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The Right to Protest in a City Under Terrorist Threat

At the Democratic National Convention in Boston most protests were consigned to a "Free Speech Area"-a concrete pen under a railroad trestle. Many protesters avoided the pen entirely, finding creative ways to get their message out around town. But in the end, despite preparations for an onslaught of protests, relatively few materialized in Boston. Demonstrators either gave the Democrats a pass or are saving their time and energy for New York where the Republican National Convention convenes at the end of August.

Scores of protests are scheduled in conjunction with the Republican convention and most have been given the permits they asked for from the New York Police Department. The gay Summer of Love '04 [Concert for Equality](#) , prompted by President George W. Bush's push for the Federal Marriage Amendment to the US constitution banning same-sex marriage, did not get the Saturday, August 28 date organizers sought nor the Great Lawn site in Central Park. The celebrity-studded concert is now set for Wednesday, August 25 in the park's East Meadow.

The massive march planned by [United for Peace and Justice](#) against the Iraq war did get the Sunday, August 29 date it wanted and will be able to march past the (empty) Madison Square Garden that is the site of the convention, but demonstrators were denied the opportunity to hold their rally on the Great Lawn. (It will proceed south and end up on the West Side Highway near Chambers St.) Civil libertarians complained that concert-goers are able to use the Great Lawn while demonstrators are not, but United for Peace and Justice decided not to pursue their claim in court, anxious to being publicizing their secured route, since they expect as many as 250,000 as demonstrators from around the world.

The [New York Civil Liberties Union](#) was in court to try to stop the police from penning in demonstrators with metal barricades or using other tactics the group sees as overly restrictive. They secured a favorable decision [[In PDF Format](#)] from federal Judge Robert Sweet limiting unreasonable searches of backpacks at the demonstrations that was assailed by the [Daily News](#) as "nutso" and praised by

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[El Diario](#)

as "an act of sanity." Sweet subsequently modified his order to allow searches if there is a "probability of a threat to public safety and a determination that blanket searches could reduce the threat." In his initial order, Sweet said the city would have to demonstrate a "specific threat" to conduct the searches.

In addition to the heightened security in New York in the run-up to the Republican convention, the city began the month of August with a threat of attack by Al Qaeda against "corporations or other large public institutions," the [New York Times](#) reported. It was not enough for Homeland Security to raise the city's terror alert from orange, the second-highest level where we've been since the color-coded system was devised, but was specific enough for sites such as the Stock Exchange to be cited in the alert as possible targets. The city has the option of raising the level to red.

Bloomberg Against Using Shareholder Power to Secure Corporate Non-Discrimination Policies

Mayor Mike Bloomberg continued in July to try to stop New York City from using its purchasing and stockholder power to protect private employees from discrimination. Bloomberg criticized [City Comptroller William Thompson](#) for using the city's ownership of shares in Winn-Dixie supermarkets to persuade the company to adopt a policy banning discrimination on the basis of sexual orientation. City and state comptrollers have pushed socially conscious shareholder resolutions for decades and Thompson was joined in the Winn-Dixie effort by Bloomberg's own City Finance Commissioner, Martha Stark, who also leads the New York City Employees' Retirement System and the Teachers' Retirement System, the New York Sun reported.

When Winn-Dixie agreed to the non-discrimination policy in mid-July, Stark said in a release, "Through these pension funds, we will continue to press Winn-Dixie and other companies to guarantee equal employment opportunity for all of their employees - it's good business practice and the decent thing to do. Our effort to modernize the employment policies of the companies in which New York City pension funds invest will continue until they all join Winn-Dixie in guaranteeing equal opportunity in the workplace."

Bloomberg told the Sun that he supports the goal of ending discrimination based on sexual orientation, but "I don't think we should be using the City's investment policies" to advance

social goals, now matter how admirable those goals are and no matter how much I believe in it."

Ken Sylvester, Assistant Comptroller for Pension Policy, believes that "promoting anti-discrimination policies helps strengthen a corporation and, therefore, protects the pension funds' investment," in addition to protecting the company from lawsuits, the Sun said.

In June, Bloomberg vetoed the City Council's [Equal Benefits Bill](#) that requires City contractors to provide domestic partner benefits to their employees if they provide spousal benefits. The Council overrode that veto, but the mayor has said he will "probably" pursue legal action to stop implementation of the law, which is in place in some five cities, starting with San Francisco in 1997.

Bloomberg Vetoes Anti-Bullying Bill

On July 20, Mayor Bloomberg vetoed the [Dignity in All Schools Act](#) that requires the schools to take more action to reduce bullying in the schools. The Council has scheduled a veto override vote for August 12. The mayor says that existing regulations provide the schools with enough power to deal with bullying and harassment, although the Council Act includes protections based on "gender identity," which State Education Law does not. The mayor's veto message said that keeping the schools safe for all students was a "high priority" for him and Chancellor Joel Klein.

The [Gay City News](#) reported in negotiations between the City Council and the Department of Education, the department "did not fulfill promises to produce satisfying evidence that it monitors bullying and harassment in schools."

Bloomberg says he does support a long-stalled similar bill in the state legislature. "It is an outrage that Mayor Bloomberg can support nearly identical language in legislation pending in Albany while vetoing this very necessary bill," Council Member Alan Gerson (D-Lower Manhattan), the bill's sponsor, told the Gay City News.

Update on Accessible Taxis

Protests; Mayor Rejects Shareholder Power; Anti-Bullying Bill Vetoed; Accessible Taxis

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The vast majority of City Council members have expressed sentiment in favor of making all new taxicabs that come into service accessible to people who use wheelchairs and 38 of them have sponsored a bill to mandate it, but the council leadership has yet to get behind the effort.

"We're frustrated about inaction from Speaker Gifford Miller and Council Transportation Chair John Liu on the accessible taxi issue," said Jean Ryan of the [Taxis for All Campaign](#) . "We've been meeting with Councilmember Liu for months and we still have no bill introduced in the City Council. Taxis use city streets that taxpayers pay to keep up, and yet people who use wheelchairs cannot take taxis. We pay taxes, too, and we need and deserve the same transportation options as everyone else."

Ryan said that information obtained from companies that convert minivans for use as taxis show that "the cost of wheelchair-accessible taxis were the same as or slightly more than the industry pays for sedans now" and that "federal tax incentives would reduce the cost even more."

Andy Humm is a former member of the City Commission on Human Rights. He is co-host of the weekly "Gay USA" on Manhattan Neighborhood Network (34 on Time-Warner; 107 on RCN) on Thursdays at 11 PM.

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