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Res. No. 158

Resolution reaffirming the people’s right to peaceful protest.

By Council Member Dromm

Whereas, The right to peaceful protest is a central tenet of our democracy; and

Whereas, The First Amendment to the United States Constitution protects this principle by prohibiting the government from abridging the “right of the people peaceably to assemble, and to petition the government for a redress of grievances;” and

Whereas, The New York State Constitution also enshrines the “rights of the people peaceably to assemble and to petition the government, or any department thereof;” and

Whereas, The United States was founded on an action of political protest, when in December 1773, a group of our forefathers spoke out against the Tea Act and the colonists’ lack of representation in the British Parliament by storming British ships docked in Boston Harbor and throwing 46 tons of tea overboard; and

Whereas, One of the most successful, compelling, and powerful movements in United States history, the

Civil Rights movement, was bolstered by various acts of political protest and resistance, including sit ins, demonstrations, rallies, and the 200,000 person march to Washington D.C., which led to the successful passage of the Civil Rights Act of 1964; and

Whereas, The Vietnam War protests throughout the 1960s and 1970s, brought together men, women, artists, faith-based groups and leaders, students, and communities of color, to join in vocal opposition to the war and, arguably, played a critical role in the eventual end to the U.S.'s involvement in the conflict; and

Whereas, New Yorkers have a long, rich history of engaging in a wide range of political expression through the use of marches, demonstrations, sit-ins, rallies, economic and other boycotts, pickets, protests, strikes, and other similar measures; and

Whereas, The streets of New York City have always served as a movable platform and protesters have proudly protested in a variety of places across the city, including Central Park, Union Square, Times Square, Tompkins Square Park, Foley Square, Washington Square, John F. Kennedy International Airport, Federal Plaza, St. Patrick's Cathedral, Chinatown, the United Nations, Brooklyn Bridge, and Grand Central Station; and

Whereas, New Yorkers have frequently exercised their right to protest and express political dissent in order to join and lead important local and international movements, including efforts to end wars, denounce police brutality, reject racism and injustice, combat AIDS, support women's reproductive rights, resist tuition hikes, advocate for LGBTQ rights, welcome immigrants to the city, and protest against local, state, and federal legislation and executive orders; and

Whereas, One of the largest political protests in American history took place in New York City's Central Park on June 12, 1982, when roughly one million people gathered to call for nuclear disarmament and an end to the arms race during the Cold War; and

Whereas, In January 2017, an estimated 400,000 protesters marched through the avenues of Midtown Manhattan for the Women's March, joining the biggest day of protest in U.S. history; and

Whereas, In response to President Trump's Travel Ban in January 2017, thousands of New Yorkers,

including faith leaders, immigrants, and local advocates, gathered at JFK International Airport, in front of Brooklyn Borough Hall, at Battery Park, and at Cadman Plaza, in front of the U.S. District Court for the Eastern District of New York, to protest the immigration ban; and

Whereas, Some of New York's most prominent politicians have also engaged in political protest, including Mayor Bill de Blasio, who boycotted the St. Patrick's Day Parade in New York City in 2014 and 2015 because of its policy of prohibiting gay groups from marching openly, and Governor Andrew Cuomo who, together with Mayor de Blasio, announced in March 2016 a ban on non-essential travel by public officials to the state of North Carolina, after the state passed a law that was widely regarded as homophobic and transphobic; and

Whereas, Political protest is an important tool given to the people, which increases political investment and participation, calls attention to important issues, gives agency back to local communities, especially communities of color and those that are typically underrepresented and disenfranchised, and provides a check by the people on the government; and

Whereas, Multiple jurisdictions across the country have introduced measures that would endanger the right to political protest by: criminalizing otherwise constitutionally protected protests, expanding the emergency powers of the state to limit peaceful protests and sanction citizens for exercising constitutionally protected rights, requiring protesters to pay for the costs of routine police functions, treating peaceful protests as a form of racketeering, and allowing for the seizure of assets of individuals involved in organizing a constitutionally protected protest; and

Whereas, Such measures, limiting and even endangering the right to peaceful protest, go against the heart of the Constitution and the principles this country and democracy were founded on; and

Whereas, The Council proudly stands by New York City's rich history of embracing the constitutionally protected right to express political and other opinions, both positive and negative, through individual and organized protest, and believes that the protection of protest is essential to a constitutional democracy; now,

therefore, be it

Resolved, That the Council of the City of New York affirms the people's right to peaceful protest.

NJC/ZH
LS # 4376
01/11/2018