

## SAM ZURIER

November 21, 2011

Dear Fellow East Siders:

1. Last Thursday, Occupy Providence came to the City Council. They came to hear discussion of a resolution stating support for their efforts. Council leadership assigned the resolution the City Property Committee; therefore, we did not vote on the measure. Several Council members signed on to the resolution as co-sponsors. I agree with the concerns that motivate the Occupy movement, and I wish them good luck in their efforts to advocate on behalf of the 99%. With that said, I did not sign on as a co-sponsor because the resolution includes a declaration that their overnight camping activity was protected speech under the First Amendment. The Rhode Island chapter of the American Civil Liberties Union does not agree with this assertion, as they stated in a press release you can read at this link: <http://www.riaclu.org/20111028.htm>. The ACLU refers to a 1984 United States Supreme Court case, *Clark v. Community for Creative Non-Violence*, which upheld a no-camping restriction at Lafayette Park in Washington D.C. against a First Amendment challenge. In that case, the United States Supreme Court observed that as sympathetic as any particular group may be, a finding of a First Amendment right would cede the right to camp to all protest groups, no matter how hateful their message, who wished to occupy it to engage in free speech. I do not think that my City Council colleagues would be as pleased if the tents in Burnside Park were decorated with Confederate flags, anti-immigration slogans or the like. In my view, it is up to a court to decide the extent of the Occupy Providence's right to camp, not the Providence City Council. I support the approach that the Mayor has taken, seeking a cooperative resolution that protects the Park and the citizens of Providence without the type of confrontation that has arisen in other cities.

2. The Education Subcommittee will meet next Tuesday, November 29, to hear a presentation concerning the Mayoral Academy proposal for Providence. The public is invited to attend. The Council will ask questions of the presenters, and there will be an opportunity for public comment. I would appreciate any suggested questions you can pass along. The following week (on a date to be determined) the Subcommittee will hear a presentation from the School Department concerning the estimated financial impact of the charter school proposal. There also may be a future hearing to receive a presentation from the Providence Teachers Union of a comprehensive plan to transform the entire district. The Union has asked for the opportunity to present such a plan; however, our efforts to schedule their appearance so far have not been successful.

3. Finally, the Nonprofit Subcommittee of the Revenue Study Commission met last Thursday to discuss the draft report I prepared concerning recommended payments in lieu of taxes. There was quite a bit of spirited debate without a resolution of how to proceed. The subcommittee is having another meeting this (Monday) morning at 8:15 to discuss the draft further, with the goal of agreeing on a plan for the report. It is possible that the Subcommittee will reach a consensus on a single report or, alternatively, we may submit both a majority and a minority report. The full Committee will receive the Subcommittee's report and combine it with those of the two other subcommittees (one studying the property tax structure, and the other studying other revenues outside of property tax) to prepare a single report with recommendations for the City Council.

Sincerely,

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