

OUR STREETS WILL NOT BE SILENCED!

FREE SPEECH COALITION

San Antonio's First Amendment Processions and Assemblies Ordinance sets a precedent!

"Across the country the government is pulling back on free speech, and they are making more restrictions. But San Antonio today is going to be a leader. We are going to lead this country in raising the public discourse and making sure the people have their First Amendment rights." —Joleen García



Jane Tuck, recently deceased, at a Free Speech action in 2007.

With these words I wrapped up our testimony before City Council on March 1st—the day San Antonio City Council passed the First Amendment Processions

and Assemblies ordinance that strengthened the free speech rights of all its residents.

This day will go down in history as the day San Antonio residents finally reaped the benefits of over a decade of resistance to an unfair ordinance first passed in 2007. The 2007 ordinance placed the cost of public street marches (i.e. the barricades and police personnel) on the organizers themselves.

Social justice marches were being quoted \$10,000 in costs, and so, many canceled their marches or changed their plans to find, less costly, albeit less visible options. Our voices were being silenced and our communities suffered from a diminished presence in the streets and a lack of a political platform.

What's worse is the 2007 ordinance gave police complete authority over the entire permit process—from the application, to the determination of the procession route and the number of police officers needed. What resulted was the police serving as an intimidation factor, discouraging organizers—especially immigrant, black and lgbtq organizers—from seeking permits and thus limiting our effectiveness to achieve visibility for our issues.

The 2017-2018 SA Free Speech Coalition, building on the organizing and litigation work that began 10 years earlier, was successful in overcoming the obstacles enacted in 2007 and improving upon the ordinance further. Overall, here is what was won in the passage of the new ordinance.

1. Elimination of the \$75 permit fee and removal of traffic control fees for First Amendment Processions. Yes, free speech is now FREE!
2. Protection of Spontaneous Assembly and Marches;

Spontaneous means an assembly or march that is in response to an incident occurring less than 48 hours prior to the First Amendment activity.

3. Removal of SA Police from the role as primary application liaison; interaction with SAPD is no longer required; and a liaison position was created in the City Center Development Office to coordinate applications.
4. Removal of language placing SA Police in control of all processions and allowing for organizers to stop and start the march as necessary; ordinance clarified to allow for literature distribution during the march
5. Public-Private partnership sites (public sites now managed by a private entity) are treated as public parks (i.e. assembly is free as long as it is not an exclusive event).
6. The establishment of a clear, accessible and more consistently-applied process for permits, including applications available by website, in spanish/english and at all public libraries
7. Increasing access to the Airport, Convention Center, and Alamodome as non-traditional public assembly sites.

There are lots of reasons to be proud of San Antonio organizers, residents and city leaders for taking these steps. **First**, the sheer persistence of groups like the International Woman's Day March and the Esperanza Peace and Justice Center is commendable as they continued to resist the 2007 ordinance and reminded us for a decade of the need to change the unjust 2007 ordinance.

Second, the 2017-2018 SA Free Speech Coalition group created a solid alliance of 45+ organizations and many more individuals who agreed to push together toward this goal, building a network of progressive and cultural groups that demonstrated significant people power. Cultural groups were vital to the coalition as religious and cultural processions are also protected under the First Amendment. The coalition focused on establishing community organizers in each city council district in an attempt to build a progressive, city-wide infrastructure.



UNITED STATES COURT OF APPEALS BUILDING

And lastly, the San Antonio City Council and staff grew a better understanding of how to work with an active and empowered community. It wasn't perfect by any means. Council member Roberto Trevino got the ball rolling by issuing a CCR (council consideration request) to review the ordinance in response to his constituents being threatened with arrest at the San Antonio International Airport. At the City Council Governance committee in August 2017, the Mayor directed City staff and the City Attorney to work with the Free Speech Coalition. Our lawyer and retired law professor, Amy Kastely along with other buena gente, worked tirelessly to review and craft ordinance language and pour over documents submitted by the City from our open records request.

At first, the City Attorney's representative stated they hadn't recorded any problems with the ordinance (no speech silenced) and therefore didn't see a need for significant changes. This was when Coalition members began meeting with their City Council representatives and the chief policy advisor of the Mayor. Finally, we began to see city staff take action on our requests for significant changes to the document. In fact, we received word that the City agreed to our biggest demand to eliminate any permit fees or traffic control costs associated with First Amendment marches. This was a major achievement! Many coalition members were pleased, and felt a large obstacle had been overcome. However, many of us also knew that the police intimidation issue—possibly the most difficult issue to win—still remained on the table.

At this point, city staff was preparing to present their recommendations to City Council. We decided to press friendly council members to champion our concerns with the police and our concerns with access to public-private spaces. We even showed up outside city committee meetings just days before staff was set to present their recommendations in order to get face time with our council members on short notice.

Five months into active organizing on the issue and on the same day staff was to present their recommendations to City Council, we held a rally outside of City Hall at a moment when we knew we would be visible to City staff and Council Members. The rally was successful in attracting a large and loud group that achieved



Buena gente of the SA Free Speech Coalition at the U.S. Court of Appeals for the Fifth Circuit in New Orleans that heard the case of SA Free Speech Coalition v. San Antonio on April 2010.



SA Free Speech Coalition members at the Federal Court House in San Antonio in 2007.

the attention we sought.

Our plan worked. City Council members asked hard questions and demonstrated obvious concern about the police intimidation issue. To our surprise, the mayor directed City staff to create a liaison outside of the SA Police Department. Another win!

Ultimately, it took three more months to pass the final version of the Processions and Assembly ordinance. In the days leading up to the vote, the Free Speech Coalition still worked to get additional areas of the Airport, Convention Center and Alamodome open for public assemblies. In the end, we were pleased with the result—an ordinance that repealed the most egregious aspects of the 2007 version and went even further to secure new safeguards for our rights to free speech. We didn't get everything we requested, however, we did get the overwhelming majority of our demands met.

This people's victory comes at a time when state and local governments—in the wake of Standing Rock and Charlottesville—are passing laws to restrict peaceful protest across the U.S. To the people of each of these localities, we say it can be done! Our hope is two-fold—that city of San Antonio residents use their newfound tools to march in the streets, assemble in public spaces and raise their voices to affect positive change; and that other communities across the US and beyond see that it is possible to take back our streets and public spaces. It is possible to stand up against the systems of oppression and protect all our rights to have our voices and our issues heard.

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