City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Text

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Affirming all Philadelphians' First Amendment rights to protest and peaceful assembly, particularly in response to the upcoming presidential election.

WHEREAS, The right to join with fellow citizens in protest or peaceful assembly is critical to a functioning democracy and at the core of the First Amendment; and

WHEREAS, Philadelphia has a rich history of citizen protest, stretching from strikes by shoemakers, carpenters, bookbinders, and textile workers in the 1800s, to the first major American protest for LGBTQ equality outside Independence Hall in 1965, to the recent protests in response to the police killings of George Floyd and Breonna Taylor; and

WHEREAS, Philadelphia garnered national attention this summer for the police use of military-style armored vehicles, rubber bullets, pepper spray, and tear gas on protesters and neighborhood residents along 52nd Street in West Philadelphia and the tear gassing of a crowd of demonstrators on I-676 during the unrest in the wake of the police killings of George Floyd and Breonna Taylor; and

WHEREAS, In July, Mayor Kenney waived hundreds of code violation notices (CVNs) issued to protesters between May 30 and June 30, 2020, as recommended by the City Law Department and Office of Administrative Review, in "recognition of the core concerns that caused thousands to demonstrate on the streets of Philadelphia" this summer; and

WHEREAS, The City of Philadelphia has taken many steps to begin to mend the harm caused by the use of chemical weapons and excessive force on protestors during the height of the summer's unrest, including City Council's hearings in the Committee on Public Safety to review the City's response to this summer's protests and Mayor Kenney's establishment of a Reconciliation Steering Committee focused on reconciling long-term goals espoused by disenfranchised communities, addressing criminal justice reform issues, enhancing public safety in all neighborhoods and communities, and mitigating systemic poverty; and

WHEREAS, The 2020 presidential election will be the most important election of our lifetimes, and Pennsylvania is a key state in that election; and

WHEREAS, The incumbent candidate has espoused anti-democratic policies and ideas meant to undermine the results of the November 2020 election including defunding the United States Postal Service, repeating disproven allegations of voter fraud, attacking the use of mail-in ballots, encouraging supporters to travel to cities like Philadelphia to serve as uncertified poll watchers, and dispatching federal law enforcement agents into Democratic cities over the objections of local officials; and

WHEREAS, The results of the November 2020 presidential election must not be finalized until every vote is counted; and

WHEREAS, President Trump has refused to commit to a peaceful transition of power if he loses the November

election; and

WHEREAS, In light of the recent arrest of Philadelphia leader and activist Nancy Nguyen on trespassing and littering charges related to an earlier protest at the Virginia home of the Director of Immigration & Customs Enforcement (ICE), the threat of arrest by federal law enforcement agents in response to protected First Amendment activity is quite real; and

WHEREAS, For Philadelphians who are not yet 18 years of age, undocumented, or otherwise currently prohibited from voting, engaging in peaceful demonstrations may be the only appropriate and effective means to express their political desires; now, therefore, be it

RESOLVED, That this Council affirms all Philadelphians' First Amendment rights to protest and peaceful assembly, particularly in response to the upcoming presidential election.

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