

Statement on Ordinances for Democratic National Convention
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City Council Study Session, June 24, 2008

(I've thought long and hard about this, and this afternoon I tried to put my thoughts into writing. First, when the courts get to this, it's all after the fact, and I have a problem with doing stuff that may not get resolved for two or three years. So I want to read, if you will give me leeway, some of my ideas.)

First, I want to say that keeping Littleton safe and secure is one of the Council's highest priorities. To assure that goal, Littleton has, I believe, the best police department in the state, headed by the best police chief.

However, I am concerned with the precedents the proposed ordinances would set, particularly relating to "the right of the people peaceably to assemble" (quoting from the Declaration of Independence), to speak freely and openly, and, when they feel the need, to protest actions of the government, not only at the federal and state levels, but also at the local level. Dissent is not only fundamental to the American way of life, it is, according to the Declaration of Independence, a duty.

As I read and studied the proposed ordinances, I thought of the scene that unfolded on television in Tianamen Square 20 years ago and the strikingly *different* scenes in Europe earlier this month, where farmers and truckers protested skyrocketing fuel costs. (And certainly there was some anger there. But people didn't get mowed down by tanks and so forth.)

If we had read about the proposed ordinances being in effect in China, would we not speak out against them (and demand that people have the right to protest without being intimidated)?

1. What are the ultimate goals and values reflected in the proposed ordinances?
(I tried to look at the ultimate goals and values that are reflected in the proposed ordinances.)
 - a. Our primary concern should be ensuring the right to assemble peaceably and the freedom to speak, *without intimidation*.
 - b. The proposed ordinances seem to assume that every individual intends to assemble unpeaceably (and therefore exclude the things named in the ordinances).
2. The focus should be on each person's actions. How can anyone know the *intent* for which a person intends to use something?
3. The proposed ordinances would prohibit participation of people who need to use a crutch or a cane.
4. Will the proposed ordinances *really* maintain the peace? The prohibited items do not exclude many everyday things that *might* be used as "weapons" – even such things as pens (you could take a whole bunch of pens and make an interesting weapon), umbrellas (I carry an umbrella to keep the sun off me), and flashlights. Anyone who truly wants to be violent will find a way to create weapons.
5. If police officers are going to be in full anti-riot gear and carry batons, gas, and other things, should not people who are *observing*, as well as the people who have *assembled peaceably*, be allowed to have gas masks to protect themselves from gas sprayed at someone who becomes violent? (This becomes an issue for me.)

(Now, it is very difficult for me to have said all this, because I do try to follow the law and I want other people to follow the law. But it seems to me we don't need these proposed ordinances to do what our police need to do. Doug has mentioned several ordinances that he believes will allow us to handle this.)