



128 DORRANCE STREET, SUITE 220
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org

June 11, 2009

The Hon. David Cicilline
Mayor
Providence City Hall
25 Dorrance Street
Providence, RI 02903

BY FAX AND HAND-DELIVERY

Dear Mayor Cicilline:

Our office has received a number of calls expressing concerns about the “protester registration form” and “public viewing guidelines” you have posted on the City’s website, in anticipation of expected protests during the U.S. Conference of Mayors being held downtown this weekend. We share a number of the concerns that have been raised and believe that these documents raise more questions than they answer. For the reasons that follow, we request that these documents be withdrawn.

As I know you recognize, the city has no right to demand that individuals “register” in order to exercise their fundamental right to protest in public. Indeed, the very notion of a city-produced “protester registration form” is itself extremely troubling. It is for that reason that we assume your director of Emergency Management has been quoted in the press as acknowledging that completion of the “protester registration” form is totally voluntary. Although that may be so, many people might not realize it. Nothing on the form itself or the related “guidelines” document makes this clear. Thus, individuals viewing the form and not wishing to share their name or other personal information with the City as a condition of petitioning their government could easily be deterred from exercising their First Amendment rights this weekend.

In any event, it is difficult to understand the purpose behind a form like this, particularly in light of its acknowledged voluntary nature. While we appreciate the City’s interest in trying to obtain a sense of the number and size of any demonstrations this weekend, city officials apparently requested this information directly from eight particular organizations that are expected to protest. Such a targeted request seems an appropriate way to proceed. There is no additional need to post an official “registration form” on the City’s website in the hope that random organizations may decide to fill it out.

The form strikes us as particularly problematic because it seeks information from *individual* protesters as well. If the purpose of the form is to obtain an idea of crowd size, why even try to seek registration information from *individuals* as opposed to the organizations expected to be planning protests? The potential chilling effect is obvious. No person desiring to peacefully protest in a public forum should even have *to think* that he or she must first register with the government in order to do so.

Establishing this formal-looking registration process leads to a host of other questions: will registered and non-registered protesters be treated differently in some way? How are city officials going to tell apart those who have registered from those who haven't? What will happen with the registration information once the protest is completed? What is the purpose of obtaining an individual's address and phone information?

Similar questions arise with the "public viewing guidelines." Although they are presumably just that – *guidelines* – the document is quite ambiguous about its legal status. Like the registration form, it is also confusing in a number of respects. For example, the guidelines seek the names and addresses of organizers of any "march" and information about "its route," but then the document goes on to specify that "no parades in conjunctions with public demonstrations will be authorized." Exactly what is the difference between an acceptable march and an unacceptable parade?

We find especially troubling the provision in the guidelines stating that "bags and backpacks" of individual protesters will be subject to search. We can think of no authority for such an intrusion on the privacy of individuals who are present in an open public area. It is simply intolerable that the mere fact that one is holding a picket sign could serve as the basis for a search of a person's belongings. Like the registration form, this pronouncement could chill some individuals from engaging in peaceful protest activities. While the City obviously has the authority to take appropriate security measures, deciding to search someone based on whether he or she is viewed as a protester or a mere passer-by is not one of them.

Finally, the document specifying "public viewing areas" is just as confusing. What does it mean that certain areas are "closed"? Are they closed to everybody or to just protesters? On what basis have these determinations been made? Are these also "voluntary" guidelines, or will there be a police presence to enforce these closures? Will demonstration activities be allowed only at the specific areas listed on the form? How does a group of protesters administratively challenge these designations? Perhaps most distressingly – but not surprisingly, in light of the deliberate ambiguity of the City's stated plans – a number of callers have nervously inquired as to whether "public viewing areas" may be a euphemism for appalling "protest cages" that have been used in other cities in recent years to pen protesters during large demonstrations.

In light of all the questions and confusion that these documents have generated, we urge that you have them removed from the City's website, and that you formally clarify their status to assuage the legitimate concerns that have arisen since these forms were publicized two days ago. Thank you in advance for your immediate attention to these concerns.

Sincerely,

Steven Brown
Executive Director

cc: Peter Gaynor
Providence City Council