

AGAINST CF-0910

Supporting Documents

[more detailed statement of opposition with source links]

The First amendment states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably to assemble, and to petition the Government for a redress of grievances.” Protest has long been a tool to advocate for accountability and responsibility from our government, institutions, and individuals. It has a long history in winning better wages and better working conditions, and in bringing about expanded civil rights for minority groups.

If passed, this law would mean that the right to protest would be fundamentally restricted across wide swaths of the city and would enjoin labor, victims, and students and parents from exercising their fundamental rights at locations aligned with their grievances.

LABOR AND UNION ACTIVITIES

A key concern is the lack of clear definition for "sensitive sites." The motion lists religious institutions, healthcare facilities, educational facilities, and community/public facilities, but provides no specific criteria for what qualifies under these broad categories. This vagueness could lead to overly expansive interpretation and application of the ordinance, potentially impacting a wide range of locations where union activities typically and legitimately occur.

Labor unions have a long and important history of using peaceful protests, picket lines, and other forms of public demonstration to advocate for better working conditions, fair wages, and workers' rights. These activities often necessarily take place in front of workplaces, many of which could be considered "sensitive sites" under this loosely defined ordinance.

Some examples of how this ordinance could harm legitimate union activities include:

1. Teachers unions being unable to picket outside schools during contract negotiations or strikes.
2. Healthcare workers being barred from protesting unsafe working conditions outside hospitals or clinics.
3. City workers being prevented from demonstrating outside government buildings like City Hall, which could be deemed a "community/public facility."
4. Service workers at stadiums, theaters, or other "public assembly" locations being restricted from engaging in labor actions at their workplaces.

The proposed 100-foot buffer zone is especially problematic, as it could effectively push union activities so far from relevant sites as to render them ineffective. The 8-foot "bubble" around individuals could also criminalize basic union outreach activities like handing out leaflets or engaging passersby in conversation about labor issues.

While we understand the desire to protect access to certain facilities, this ordinance is far too broad and would infringe on the fundamental rights of workers to organize and advocate for themselves.

VICTIM ADVOCACY

Victims of sexual abuse by the Catholic Church would be barred from protesting the crimes committed against them.¹ In the Los Angeles diocese, settlements have been reached with over 500 victims and protests continue by the affected public.²

Students who had been sexually assaulted by their doctor would not be able to protest outside the medical center or on their campus, which was done to apply pressure on USC regarding the rapist doctor George Tyndall.³ Over 400 women were sexually assaulted by him and the university was slow to provide accountability or transparency. Protests regularly occurred both on the USC campus and outside the health center to apply pressure to the university administration.

EDUCATION ADVOCACY

Teachers striking for better pay and working conditions would be unable to picket their workplaces as was done by LAUSD teachers and employees.⁴ Striking has been a crucial tool in improving working conditions and teacher-student ratios.

Parents and students in Reseda protested at Shirley Elementary against a charter school co-location, which was taking much needed resources for special education and enrichment programs away from the public elementary school.⁵ Administrators of that charter school exerted pressure to arrest community members for taking part in the protest outside the school's campus. They even questioned if someone who was not a parent could take part in a protest. This motion would mean that parents who feel strongly about the negative effects of co-location would be unable to engage in protest at their local school sites.

Students who staged a walkout over their removal of their beloved principal would be unable to engage in protected protest at their school site, as happened in Boyle Heights.⁶

¹ <https://www.latimes.com/archives/la-xpm-2003-jun-02-me-catholic2-story.html>

² <https://www.latimes.com/entertainment/movies/moviesnow/la-me-spotlight-protest-downtown-la-20160228-story.html>

³ <https://dailytrojan.com/2018/06/12/protestors-march-against-sexual-misconduct-scandals/>

⁴ <https://www.nytimes.com/2023/03/21/us/lausd-strike-los-angeles-schools.html>

⁵ <https://patch.com/california/los-angeles/charter-school-s-attack-first-amendment>

⁶ <https://boyleheightsbeat.com/boyle-heights-mendez-high-school-principal-mauro-bautista-message-lausd-removal/>

LIABILITY CONCERNS

Additionally, this motion may open the City to future liability claims as the law would likely be challenged in court and subject the City to a long legal battle regarding protected first amendment rights. This is an area that the City has needlessly lost taxpayer funds over the last few years.⁷ We are currently on pace to exceed our budgeted legal liabilities this fiscal year and additional expenditures will have to come from our limited reserves.

In fact, the City has historically lost cases where it attempted to severely limit freedom of speech such as in 2000 when a federal judge reversed limitations around the Democratic National Convention that severely impacted the first amendment right to protest including prohibiting large scale speech “security zones”.⁸

It is not up to the Los Angeles City government to determine whether or not speech or protest has merit. The City Council would effectively ban all demonstrations at City Hall as the government cannot be preferential in its allowance of public speech. It is a fundamental right of the people to fight for and advocate for what they believe in. “The First Amendment affords all citizens the right to peaceably assemble and petition the government for a redress of grievances. The resulting speech is not always pretty and is often designed to make those with privilege uncomfortable. That does not change its right to protection.”⁹

The right to protest and organize is fundamental to a functioning democracy and has been crucial in securing better conditions for countless workers throughout Los Angeles' history. This ordinance poses too great a threat to those essential rights due to its vague definitions and overly broad scope. We strongly oppose its passage.

⁷ <https://www.latimes.com/california/story/2024-06-17/lapd-undercover-officer-photo-lawsuit-settlement>

⁸ <https://www.aclu.org/press-releases/federal-judge-requires-los-angeles-follow-first-amendment-during-democratic-national>

⁹ <https://patch.com/california/los-angeles/charter-school-s-attack-first-amendment>