

Proposed Ordinance for a Free Speech Area of the Americas

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proposed ordinance for a FSAA

RESOLUTION CREATING A FREE SPEECH AREA OF THE AMERICAS

ENCOURAGING THE MIAMI CITY COMMISSION TO REJECT THE CURRENTLY PROPOSED PARADES AND PUBLIC ASSEMBLY ORDINANCE SECTION 54 6.1 AND TO ADOPT A RESOLUTION CREATING A FREE SPEECH AREA OF THE AMERICAS

WHEREAS, the City's current regulations that govern lawful behavior already protect the City from unlawful or violent protest actions; and

WHEREAS, the unique multi-cultural identity of the City would be significantly and irrevocably harmed by a further restriction on parades and protests; and

WHEREAS, an erosion of civil liberties and First Amendment freedoms including the use of pre-emptive arrests of protestors, protest pens, and refusal of governments to participate in public dialogue have resulted in the erosion of democracy by silencing dissenting viewpoints; and

WHEREAS, in recent years, abuse of power by law enforcement or government officials has led to civil unrest and disturbance, accompanied in some instances by significant personal injuries from the documented illegal use of police force; and

WHEREAS, the people have recognized the First Amendment right to protest, demonstrate, rally and assemble in large numbers, honoring the traditions of the American Revolution, the labor movement, the women's suffrage movement, the farm worker's movement, the Civil Rights movement, and the anti-war movement; and

WHEREAS, the City of Miami has a responsibility to ensure the safety and security of those viewing, attending or participating in parades and assemblies, and protecting citizens from abuses of police power; and

WHEREAS, City of Miami Police Chief John Timoney has a public and documented record of violating the First Amendment rights of citizens by ordering pre-emptive arrests; raiding puppet-making space and destroying signs, placards, and puppets; mass arrests of protestors and uninvolved bystanders; and use of excessive force to remove protestors; and

WHEREAS, the City of Miami recognizes restrictions of common-everyday materials such as wood, pvc-pipe, glass bottles, and hard sheet plastic unnecessarily restricts First Amendment rights of individuals and groups and would criminalize a wide variety of everyday uses of these materials if applied fairly to all segments of society; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MIAMI THAT:

1. The City shall not abridge the First Amendment rights of citizens;
2. The City shall welcome independent legal observers including members of the independent media to document and protect citizens from law enforcement abuses;
3. The City shall open up public spaces including but not limited to the Miami Dade Community College and Bayfront Park for public assembly, forums and debate;
4. The City shall protect public assemblies, convergence space, spokes-council meetings, public forums, lawful flyering and puppet making from illegal pre-emptive arrests and police assault;

5. The identification of downtown Miami has a Free Speech Area of the Americas demonstrates the City's willingness to ensure that all viewpoints are represented while eliminating tension between police and demonstrators.