

PRESS RELEASE

Miami Activist Defense

<http://www.stopftaa.org/legal>

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CONTACT:

Kris Hermes, Miami Activist Defense (504) 945-9716

Andrea Costello, MAD/NLG Attorney (352) 246-5690

LAWSUIT FILED ATTACKING MIAMI ORDINANCE USED DURING FTAA PROTESTS

A civil suit filed today in federal court calls for an emergency temporary restraining order against the City of Miami's unconstitutional restrictions on the right to political protest

Miami, FL - A civil lawsuit was filed today in federal court to challenge a controversial ordinance passed by Miami City Commission days prior to protests against the Free Trade Area of the Americas (FTAA) meetings in November 2003. The ordinance was used to chill First Amendment activities during mass demonstrations against the FTAA. The lawsuit also attacks two other Miami ordinances regulating demonstrations on public streets and sidewalks as unconstitutional restrictions on First Amendment rights.

Attorneys working with the National Lawyers Guild (NLG) Mass Defense Committee and Miami Activist Defense (MAD) filed the lawsuit on behalf of Plaintiff Lake Worth Global Justice Group. Members of the plaintiff group were subject to unlawful searches, detentions and arrests during the FTAA protests. The defendants include the City of Miami, City Manager Joe Arriola, and Miami Police Chief John Timoney.

"Lake Worth Global Justice members were harassed and arrested by police during the FTAA protests," said Cara Jennings, a member of the plaintiff group. "We were not only stopped and detained, but we also witnessed numerous people being prevented from engaging in lawful protest activities in public spaces around Miami."

The Miami ordinance enacted prior to the FTAA makes a public gathering of more than seven people unlawful if assembled for more than one-half hour outside a structure for a "common purpose." The City of Miami's permit scheme for expressive activity in public areas is unlawful in that it imposes the requirement of a permit, but contains no standards to guide the decision of whether and under what conditions a permit will be issued. This gives public officials unbridled discretion and invites decisions based on content. Miami's requirement of a permit to demonstrate on sidewalks and streets unlawfully restricts spontaneous speech. The Miami ordinances also unlawfully restrict speech by requiring proof of insurance before issuing a permit and making the applicant assume liability not only for the permit holder, but also for city employees such as the police.

"This ordinance, along with Miami's other restrictions on protests in public streets and sidewalks, is an unacceptable restriction of people's First Amendment rights," said Andrea Costello, an

attorney with the NLG and Southern Legal Counsel who is co-counsel in the lawsuit. "The arrests that occurred at the FTAA protests involving these ordinances, including the arrest of an NLG legal observer, show that the City and the police are using these laws in a discriminatory manner."

The laws that are being challenged by the suit not only impeded the plaintiff's ability to communicate their message during the FTAA protests, but also continue to impede their free speech rights. Lake Worth Global Justice remains adamant about addressing trade and economic justice issues as they arise in Miami. The Global Justice group argues that it faces a real and concrete threat to its ability exercise its free speech rights as a result of the defendants' unconstitutional policies and discriminatory enforcement conduct.

The plaintiff, an activist collective from Lake Worth, Florida, intends to protest in front of City Hall Thursday at the joint hearing of the Civilian Investigative Panel (CIP) and Independent Review Panel (IRP). The group intends to protest the fact that Police Chief Timoney will be testifying to the panels when, in their opinion, he should be prosecuted for the level of law enforcement misconduct that was witnessed during the FTAA demonstrations. To protect its right to protest, the plaintiff and its attorneys are seeking a temporary restraining order and preliminary injunctive relief to safeguard their rights to participate in political protest activities on the streets or sidewalks of Miami.

Council for the plaintiff also includes: Carol Sobel, Robert Ross and Marc Steier with the NLG Mass Defense Committee; and Alice Nelson of Southern Legal Counsel.

For an on-line version of the complaint filed in federal court today see:
<http://www.stopftaa.org/legal>