
LAW OFFICE OF
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ATTORNEY AT LAW

OF COUNSEL
CATHLEEN A. WILLIAMS

October 25, 2011

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915 I Street, 5th Floor
Sacramento, CA 95814

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Sacramento City Attorney
P.O. Box 1948
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Sacramento City Council
City Hall
915 I Street
Sacramento, CA 95814

Re: Occupy Sacramento Demonstrations in Cesar Chavez Park

Dear City Manager Shirey, City Attorney Teichert, and members of the City Council,

Hundreds of people in attendance at the City Council meeting on this past Tuesday entreated that you open Cesar Chavez Park *overnight* in order that the Occupy Sacramento movement can exercise its First Amendment rights of assembly and expression. You are aware many cities have recognized the importance of the Occupy Wall Street Movement which is proliferating across the country, and accommodated such round the clock assemblies in their public parks and squares.

Inexplicably, to date you have prohibited *any* assembly at the Park after hours set by the Police Chief in consultation with the City Manager. In the face of repeated attempts to explain to you the importance of occupying the park, even if for symbolic speech only, you have articulated *no* reasons for closure which outweigh the First Amendment importance of keeping the Park open for free assembly and speech. Clearly, it is a peaceful movement which is opening crucial public dialogue in a time of economic and political crisis.

Your City Attorney correctly stated that free speech may be subjected to reasonable time, place and manner restrictions. However, a blanket prohibition on the use of the Park after certain hours, in view of the national movement of which Occupy Sacramento is a part, and the symbolic importance of a round the clock occupation, is simply not reasonable.

Good folks in Cincinnati have filed a lawsuit alleging that actions which that city has taken, similar to what Sacramento has done in closing the public park where the occupiers are demonstrating, constitute a prior restraint on free speech and are therefore unconstitutional. We are prepared to file a similar action here to enjoin and declare unconstitutional the closure of the

John F. Shirey, Sacramento City Manager
Eileen M. Teichert, Sacramento City Attorney
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Park after stated hours, as well as to enjoin the continued arrests of persons claiming their constitutional right to assemble. We believe the chilling effect of these arrests is significant. Obviously, the use of scarce city resources for the arrest and booking of these peaceful demonstrators is senseless.

You have the opportunity to demonstrate leadership, understanding, and compassion, and to decide to permit Occupy Sacramento supporters to remain in the Park after hours subject to conditions which can easily be agreed to by the parties, for example, limiting the activities and number of people permitted to remain overnight, ensuring park conservation and maintenance, as well as accommodation of competing, scheduled uses of the Park. In that regard, you probably noticed that the Farmers' Market was not only unobstructed on Wednesday, but enjoyed a surplus of normal patrons attracted by their interest in visiting the Occupy Sacramento site. We hope that you will make that decision quickly.

Very Truly Yours,

LAW OFFICE OF MARK E. MERIN

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