assembly plan,” but also says “it shall not be an offense” to protest without taking those steps. He plans to change that wording so the ordinance spells out the obligations of the city, not the protesters.

Yurdin, a lawyer, said the government can place reasonable restrictions on protests. “If you look at the case law, there are safety limits on free speech,” he said. “The classic example is you can’t yell ‘Fire!’ in a crowded movie house.”

But it also seems clear that firefighters can yell outside a crowded convention site.

Peter Gaynor, director of the city’s Emergency Management Agency, said there is a “void” in current city ordinances, so in preparing for the mayors’ conference, Providence looked to the “best practices” in other cities. Yurdin’s proposal provides a “good starting point,” but “you’d have to hold it up against the practical implementation to see if it will work,” he said.

All protests are not created equal, he observed, saying a protest by 50 anarchists differs from a protest by 50 members of Mothers Against Drunk Driving.

Yurdin said his goal “is to ensure that when the city exercises its police power to protect public safety, they are limited in a way that maximizes people’s ability to exercise free speech.”

Yurdin criticized Boston’s “free speech zone,” saying, “Putting people in protest pens or moving them away from the object of the protest is bad public policy.” And Yurdin agreed the brutal suppression of protests in Iran provides a timely reminder of the value of freedom of assembly and speech. “It’s something we are really lucky we have and should appreciate,” he said.

efitzpat@projo.com