

Occupy LA  
"Chalking"

# General Comment to L.A. City Council June 29<sup>th</sup>, 2012

Today, we are here, in this façade of democracy, to expose the increasingly fascist tendencies of the city of Los Angeles. The events that unfolded yesterday morning illustrate the repressive nature of the LAPD and those who command them. Our comrades were arrested for using chalk on the sidewalk – ABSURD. Arrested for chalking political messages around the Sheraton Hotel, as we picketed a luncheon held by the Central City Association. The only conclusion we can draw from yesterday's events is that the LAPD is incompetent, corrupt, and a modern example of fascism in our city.

There was a ninth circuit court of appeals decision in 1995 called MacKinney vs Nielson, 69 F.ed 1002 that clearly state that "no chalk would damage the sidewalk.

**IT IS ILLEGAL TO BE ARRESTED FOR USING CHALK ON THE SIDEWALK!!!!**  
Yet since the commencement of siege on the CCA, the LAPD (with the help of the CCAs private security) have made 11 arrests so far, despite being informed of these facts by Carol Sobel on June 4<sup>th</sup>. Clearly for them it is more important to make arrests than allow for the people to stand up for their rights, in addition to their already blatant racist, sexist, homophobic, and patriarchal behavior.

The city of Orlando, Florida just lost a court case over chalking. The city attempted to prosecute an occupier for chalking, and it cost the taxpayers \$200,000. Are you prepared to do that? The victim was awarded \$6,000. We have an activist who has been arrested five times for alleged chalking... is the city of Los Angeles prepared to hand out \$30,000 in compensation when you lose this case? How will you explain that to your constituency?

We have several eyewitnesses that state when the pigs in blue approached the scene they went straight to the Purple Shirts – the privatized arm of security in Los Angeles – to ask who they should arrest. Why is this unacceptable you might ask? For an arrest to be considered lawful there must be probable cause. They need evidence that a crime had been committed, and the precedent set by MacKinney vs Nielson clearly articulates that there is no probable cause and therefore no crime. Is it possible, then, that the copper-tops don't know how to go about attaining probable cause and therefore arrest people illegally? Well how about we ask the residents of Compton, Inglewood, Watts, and other communities that are illegally arrested daily. The incompetence that was demonstrated in yesterday's incident is not new but is never the less appalling. An officer who does not know the basics of arrest should be immediately fired due to inept job performance.

The events of yesterday integrate seamlessly with a definition of fascism provided by Benito Mussolini. He stated that "fascism should more appropriately be called corporatism because it is a merger of state and corporate power." Our education system is rather poor so for those of you who do not know, Benito Mussolini was the fascist dictator of Italy in the 1930s while Hitler was in power in Germany. In this instance, the piggies, or the state, show up on the scene and take direction from the purple shirts, the private security company that protects corporate interests like Bank of America, JP Morgan Chase, Wells Fargo, etc. The state then snatches the voices of protest.

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There was no crime committed and yet the copper-tops still went over to their corporate counterparts and asked them who to deal with. Even more disturbing is that the purple shirts are not even sworn to uphold any sort of law but instead they only look out for what is good for their employer (the corporation). Why would the armed terrorists aka LAPD listen so unquestioningly to someone who has no more power than any other citizen?

When questioned about the accoutrements of the "district safety" ambassadors, we are further troubled. "Why do you wear batons?" The man in purple answered, "for show". Show of what? Show of false authority, or intimidation, of aggressive enforcement of anti-homeless sentiment meant to instill fear because private security cannot yet USE batons on Angelenos? Do you want the rest of Los Angeles to start carrying batons? Is this anything short of a localized manifestation of "Mutually Assured Destruction"?

~~To answer that question~~ let's return to another tenant of fascism, namely, the regular and aggressive suppression of dissenting political voices.

Let's attempt to articulate this in another way. Would a 7 or 8 year old child be arrested for drawing or writing with chalk on a sidewalk? No of course not that is absurd. I'm sure many people in this very room can remember drawing on the sidewalk themselves as a child.

While you were doodling stick figures, did you ever fear arrest? Again, preposterous. What makes this situation different than the one with 4 arrests as the result? Political message. The principle of silencing dissent to protect corporate interests.

We were, and still are, protesting the Central City Association, the largest corporate lobby group in Los Angeles. Mussolini would be ecstatic at such an effortless merger. Let us speculate for a moment that the copper-tops perpetrating the arrest knew that chalking was **legal**. It is inconsequential regardless, but let us entertain the notion that they had some idea. They would be breaking the law, intentionally, for the sake of another group of people, the corporation. This is the very definition of corruption.

The working class, people of color, and minority groups around Los Angeles have dealt with corruption within the LA pigs department for a long time. This is just one instance illustrating the pervasiveness of this corruption. Can we agree that no one is above the law?

Yes?

Well then let us see this put into action. Stop the selective enforcement. Stop the harassment. And put an end to the overarching intimidation campaign. Let us retain our constitutional rights, including free speech and freedom of expression.

Individuals have been consistently singled out by the pigs at rallies and in protests. It is very obvious at this point that the pigs know who they are, and it is becoming

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increasingly clear that their political views are being discriminated against. This is harassment and the LAPD broke the law to enact it. This is corruption to its fullest extent.

In light of the events of yesterday and countless other crimes committed on oppressed communities all over the city. I demand that the corrupt, Fascist, incompetent LAPD be disbanded immediately because the people can protect their own communities better than the LAPD ever could. This governing body expressed their support for OccupyLA when they camped outside these walls. Where is that support now? Will you continue to let Angelenos be terrorized and their 1<sup>st</sup> Amendments rights violated?

An "internal investigation" which you like to throw around when ~~shit~~<sup>things</sup> gets really bad is useless because your investigators are also corrupt and continue to support the blatant lawlessness of the LAPD. We demand the end to the occupational army and gang that is the men and women in blue. Might we suggest something like the Black Panther 10 point program for community empowerment and defense. It seemed to work out fairly well. But that's a story for another day.

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June 4, 2012

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Re: Recent violations of the First Amendment of Skid Row activists

Dear Gerry:

Over the past week, the LAPD has arrested several individuals on felony charges. Based on my knowledge of constitutional law, I believe each of these arrests is unlawful. I write today to ask that the LAPD cease arresting individuals for writing with chalk outside the CCEA offices, where the protests are taking place.

In 1995, the Ninth Circuit reversed a grant of qualified immunity to officers who arrested an individual for a purported violation of California Penal Code §594. *MacKinney v. Nielsen*, 69 F.ed 1002 (9<sup>th</sup> Cir. 1995). More specifically, the Circuit unanimously held that there was no probable cause to arrest MacKinney for writing with chalk on a sidewalk. "[T]here was no evidence that the sidewalk was 'damaged. No chalk would damage a sidewalk.'" *Id.* at 1005. Given that this decision is now 18 years old, there is no excuse for these arrests.

Not only did the officers arrest one individual last Thursday and two day for this purported offense, but they charged them with felonies. This is nothing short of retaliation for the exercise of First Amendment rights. Over the last week people have been arrested for holding up tents and signs have been confiscated.

The activists have a lawful right to protest outside the CCEA offices. I am requesting that all charges for the arrests on these bogus grounds be dropped and that the officers at Central be required to obtain pre-approval from you for any arrest of protestors.

Thank you for your prompt attention to this matter.

Sincerely,

  
Carol Sobel

cc: Asst. Chief Paysinger  
Dep. Chief Perez

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