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Res. No. 362

Resolution denouncing the NYPD for not issuing permits to organizations for the purpose of conducting lawful demonstrations, in furtherance of the First Amendment right to peaceably assemble and protest, during the time of the upcoming Republican National Convention.

By Council Members Lopez, Barron, James, Palma and Perkins

Whereas, Recently, the New York City Police Department has denied several permit applications for anti-war protests, seemingly arbitrarily; in addition, seventeen organizations are currently awaiting decisions on the status of their permit applications; and

Whereas, United for Peace and Justice (“UFPJ”), an anti-war organization, recently applied to the City for a permit to conduct a lawful rally on the Great Lawn of Central Park, in compliance with current City permit regulations; the City subsequently denied the application, citing that the protest may cause damage to the Great Lawn, which has recently been renovated; and

Whereas, The City did not provide any explanation for the apparent inconsistency in denying UFPJ’s

permit application due to the potential for damage to the Great Lawn, when numerous other applications for events with similarly large anticipated crowd turnout, such as concerts, are approved by the City each year to be held on the Great Lawn; and

Whereas, The application filed by UFPJ complied with existing statutes and did not fail to meet any criteria for approval under the City Administrative Code or the Police Department Rules & Regulations for Processions and Parades; and

Whereas, “It is only through free debate and free exchange of ideas that government remains responsive to the will of the people and peaceful change is effected” (Terminiello v. Chicago); public demonstrations offer individuals the opportunity to exercise their First Amendment rights of free speech and assembly, providing them with an outlet for the exchange of ideas, while showcasing the presence of alternative views; and

Whereas, Alternative views and political speech are at the core of First Amendment protections; the drafters of the Constitution believed that the freedom to think and speak freely are means which are indispensable to the discovery and spreading of knowledge and truth; accordingly, the Constitution protects our right to free speech and the right to peaceably assemble to protest and petition the Government for redress of our grievances; and

Whereas, Further, Government should not use the power of regulation to unduly interfere with the People’s exercise of their right to free speech and assembly; while the Government may, under its police power, regulate the time, place and manner of demonstrations, these regulations should be narrowly tailored to serve an important governmental interest, such as legitimate public safety concerns; and

Whereas, As New Yorkers remain mindful of the job that law enforcement has in its ongoing effort to protect and preserve our communities from legitimate threats, New Yorkers should also be reassured that the City and the NYPD will remain mindful of their rights to assemble together to demonstrate in furtherance of their First Amendment liberties; and

Whereas, The People of the City of New York have the right to address their concerns about various

issues in the form of protest as long as such activities do not violate the law or threaten public safety; and

Whereas, The People of the City of New York should be assured that their right to peaceably assemble and protest will not be hindered by an ambiguous decision-making process and that the NYPD will make all efforts to preserve these civil liberties by accommodating demonstration activities, absent clear and compelling public safety concerns; now, therefore, be it

Resolved, That the Council of the City of New York denounces the NYPD for not issuing permits to organizations for the purpose of conducting lawful demonstrations, in furtherance of the First Amendment right to peaceably assemble and protest, during the time of the upcoming Republican National Convention.

LS# 977

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